FIRST PERSON: LESSONS LEARNED ON HOW STATE LEGISLATURE CAN FUNCTION DURING A CRISIS

Political divisions did not stop meaningful interbranch, bipartisan cooperation

“It is crucial to have someone on your team looking 30 days, 60 days and even further out to make sure that legislation meets the long-term scope of the crisis.”

by Minnesota Deputy Majority Leader Michelle Benson

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tate governments had the opportunity to showcase their working spirit as they planned for the COVID-19 pandemic — and then executed early responses.

In the build-up to the outbreak, the politically split Minnesota Legislature produced three robust bills to support health care professionals, production and individuals affected by our stay-at-home executive order in a matter of days. We did not foresee that we would have to work on relief packages remotely, without the usual ease of communication. Remote work during session brought a unique set of challenges to the table in a time when a brisk work pace was not only expected, but completely necessary.

As chair of the Senate Health and Human Services Committee, as well as deputy majority leader, I had a significant role in the creation of our three relief packages.

THREE EARLY LEGISLATIVE RESPONSES TO COVID-19

In the early days of the response, before the dangers of coronavirus were explicitly known, the Legislature passed a $209.9 million bill to bolster our state’s public health response. SF 3815 was passed at the request of the governor. This money went to an existing contingency account for public health responses — investigating diseases, monitoring outbreaks, providing public information, coordinating statewide response activities, and conducting laboratory tests.

Our second legislative response was written in three days and passed just before Minnesota’s shelter-in-place order (that order subsequently kept members from being physically present at the Capitol). This legislation (SF 4334) contained a spending total of $2.00 million, with $50 million for nursing homes, long-term care centers, paramedics and clinics. It also established an oversight board to help our state’s Department of Health prioritize needs on a statewide basis. Under the measure, our Legislative Advisory Commission (an existing bicameral group of key legislative leaders) was given the authority to review, approve or stop any spending proposals of $1 million or more from this health care response fund. Another $150 million was made available through an application process for COVID-19 screening, testing and treatment.

The third piece of legislation (HF 4531), a $330 million bill written over a week of remote work, invested more in our health care needs while also providing assistance for other impacted individuals and sectors — for example, veterans’ services, college students, small businesses, and child care for health care workers.

NEED TO MEET REMOTELY DIDN’T STOP BIPARTISAN COOPERATION

Working remotely while maintaining public access to the legislative process was challenging. A significant action on the part of our Senate counsel and leadership staff to develop a system that involved public input. Minority party caucuses were also critical to creating workable legislative processes.

Firm deadlines, fiscal responsibility, reliance on nonpartisan staff and good relationships with commissioners (the heads of Minnesota’s state agencies) contributed to a rapid turnaround rate and high-quality legislation.

State legislators must prioritize emergency legislation as the situation develops. An obvious statement, perhaps, but under the conditions of a regular session, lawmakers tend to focus on their areas of interest. In this case, that was not possible.

Setting hard, fast deadlines led members to collaborate on essentials. This, in turn, became a catalyst for the Senate majority and minority caucuses to work together. We should consider taking this route when faced with critical decisions, even with the luxury of more time to debate.

CRISIS HAS HIGHLIGHTED VALUE OF LEGISLATIVE STAFF

Firm deadlines are next to impossible to keep without all staff on hand to share the burden. During the emergency, most team members had to go home, while nonpartisan employees kept legislators consistently updated through conference and video calls.

Their expertise was essential to inform legislative decisions regarding executive requests, as well as to make sure that the language would fit well into current statutes.

Partisan staff, meanwhile, helped keep legislators from agreeing to items unrelated to crisis response, as the effort to be nonpolitical can be difficult in high-stress situations.

It also became clear how crucial it is to have someone on your team looking 30 days, 60 days and even further out to make sure that legislation meets the long-term scope of the crisis. It is essential that in a time of adrenaline-fed decision making, someone is looking at the long game.

LEGISLATIVE BRANCH IS EQUAL, NOT LESSER, PARTNER

As part of the measures we passed early in our legislative response, we included provisions to ensure that, at the end of the crisis, unused emergency funding would be returned to the state general fund. Funneling unused dollars back into the general fund is a matter of accountability, a firm reminder of the importance of retaining legislative control and oversight in an emergency.

The executive branch has incredible power during a declared emergency, but the legislative branch is an equal, not lesser, partner. We are the hinge point that should supply the executive branch with the resources that it needs to provide great insight for many years to come.

In summary, it is important to remember the strength of a well-functioning legislative body that is truly representative of the people. We know our districts better than the federal government or the governor’s administration ever could, but functional working relationships with commissioners are imperative when putting knowledge into action.

Our constituents deserve a transparent process that makes it possible to survive difficult times. We need to know who will support us and keep the long game in mind when drafting emergency legislation.

The struggle we are facing is not over. The pandemic continues, and we all hope never to re-encounter this situation. Minnesota’s system was by no means perfect, but what we learned will help us work better together during future endeavors. Protection of legislative authority is imperative for balance, even in a peacetime emergency; this is the job we were elected to do.

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