

A chaotic end at the legislature ends well for MMUA

By Kent Sulem

The 2024 legislative session started on an odd note by convening on a Monday (February 12) instead of the more customary Tuesday starting day. A little over three months later, it ended in perhaps the most chaotic and loud fashion ever witnessed at the Minnesota Capitol. In between, the House introduced 2,146 bills (for a total of 5,488 during the biennium,) and the Senate introduced 2,172 bills (for a total of 5,535 during the biennium.) The combined total number of bill introductions for the 2024 session is 4,318, resulting in a combined grand total of 11,023 bill introductions for the biennium.

Of the 11,023 bills introduced, only 127 were passed into law, although the use of omnibus bills distorts the count; one omnibus bill may contain dozens of stand-alone bills. There were 52 bills signed by the governor in 2024. Ironically, on February 26 the first bill Governor Walz signed this year was a tax bill, Chapter 76 of the 2024 Session Laws, and on May 24 the last bill he signed was also a tax bill, Chapter 127 of the 2024 Session Laws. A major difference is that Chapter 76 passed the House 128-2, and the Senate 66-0. Chapter 127, however, passed the House by a 70-50 party-line vote. The Senate passed the bill by a 34-14 party-line vote with several Republicans refusing to vote. Their reticence was a symbolic protest both to the process used to get Chapter 127 passed, and to the DFL majority's willingness to allow Sen. Nicole Mitchell, who has been charged with, but not yet convicted of, felony burglary, to cast what amounted to the deciding vote on many bills. This avoided a 33-33 tie vote scenario which would have prevented bills, ultimately including Chapter 127, from passing for lack of a majority.

A melt-down ended the 2024 session. On the Senate side it largely had to do with two things, (1) the Sen. Mitchell situation; and (2) time management. On the House side, time management and the use of a 9-bill, 1,400+ page omnibus package set the stage for ire and impasse.

Sen. Mitchell, according to police reports, has been charged with 1st degree burglary. This occurred after she was found by Detroit Lakes police officers in the basement of her stepmother's house in the very early hours of the morning, dressed in all black and in

possession of a black backpack containing, among other things, a laptop that allegedly displayed the stepmother's name when powered on. During the first few days of the saga, Sen. Mitchell was absent from Senate proceedings, and the Senate majority opted to pull bills from the floor calendar to avoid having their passage blocked by an expected 33-33 vote. When Sen. Mitchell returned to the floor; the Republicans tried daily to find a way to keep her from being allowed to vote. The DFL majority, having imposed some discipline on the Senator which restricted her participation in Senate committees and the DFL caucus, argued that she is entitled to due process, that it is premature to take drastic actions, and that the voters of her Woodbury district are entitled to representation. Thus, Mitchell cast what amounted to the 34th and deciding vote on several issues, causing much angst amongst Senate republicans.

Time was in short supply. The real problem was that these daily actions targeting Sen. Mitchell took hours to resolve, leaving little time to act on other matters like final passage of bills. And Senate Republicans didn't just drag out the battle over Sen. Mitchell. They engaged in lengthy debate on everything. This willingness to filibuster meant that either nothing would get done, or the majority would have to end debate and force votes on bills and conference committee reports over the objections of the minority.

On the House side, Speaker Melissa Hortman instituted a practice of adjourning floor sessions by midnight. A motion to extend beyond midnight is actually required and was used, but for the most part floor sessions ended "early" in comparison to past years.

Long speeches soon became the norm in the House too, particularly in an effort to run out the clock instead of voting on a proposed Equal Rights Amendment (ERA) bill. This bill was controversial as introduced, but it became even more so when provisions related to abortions were amended onto the bill in committee.

A foreshadowing of what was to come occurred late on Wednesday, May 15, when after hours of debate, Speaker Hortman moved to an immediate roll-call vote on HF 5363, a bill amending last year's paid leave legislation. The move caught the minority off guard, and they started trying to shout down the vote and all subsequent action that night. But Speaker Hortman refused to acknowledge anyone other than Majority Leader Jamie Long,

demonstrating that no motion is in order unless the maker has been recognized and has the floor.

Things seemed to calm down, and by Sunday, May 19, the last day any bill could be adopted, Republicans were back to long speeches. There seemed to be little concern about the fast-approaching stroke of midnight.

That all changed when, with about 45 minutes until the constitutionally imposed deadline, Majority Leader Long moved to table the Omnibus Energy Bill. He then moved consideration of the conference report for HF5247, the Omnibus Tax bill, which had been amended to contain the conference reports of eight other bills. The result was a bill of more than 1,400 pages. The minority erupted. However, Majority Leader Long pointed out that all the bills contained in the new mega-omnibus tax bill had each been through committee hearings, had been moved off the House floor, and been properly amended in conference committees. With Speaker Hortman not calling on any additional minority members, she then called the question and put the bill up for final passage. The screaming of objections made it impossible to hear what was happening, but Speaker Hortman and Majority Leader Long stayed focused. In the end, they not only ushered HF 5247 through, but they also passed a \$90 million cash-only version of a bonding bill. This version did not require a super-majority vote, something that clearly was not going to be attainable in the current environment.

The House sent both bills over to the Senate where they met the same loud objections. Senate President Bobby Jo Champion and Majority Leader Erin Murphy attempted to pull off the same results as had occurred in the House. They succeeded on HF 5257, but questions about the format of the proper motion delayed action on the \$90 million spending bill. It died when the clock struck midnight before the vote was finished.

Still, things got done. Despite the unique happenings and chaotic closing minutes, the 2024 Legislature did get a few things accomplished, including two of MMUA'S top priorities – the exempting of electricity sales to qualified data mining centers from a community owned utility's gross annual sales, and the reduction from 1.5 percent to 1 percent of the Conservation Improvement Program (CIP) goal for municipal gas utilities.

This, at last, puts such utilities on equal footing with the targets for the investor-owned entities.

For a complete summary of the 2024 Session Laws, see the final bill log that follows on page 13.

Note: Bills, or portion of bills, are effective July 1 of the year of passage if they expend funds. Otherwise, they are effective August 1 of the year of passage, unless the bill, or a section thereof contains an alternative effective day which a fairly large percentage of this year's bills contain.