Redistricting, reconsidered

Key U.S. Supreme Court case, pending ballot initiatives could reshape process used by states to draw political lines

by Tim Anderson (tanderson@csg.org)

A redrawing of the nation’s political maps is still three years away, but 2018 might someday be remembered as a year that changed how redistricting itself is done.

If so, some states in the Midwest will be a big part of that story.

In Ohio and Michigan, voters may have the chance in the coming months to decide the fate of their states’ respective redistricting processes. The U.S. Supreme Court, meanwhile, has taken on a case that centers on the current Wisconsin Assembly map and that raises questions about the constitutionality, and future, of partisan gerrymandering around the country.

Legislatures themselves, too, continue to consider making changes of their own. In Indiana, even before the start of the state’s new legislative session, SB 159 had been filed by two members of the majority Republican Party. It would create an independent, nine-member commission to draw state legislative and U.S. congressional districts; require that public hearings be held in every congressional district; and establish a set of “redistricting standards”; and have the legislature vote on the commission’s maps, without amendment, in special session.

The early filing of this bill continued a trend from 2017, when redistricting bills or constitutional amendments were introduced in most of this region’s state capitals. Among the ideas:

- creating separate redistricting commissions (appointed by legislative leaders in some proposals, completely independent of the legislature in other plans);
- moving some or all of the redistricting responsibilities from the legislature to another state entity (the bipartisan State Board of Elections in Illinois, for example, or the nonpartisan Legislative Reference Bureau in Wisconsin); or
- keeping redistricting in the hands of the legislature, but creating clearer rules for how the maps must be drawn (the intent of 2017 legislation in Minnesota).

“Ever since 2016, there really seems to be an unprecedented energy around redistricting reform,” says Michael Li, senior counsel for the Brennan Center for Justice’s Democracy Program. According to Li, that momentum is coming from people, on both sides of the aisle, “who feel like the system is broken” and that redistricting is “one area where they can make democracy work better.”

Indeed, citizen-driven ballot initiatives have led to change in some states. But Li adds that two factors could make legislators more likely to enact measures of their own: one, constituents’ growing discontent about the process; and two, uncertainty in many states over which party will control the legislature and governor’s office in 2021.

In Ohio, a mix of bipartisan work inside the state Capitol and pressure from outside groups already has led to modifications in how the state’s legislative lines are drawn. A reform of congressional redistricting could be next in the Buckeye State.

Two separate processes in Ohio

When Ohio’s political maps last were redrawn, the General Assembly drew the congressional lines while a five-member Apportionment Board produced the state’s legislative districts. At the time, that board was made up of three statewide elected officials (the governor, secretary of state and state auditor) and two state legislators.

Come 2021, membership on this redistricting panel will be expanded to seven (now with four legislative representatives, two of whom will be Republicans and two Democrats); new rules are in place, too, to encourage this board to reach a bipartisan agreement on a final map for the General Assembly.

“Either you have total bipartisan support, or if the majority party decides to move on, it’s going to have a lot more constraints on what it can do,” Ohio Sen. Vernon Sykes says.

Who draws the maps? Overview of redistricting in the Midwest

- Legislature draws state legislative, U.S. congressional districts*
- Legislature draws state legislative districts (single U.S. congressional district)
- 7-member political commission draws state legislative districts; legislature draws U.S. congressional districts
- Nonpartisan Legislative Services Agency draws state legislative, U.S. Congressional districts; legislature votes on maps (without amendments)

* In Illinois and Indiana, backup commissions are used in the event that the legislature cannot agree on a map or if it is vetoed by the governor; state legislators appoint and/or serve as members of these commissions

With only a few exceptions, state legislatures in the Midwest control the redistricting process — drawing the lines and approving them. That would change under bills and ballot initiatives proposed this year. Another idea is to create a more-robust set of districting principles or standards for legislatures to follow.
In Michigan, when officers resign because of misconduct, police departments across state will know

Starting this year, Michigan law enforcement agencies must keep track of the reason for, and the circumstances surrounding, a law enforcement officer’s resignation.

The result of state legislation passed in 2017 (SB 223), this new requirement aims to prevent officers who resign due to accusations of misconduct from being hired by another department unknowingly.

"Many times, police departments don’t want to risk a lawsuit by giving out a bad report on a former employee; other times, there’s a deal cut between the officer and the police chief or sheriff," says Sen. Rick Jones, the sponsor of SB 223, who is a former sheriff with 31 years of experience in law enforcement.

Such a deal, he adds, would allow an officer to resign in lieu of termination, which allows him or her to remain certified and to have a clean employment record when pursuing another job in law enforcement.

What caught Jones’ attention was a case involving a sheriff’s deputy that made local headlines in 2016. During while working for Eaton County, the deputy had been caught using excessive force during a traffic stop, but was allowed to resign rather than be terminated.

This officer was subsequently hired by another county, only to be accused of using excessive force on two separate occasions in that jurisdiction.

“When I saw this local case, I asked myself, ‘How can we allow this to constantly go on?’” Jones says. Under the new Michigan statute, law enforcement agencies must create a separation-of-service record when an officer resigns.

And before hiring an officer previously employed in law enforcement, these agencies must obtain the individual’s service record.

SB 223 gives agencies immunity from civil liability related to the disclosure of information, and officers have the opportunity to review and dispute the contents of their separation-of-service records.

Last year, the Wisconsin Department of Justice began requiring state and local law enforcement agencies to report when officers resign amid an internal investigation, quit in lieu of termination, or are fired for cause.

In Iowa, law enforcement agencies must notify the state’s police certification board when officers resign and note if a “substantial likelihood” exists that the reason for the resignation would result in the revocation or suspension of an officer’s license.

Under legislation introduced but not passed in Minnesota last year (HF 2561), law enforcement agencies would have been required to report annually the name and license number of any peace officer who resigned in lieu of termination as the result of misconduct. The Minnesota Board of Peace Officer Standards and Training would have then created a database with these disciplinary reports, including a summary of the circumstances surrounding the resignation.

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Agriculture & Natural Resources

Under new Iowa law, county fairs get legal protections related to animal-to-human diseases

Last year, 2.3 million people attended Iowa’s 105 volunteer-driven, youth-oriented county and regional fairs. That means a lot of people in close contact with farm animals — and, as a result, the chance for outbreaks of zoonotic disease.

“I see fair officials doing due diligence to reduce the risk of visitors getting sick,” notes Iowa Sen. Dan Zumbach, who, like many farmers, has been a 4-H leader and is active on his county board.

But even if the proper precautions are taken (for example, proper handling of animal waste, posting signs and promoting hand washing among participants), outbreaks can and do happen, as evidenced by occurrences in the Midwest. According to the National Agricultural Law Center, Iowa had one of the largest outbreaks in 2008, which received national attention.

One concern of Zumbach’s has been the legal liability of county fairs when these incidences occur. His response: Last year’s introduction of SF 362, which received near-unanimous approval in the Legislature.

Now a new state law, the measure explicitly states that no fair authority in Iowa (state, local or regional) is liable for injuries or deaths “caused by a domesticated animal pathogen transmitted to a domesticated animal premises located on its fairgrounds.”

However, those liability protections only apply if the fair meets a new statutory obligation to post a warning sign “at a conspicuous place” where the animals are kept. The sign must note the fair’s lack of liability for pathogen transmissions and also urge visitors to protect against disease by washing their hands.

Iowa’s recreational use statute protected the county, volunteers and exhibitors from the obvious [animal] bite or kick,” Zumbach says, “but we felt that new legislation was needed for liability protection from zoonotic diseases.”

He suggests that lawmakers in other states examine their existing statutes related to animal pathogens and the liability of county fairs.

In some states, existing laws on agricultural tourism might already extend legal protections to county fairs. According to The National Agricultural Law Center, Indiana, Kansas, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin are among the states with agritourism statutes of some kind.

These laws typically include language on immunity and the “inherent risks” of agritourism activity. But in the Midwest, only Ohio’s statute explicitly includes as one of those risks “the possibility of contracting illness … from physical contact with animals, animal feed, waste or contaminated surfaces.”

Every state also has a recreational use statute, which provides legal protections to property owners who open their lands for recreational activities.

Whether these laws extend immunity to county fairs, and specifically to cases involving disease outbreaks, may depend on the statute’s wording as well as judicial interpretations.

In Wisconsin, in a case involving a 2-year-old girl’s E. coli infection and injuries suffered from it, the owners and operators of the county fair where the infection occurred were granted recreational immunity.

However, courts in Indiana and Nebraska have said their states’ recreational use laws do not apply to fairs.
Iowa legislators debate need for tax incentive programs, and their effectiveness

In August, Apple Inc. announced that the company would locate its new data center in Waukee, Iowa. The technology giant will receive more than $200 million in state and local tax incentives to build the $1.3 billion facility on a 2,000-acre site in the Des Moines suburb.

The announcement has helped fuel the debate over the use of tax incentives to lure businesses. Earlier in the year, gaining a better understanding of the return on the states’ investment in tax and financial incentive programs became an issue during the legislative session as lawmakers struggled to address revenue shortfalls and balance the state budget.

In its last complete Tax Expenditure Study, released in 2014, the Iowa Department of Revenue found 373 tax credits, exemptions, deductions and exclusions in effect for individuals and businesses in Iowa, resulting in more than $12 billion in foregone revenue for the state.

The report also shows about $346 million in tax credits to companies and individuals, about 43 percent of which are incentives to companies doing business in the state.

“Iowa’s spending on economic development tax incentives is the fastest-growing part of state spending,” Sen. Joe Bolkcom says. “This spending is not sustainable.”

The desire to assess the impact of incentives, and the growing demand to hold businesses accountable for delivering on promises of increased economic activity, has led some states, including Iowa, to review their business incentive programs.

According to a Pew Charitable Trusts’ May 2017 report on the evaluation practices of state business incentives, more than half of states have made progress in collecting better information allowing for assessments of economic development incentives. Of those, researchers pointed to 10 that “excel” in rigorous program measurements — including Indiana, Iowa, Minnesota and Nebraska — because of their plans to regularly evaluate tax incentives.

Researchers also indicated that more-frequent legislative hearings on evaluations could help lawmakers better use the information to inform the decision-making process.

Bolkcom agrees. A member of the Iowa Legislature’s 10-member Tax Expenditure Committee (comprised of five legislators from each chamber, and required by statute to review each program at least once every five years) that reviews the state’s incentive programs, he says the committee meets once or twice a year “to do a cursory review of how the credit works.”

“There is very little analysis or measuring our return on investment,” says Bolkcom, who co-chaired the committee from 2012 to 2016. “Many of our tax credits are complicated. We need a standing committee that meets regularly during the legislative session to thoroughly review this spending, just like we do for all other state appropriations.”

Rep. Zach Nunn, who also serves on the Tax Expenditure Committee, says Iowa should continue exploring tax incentives and reforms “that stimulate the economic growth while preserving key investments in the state’s public sector.”

Bolkcom, however, is reluctant to rely on tax incentives to attract businesses to the state.

“The Apple award of $200 million in state tax credits is an example of tax credits on autopilot,” he says. “[Apple] was coming to Iowa ... the tax credits were icing on the cake.”

Nunn points to steps lawmakers have taken in areas such as education, workforce training and property tax and workers’ compensation reform. And he agrees that the debate on incentives to attract businesses, in ways that protect the state’s finances and result in economic growth, will continue.

“Is it fewer incentives and credits and instead an overall lower tax rate? Or are the targeted incentives and credits the best plan going forward?” Nunn says. “That’s all on the agenda going into 2018.”

New CSG report focuses on efforts to combat diabetes


The report, issued last month, is sobering reading: The number of diagnosed adult cases (Types 1 and 2) skyrocketed from 5.5 million in 1980 to 25.8 million in 2015; spending on diabetes diagnosis and treatment was $101 billion in 2013, and “has grown 36 times faster than spending on heart disease, the number one cause of death in the United States.” (A 2012 study by the American Diabetes Association, cited in the CSG study, put the indirect costs of diabetes at $68.6 billion, including absenteeism and lost production, unemployment due to chronic disability, and premature mortality.)

But the report also notes the success of the National Diabetes Prevention Program. Authorized by Congress in 2010 and led by the U.S. Centers for Disease Control and Prevention, the program is administered locally by health departments or organizations like the YMCA.

Participants get coaching on how to make healthy lifestyle changes to prevent or delay the onset of diabetes. As its efficacy was shown — the National Institute of Diabetes and Digestive and Kidney Diseases says the program can reduce risk for diabetes by up to 58 percent — some states, including Minnesota, began offering their employees coverage for participating. Minnesota and Montana allow Medicaid reimbursement for state-licensed Diabetes Prevention Program providers. California will, too, starting in July.

Moreover, the CSG report says 14 states, including Illinois and North Dakota, have created their own “Diabetes Action Plans,” requiring state officials to report on the health and financial impacts of diabetes. Four others, including Kansas and Ohio, have passed legislation requiring that action plans be developed.

Minnesota also lowered its diabetes-related hospitalization rate, from 175.1 per 10,000 adults (for Type 1 and Type 2) in 2008 to 135.9 per 10,000 adults in 2014.

The state’s Department of Health attributes the drop to various reform efforts, including a greater use of health care homes that focus on improving team care and disease management in primary care; a statewide quality improvement system that measures diabetes care and outcomes; and a “Statewide Health Improvement Partnership,” which works to create healthier communities and reduce diabetes risk factors such as obesity and smoking.

Economic Development

Number of incentive programs offered by Midwestern states

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
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<tr>
<td>Michigan</td>
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<tr>
<td>Illinois</td>
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<td>North Dakota</td>
<td>29</td>
</tr>
<tr>
<td>Kansas</td>
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</tbody>
</table>

Source: Council of State Governments

Health & Human Services

% of adults with diagnosed diabetes in Midwestern states (2015)

<table>
<thead>
<tr>
<th>Region</th>
<th>Diagnosed Diabetes (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between 5% and 6.9%</td>
<td>30</td>
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<tr>
<td>Between 7% and 9.9%</td>
<td>50</td>
</tr>
<tr>
<td>Between 9% and 10.9%</td>
<td>30</td>
</tr>
</tbody>
</table>

Source: U.S. Centers for Disease Control and Prevention
End-of-year checkup: Data released in late 2017 show population, education and economic trends in Midwest

Region’s most populous state, Illinois, continues to lose residents

Though the population in most Midwestern states is growing, only North Dakota and South Dakota have outpaced national increases since the last U.S. census. Between 2010 and 2017, the number of people living in North Dakota has risen by 12.3 percent, the second-highest jump among the 50 states (behind only Texas). Nearly all of this growth, though, occurred during the first part of the decade; North Dakota’s population actually fell slightly between 2016 and 2017. U.S. Census Bureau data show these fluctuations are likely the result of changes in the state’s oil industry.

South Dakota’s population trends have been steadier, with annual upticks of about 1 percent over most of the last seven years. In contrast, Illinois is one of only three U.S. states that has lost residents during this decade. Its population has declined over each of the last four years.

Between 2016 and 2017, populations increased in nine of the 11 Midwestern states, though only gains in Minnesota (0.9 percent) and South Dakota (0.9 percent) outpaced the nation’s (0.7 percent). Domestic migration is a major contributor to the nation’s population shifts; factors ranging from the weather to economic opportunity impact the movement of people from one U.S. state or region to another.

Rise in graduation rates continues; achievement gaps persist

In late December, data from the National Center for Education Statistics showed that U.S. high school graduation rates had reached an all-time high, 84.1 percent for the 2015-16 school year. According to Education Week, this marks the fifth straight year of record highs, though the exact cause is not known — ideas include more accountability and data-driven policymaking, a greater emphasis on early intervention, and a decrease in the use of high school exit exams.

Most Midwestern states eclipse this U.S. average, with Iowa ranking at the top of all states for graduation rates (93.1 percent). The new federal data, however, also show continuing gaps in achievement among different groups of students.

• In Minnesota and Wisconsin, graduation rates among black students were 65.1 percent and 64.2 percent, respectively. (Only Nevada and New Mexico had lower rates.)
• Minnesota’s graduation rate among Hispanic students was 76.6 percent, lowest in the nation.

Among economically disadvantaged students, Michigan and South Dakota had among the nation’s lowest graduation rates — 67.1 percent and 67.0 percent, respectively. (Only Nevada and New Mexico had lower rates.) Just over 50 percent of American Indian students in South Dakota graduate from high school.

Unemployment rates falling, but region hurt by drop in farm earnings

Every state in the Midwest now has an unemployment rate under 5 percent, according to the last set of data released in 2017 by the U.S. Bureau of Labor Statistics. North Dakota, Nebraska and Iowa have among the lowest jobless rates in the nation.

A look at longer-term trends, too, shows how much the employment picture has changed since 2010, particularly in the Great Lakes region. At the beginning of this decade, Illinois, Indiana, Michigan and Ohio all had rates near or above 10 percent.

Another economic indicator, however, shows how a recent drop in farm earnings is affecting states that rely heavily on agricultural activity. According to the U.S. Bureau of Economic Analysis, the Midwest is home to four of the five U.S. states with the lowest growth in personal income between the second and third quarters of 2017: South Dakota (50th), Nebraska (48th), Kansas (47th) and Iowa (46th).

‘Cautious’ budgets the result of slow growth, rising spending obligations

A 50-state review of budgets enacted for fiscal year 2018 shows “substantial caution” among policymakers, a reflection of “two consecutive years of sluggish revenue growth coupled with mounting spending demands.”

According to the National Association of State Budget Officers’ “The Fiscal Survey of States,” spending in state general funds will rise by 2.3 percent — the lowest rate of increase since the Great Recession. The median growth rate is even lower, 1.7 percent.

Compared to these national figures for FY 2018, most states in the Midwest (with the exception of Indiana and Ohio) are expecting a higher rate of spending growth. Illinois has been coming off two years of significant declines in state expenditures, the NASBO data show, but in 2017, the legislature raised the corporate and individual income tax. This will allow for a year-over-year increase in spending.

NASBO’s report also highlights information for fiscal years 2016 and 2017, a period in which year-over-year spending from state general funds fell in Illinois (both years), Nebraska (FY 2017), North Dakota (double-digit declines in both years) and Indiana (FY 2016).

Along with slow revenue growth, legislators have been constrained by rising costs in “less discretionary areas” such as pensions and health care.

“States approved small net increases in most program areas for fiscal 2018,” the NASBO study found, “sending most additional general fund dollars to K-12 education.”

Budget makers also have made a concerted effort to replenish their rainy day funds and other reserves since the Great Recession. In FY 2018, five Midwestern states — Indiana, Iowa, Michigan, Nebraska and South Dakota — were expected to have higher total year-end balances (when measured as a percentage of total spending) than the U.S. median of 8.0 percent.

Article written by Tim Anderson, CSG Midwest publications manager. He can be reached at tanderson@csg.org.
North Dakota lawsuit puts spotlight on gubernatorial line-item veto

by Jan Davis (jdavis@csg.org)

North Dakota legislators sued Gov. Doug Burgum in December, alleging he overstepped his line-item veto authority by deleting words or phrases in ways that changed legislative intent. The state’s Supreme Court agreed to hear the case, and gave the governor’s office until Jan. 16 to file a response.

“The is all about setting a precedent and division of powers,” state House Majority Leader Al Carlson says.

“He cannot pass laws. If we allow him to change legislation and change intent, then we will have a future problem.”

The lawsuit asks the court to determine the legal effect of the partial vetoes, including the current status of each affected bill. If opposite the vetoes issued less than a week after the Legislature’s April 27 adjournment.

The nonpartisan Legislative Council, which is the Legislature’s research arm, said Burgum altered legislation on spending bills at least four times, including deleting a three-word phrase forbidding a university from cutting “any portion of” a nursing program.

In an opinion dated June 19, 2017, North Dakota Attorney General Wayne Stenehjem said the governor can veto parts of an appropriations bill that are related to vetoed appropriations, as long as the bill can still stand as workable legislation.

But he said the governor can’t veto conditions or restrictions on an appropriation without vetoing the appropriation itself.

By that reasoning, Stenehjem said the governor’s vetoes of some sections of the North Dakota University System’s appropriations bill were “not effective.”

He also said Burgum was not authorized to veto some language in the State Water Commission’s and Department of University and School Lands’ appropriations.

In the 1979 case State ex. rel. Link v. Olson, a state court ruled that the governor cannot use the line-item veto to strike conditions of an appropriation without also vetoing the appropriation itself, nor can the governor use it to strike individual words or letters.

“In several sections, [Gov. Burgum] took out language and changed the meaning of the legislation, but didn’t change the money,” Carlson says. “Basically, he changed the meaning of the legislation; there’s a big difference between ‘shall’ and ‘shall not.’”

According to The Council of State Governments’ “The Book of the States,” most states in the Midwest give governors line-item veto power over appropriations bills only.

Indiana is one of five U.S. states where the governor has no line-item veto authority at all. In contrast, this gubernatorial power extends to all bills in Illinois, while Wisconsin’s governor has one of the nation’s broadest line-item veto powers: the so-called “partial veto” (considered to be broader than a regular line-item veto).

Created by a constitutional amendment referendum in 1930, the “partial veto” gives the governor power to approve appropriations bills “in whole or in part.”

The state’s nonpartisan Legislative Reference Bureau says this power was stretched over time to include vetoes of individual digits and letters, the ability to edit the text to change its meaning, reducing appropriations amounts by crossing out one figure and writing in another, and altering the direction of an appropriations.

But within the last 28 years, Wisconsin voters have twice trimmed the partial veto.

In 1990, they approved a constitutional amendment (65.5 percent to 34.5 percent) forbidding the creation of new words by vetoing individual letters.

And in 2008, they approved an amendment (70.6 percent to 29.4 percent) barring the creation of a new sentence by combining parts of two or more sentences, thus eliminating the so-called “Frankenstein Veto.”

**Capital Closeup** is an ongoing series of articles focusing on institutional issues in state governments and legislatures. Previous articles are available at csgmidwest.org.

**QUESTION: Do any Midwestern states have historic-preservation tax credits?**

According to the National Trust for Historic Preservation, 35 states currently offer tax credits for historic preservation (HTCs). Fifteen states, including Michigan and South Dakota in the Midwest, offer no tax credits, while Illinois allows their use in a limited number of cities.

Although the credits vary from state to state, according to the National Trust, most programs include the following basic elements: Criteria establishing what buildings qualify for the credit; standards to ensure that the rehabilitation preserves the building’s historic and architectural character; a minimum threshold required to be invested in the rehabilitation; a mechanism for administering the program; and a method for calculating the value of the credit awarded, reflected as a percentage of the amount expended on that portion of the rehabilitation work that is approved as a certified rehabilitation.

Preservationists, commercial developers and builders, and others who depend on the credits to fund reconstruction and revitalization of historic downtowns and rural buildings argue the credits more than pay back their costs by generating jobs and tax revenues.

According to the National Trust, another benefit of state HTCs is that they increase the use of federal historic tax credits. An active state tax credit program boosts use of the federal credit on average between $15 million and $35 million in certified expenditures, according to a report by the state of Washington. The National Trust notes that Missouri’s tax credit doubled the use of the federal rehabilitation incentive.

The tax code overhaul approved by Congress and signed by President Trump last month kept the credit but requires it to be taken over five years instead of all at once, and repeals the 10 percent rehabilitation credit for non-historic buildings. The House’s original version had cut the HTC (a Joint Committee on Taxation analysis said eliminating the federal credit would save $1 billion annually by 2021), but it was restored in the final compromise bill.

Efforts to roll back historic tax credits have also been made in some Midwestern states. Nebraska’s state tax credit (LB 191), passed by lawmakers in 2014, came under fire last year amidst budget problems and complaints about the complexity of the application process. Several bills were introduced to either end or suspend the Nebraska Job Creation and Mainstreet Revitalization Act, but business and preservation groups were successful in defeating them.

Michigan’s HTC ended in 2011, when the state eliminated all of its tax credits. Indiana eliminated its Commercial Rehabilitation Tax Credit in 2015, a small credit with a program cap of $400,000. The state still offers a tax credit program for homeowners.

In 2017 in Wisconsin, Gov. Scott Walker used his line-item veto authority to cut back the per-project tax credit cap for income-producing properties to $500,000. For three years previously, the state had no per-project limit on the program, but the Legislature had set a $5 million cap in the 2017-18 budget.

Article written by Laura Kliwer (lkliwer@csg.org), CSG Midwest senior policy analyst. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 631.923.1922.
Overview of redistricting developments in the Midwest: Proposed reforms, court cases and more

- **Illinois**: Attempts in Illinois to have an independent redistricting commission draw state legislative districts have been delayed by wording in the state Constitution and judicial interpretations of it. Enough signatures had been gathered for this constitutional amendment to appear on the November 2016 ballot. But in Illinois, only amendments dealing with the legislative article of the Constitution can bypass the General Assembly and be directly decided by voters. The redistricting proposal did not meet this standard, the Illinois Supreme Court ruled.

- **South Dakota**: A bill to change South Dakota's redistricting process was filed prior to the start of the 2018 session. Under SB 159, nine-member commission (four appointed by legislative leadership, five by a nominating committee made up of representatives from the state's public universities) would draw state legislative and U.S. congressional districts. It would hold public hearings in each of South Dakota's congressional and state districts and follow a set of “redistricting standards.” Lawmakers would then meet in special session and vote (without amendment) on whether to approve the commission's proposed map.

- **Wisconsin**: In December, the Wisconsin Legislature was never able to reach agreement on new political maps — an impasse caused by a “bitter ideological feud” among different factions of the Republican Party, according to the three-member panel of federal judges that ultimately drew the state's legislative and congressional districts. Congresswoman and the judiciary was unusual in Kansas, but not without precedent. It had occurred 10 years earlier, though for the state's congressional districts.

- **Iowa**: Iowa is one of the seven states (South Dakota is among the others) with a single congressional district. Drawing the lines of state legislative districts is left to the Legislative Assembly, which has rejected previous redistricting changes. The General Assembly approved a constitutional amendment — which encourages a bipartisan drawing of the General Assembly districts — would apply to how Iowa's congressional lines are produced.

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- **Michigan**: Michigan would create an independent, citizens Apportionment Board. An unusual in Kansas, but not without precedent. It had occurred 10 years earlier, though for the state's congressional districts.

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- **Ohio**: Under a plan introduced in January, the General Assembly would continue to have the responsibility of drawing congressional lines and approving them. However, any new map would require a three-fifths vote in the House and Senate as well as the support of at least one-third of minority-party members in each chamber. Mimsu such approval, the process of drawing and approving U.S. congressional maps would be turned over to the Apportionment Board. A map receiving bipartisan support by members of the board would be in place for 10 years. A map lacking such support would be replaced after four years, unless the General Assembly voted (with a simple majority that included one-fifth support from minority-party members) to retain the newly drawn congressional lines for the full 10 years.

- **Wisconsin**: Proposals to establish independent redistricting commissions have been introduced in Minnesota, but in 2017, lawmakers considered two bills stating that the Legislature “may not delegate its duty to draw district lines and congressional districts to any commission, council, panel or other entity.” SB 151 and SB 66 also included and prioritized a set of “distincting principles” for the Legislature to follow — for example, drawing districts that are contiguous and compact, don’t dilute the voting strength of minorities, and don’t purposefully protect or defeat incumbents.

- **Michigan**: In December, the Democratic Party initiative introduced in Michigan reached an important milestone — the submittal of more than 425,000 petition signatures (much more than required under law) to get a constitutional amendment on the fall ballot. The proposal would create an independent commission of four Democrats, four Republicans and five independents (none of whom could be candidates) to draw and approve state and congressional district lines. Two Democrats, two Republicans and two independents on the commission would have to approve the final plan.

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- **South Dakota**: South Dakota voters approved a constitutional amendment (57 percent to 43 percent) to have legislative districts drawn by an independent, nine-member commission drawn by the State Board of Elections. The commission would have been comprised of three Republicans, three Democrats, and three unaffiliated with a party. No commission member could have held office three years before or after being selected. The proposal also would have banned the consideration of political party identification and incumbency during the redistricting process.

- **Wisconsin**: Citizen-led ballot initiatives have been an important catalyst for redistricting changes, Li says, and along with Ohio, Michigan is another state where voters are likely to weigh in this year. The proposal in Michigan would create an independent redistricting commission — similar to the model adopted in California.

- **Michigan**: Getting a “yes” vote on these proposals, though, is far from a sure bet. In 2016, South Dakota voters rejected a proposal to create a bipartisan, independent redistricting commission. And in Ohio, prior to the successful ballot initiative three years ago, voters had rejected previous redistricting changes.

- **Michigan**: “The main reason it passed in 2015 was that we didn’t include congressional districts,” Sykes says, “so we didn’t have any organized opposition against it.”

- **Michigan**: Getting a “yes” vote on these proposals, though, is far from a sure bet. In 2016, South Dakota voters rejected a proposal to create a bipartisan, independent redistricting commission. And in Ohio, prior to the successful ballot initiative three years ago, voters had rejected previous redistricting changes.

- **Michigan**: “The main reason it passed in 2015 was that we didn’t include congressional districts,” Sykes says, “so we didn’t have any organized opposition against it.”

- **Michigan**: Many of the redistricting reform proposals around the nation have centered on the idea that legislatures should neither draw the maps...
nor approve them. Put this responsibility in the hands of a bipartisan citizens commission, the argument goes, so that the political lines aren’t manipulated to help incumbents or a particular party. Minnesota Rep. Sarah Anderson rejects this idea. “There is no such thing as a nonpartisan commission,” she says, pointing to California’s recent reforms and the investigative reporting done by ProPublica on the process — namely, the behind-the-scenes maneuvering done by the Democratic Party to influence the work of that state’s Citizens Redistricting Commission.

Under a bill introduced last year by Anderson (HF 31 3/5F 86), the Wisconsin Legislature would be barred from delegating its redistricting duties to “any commission, council, panel or other entity.”

“You don’t like the map, you can vote out the [legislators] who made it or who approved it,” she says. “Voters can’t do that if the map is drawn and approved by an unelected commission.”

In advance of the next round of redistricting in Minnesota, though, Anderson would like a prioritized list of “redistricting principles” in statute to guide the Legislature — for example, keeping districts compact, not diluting the voting strength of racial and ethnic minorities, preserving “communities of interest,” and preventing the drawing of districts to favor or defeat an incumbent.

“It would allow for a more stable, more reasonable approach,” says Anderson, who served as chair of the House Redistricting Commission the last time the lines were drawn.

Somewhere between keeping the redistricting process with legislatures and handing the task over to independent commissions is what Li calls a “hybrid model.” The state of Iowa has long served as an example of this approach. There, the nonpartisan Legislative Services Agency draws the state’s legislative and congressional districts. The LSA must disregard incumbents’ addresses, the political affiliations of congressional districts. The LSA must disregard the data that is coming available, “It’s the same sort of thing that marketers and political campaigns have used for several years now, and you’re able to apply that in the redistricting context.”

All eyes on Wisconsin court case

Minnesota’s list of redistricting principles does not mention parties, and Anderson says it would be difficult to amend a third LSA map as they would any other bill. But since this process began being used, the Legislature has always approved one of the agency’s plans.

“The hybrid model may be something that gets to the concern about what happens if unelected people mess up,” Li says. “For example, they split up a community that really should be kept together.”

The U.S. Supreme Court and the states: Here are some cases to watch during the 2018 term

Sports gambling and states

Should states be allowed to sanction sports gambling within their own borders? With few exceptions, a 1992 federal statute, the Professional and Amateur Sports Protection Act, says “no.” But the constitutionality of this law is now being challenged. In recent years, the state of New Jersey amended its Constitution and then removed restrictions on sports gambling. These actions were challenged by the National Collegiate Athletic Association and other professional sports leagues as a violation of the 1992 federal law. New Jersey Gov. Chris Christie, though, says the Professional and Amateur Sports Protection Act violates the Tenth Amendment.

State discrimination laws and the First Amendment

In Colorado, a cake artist says enforcement of a state public-accommodations law violates his First Amendment rights to free speech and free exercise of religion. The artist declined to make a wedding cake for a same-sex couple — a decision that the Colorado Civil Rights Commission said violated a state law banning discrimination on the basis of sexual orientation in places of public accommodation. The U.S. Supreme Court heard oral arguments in the case in early December.

### Current partisan makeup of Midwest’s legislatures, governors’ offices (as of Jan. 1)

<table>
<thead>
<tr>
<th>State</th>
<th>House</th>
<th>Partisan breakdown</th>
<th>Senate</th>
<th>Partisan breakdown</th>
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Illinois Senate Minority Leader Bill Brady
Lifelong resident of central Illinois, and its 25-year legislator, cherishes opportunities to help solve problems little and big

by Katelyn Tyszkewicz (ktys@csg.org)

B ill Brady’s career in public service was forged in his hometown of Bloomington, Illinois, where he has been a lifelong resident. After graduating from Bloomington’s Illinois Wesleyan University, Brady and his wife, Nancy, decided to put down even deeper roots in the town, helping to run his family’s home construction company and establishing their own real estate agency.

As a businessman and entrepreneur, Brady became involved in various community organizations, including the McLean County Chamber of Commerce and the boards of different local charities. Eventually, he took an interest in Republican politics, and when Brady was in his mid-twenties, he became the county’s campaign manager for former U.S. Rep. Edward Madigan.

From there, his path to the Illinois General Assembly took form. “When I was 30 or 31, some people convinced me to run for the Illinois House. I won the primary election by a whopping eight votes against a 14-year Republican incumbent,” says Brady, who was sworn into office in 1993 and served in the House until 2000, when then-U.S. House Speaker Dennis Hastert encouraged him to run for Congress — a race that was unsuccessful.

Brady’s absence from Illinois politics was brief, however. In 2001, his state senate and political mentor, former Illinois Sen. John Mailland, suffered a stroke and chose to leave office early. Brady was appointed to the open seat and has been the district’s senator ever since.

In the General Assembly, Brady found it rewarding to pick up on work he had started in the Bloomington community as a private citizen. Before joining the legislature, he was part of a coalition of local business leaders that advocated in the late 1980s for a community college to be built in central Illinois. At the time, it was the only region of the state that didn’t have one. The coalition’s efforts were successful, and in 1990, Heartland Community College was established.

Years later, while serving in the Illinois House, Brady fought for the funding that allowed the college to move out of the rental facilities it had been occupying, and establish its own permanent campus. Brady has remained an active member of the Bloomington community while representing the people of his district. He and his family still operate a home construction company and several real estate agencies, in addition to property management and building restoration businesses. His family also owns two Jimmy John’s sandwich shops in Florida.

In a recent interview with CSG Midwest, Brady reflected on his work in the General Assembly, his experiences as caucus leader, and on legislative priorities for 2018.

Here are excerpts from the interview.

Q: In addition to providing funding for Heartland Community College, what are some of your proudest legislative accomplishments?
A: It’s kind of interesting, you run for the big-picture items — like you’re going to cut taxes, balance the budget, and create jobs — but the most rewarding things that I’ve done are helping people in my district cut through red tape and get the government services they need.

Q: What prompted your decision to become minority leader and what have you most enjoyed about the role, so far?
A: Having run statewide [for governor in 2006, 2010 and 2014], I got to know the state pretty well. I was asked by former Senate minority leader [Christine Radogno] to serve on her leadership team and was serving as her deputy leader when she decided to resign [in June 2017]. I felt I had a very good relationship with almost every member of our caucus and understood the state and their districts very well.

I was honored to win the election for leader and I’ve especially enjoyed the process of negotiating and bringing the process of negotiations to a successful conclusion. Being leader has also provided the opportunity to interact with my caucus members at a more intimate level.

Working with Gov. [Bruce] Rauner and [House Minority] Leader [Jim] Durkin at the level I’m working has been very rewarding, as well.

Q: Looking ahead, what are your caucus’ priorities for the upcoming legislative session?
A: I would say balancing the budget and rolling back the Democrats’ income tax increase [which was passed in 2017]. The Democrat-passed [FY 18] budget was still, unfortunately, $1.5 billion out of balance in our opinion.

We’d also like to tackle pension reform — to do what we can under the current constitution to protect people’s pensions, but also rein in pension spending.

I would love to see legislative term limits. I think that would be a big win for the voters, not to mention fair [electoral] maps.

Another priority is job growth, which would come through business reforms and a reduction of the state tax burden.

Q: Because of legislative turnover, the Illinois General Assembly will be seeing a lot of new members after the 2018 elections. What advice will you give to newly elected legislators?
A: My advice is to get to know your district well and stay in touch with people in the district. Also, to work diligently and methodically with colleagues on both sides of the aisle to accomplish what you need for your district. And don’t have thin skin.
More housing critical to rural growth

Under 2017 law, Nebraska is now offering grants to help communities build quality, affordable homes and rental units

by Nebraska Sen. Matt Williams (mwilliams@leg.ne.gov)

In the Nebraska Legislature, a significant amount of time is spent talking about growing our state, moving our state forward, and providing a better future for the next generation.

Oftentimes that discussion revolves around our tax structure, economic incentives, and access to quality education and health care. We are fortunate to have a nationally recognized, favorable business environment; low unemployment; a strong work ethic; and a quality of life that many employers and employees want.

But there is one factor often overlooked in our effort to attract employers and employees: access to quality, affordable housing.

Ask any economic development professional about the barriers to attracting good jobs and employees, and 1 guarantee that the lack of quality and affordable housing is one of the greatest barriers facing rural America. In fact, in many communities across Nebraska, we have jobs available that go unfilled due to this shortage.

The problem is particularly acute in rural areas where the cost of housing is considerably higher. A report from the Nebraska Investment Finance Authority, for example, showed that the cost of new construction for single-family homes was highest in the Panhandle region of my state (one of the most rural parts of Nebraska) — $248,000 in the Panhandle vs. $198,000 in the Lincoln and Omaha metropolitan areas.

We simply don’t have nearly the same number of housing developments in rural areas, which can’t reach the economies of scale that we see achieved with housing development in populated areas.

This measure is designed to help communities fill job openings by expanding the availability of housing options that potential employees desire.

Building with some state assistance

In 2017, I introduced LB 518, the Rural Workforce Housing Investment Act. Signed into law in May, this measure is designed to help communities fill job openings by expanding the availability of housing options that potential employees desire. Specifically, the bill creates a grant program to stimulate housing development in rural Nebraska.

Under LB 518, which received unanimous approval in our unicameral Legislature, a non-profit development organization can apply to the Nebraska Department of Economic Development for funds to develop workforce housing through new construction, the rehabilitation of existing homes, or the building of rental units.

The type of activities that could receive assistance through the Rural Workforce Housing Fund include loan guarantees, purchase and rental guarantees, and credit enhancements to reduce the cost of workforce housing. To ensure that communities have skin in the game, a dollar-for-dollar match on all state grant funds is required.

To provide dollars for this grant program, the new state law transfers unallocated monies from an existing state fund for affordable housing.

This Affordable Housing Trust Fund was established in 1996 in response to concerns about the effect of poor-quality housing on economic development. It is funded by taking a portion of a fee on certain real estate transactions; since the fund’s creation, it has helped a significant number of low-income homes in Nebraska, but it was not designed to help an increasing number of low-income families.

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This Affordable Housing Trust Fund was established in 1996 in response to concerns about the effect of poor-quality housing on economic development. It is funded by taking a portion of a fee on certain real estate transactions; since the fund’s creation, it has supported the development of workforce housing in rural areas, so that open jobs can be filled and people can afford housing.

We saw this as a good use of excess state fund dollars, which would have been sitting unused and, therefore, not serving the people of Nebraska.

A grant program such as the one set up by LB 518 can make a difference by creating much-needed workforce housing in rural areas, so that open jobs can be filled and people can afford housing.

This will clearly help Nebraska grow. Likewise, other rural areas across the Midwest and United States would benefit from an increased emphasis on improving the supply of quality, affordable housing.

Nebraska Sen. Matt Williams was first elected to the unicameral Legislature in 2014. He is a 2015 graduate of the CSG Midwest’s Bowhay Institute for Legislative Leadership Development (BILLD).

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of the Council of State Governments or the Midwestern Legislative Conference. Responses to any First Person article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
With sessions underway, CSG begins yearly visits to Midwest’s capitals

Over the first few months of this year, staff from the Midwestern Office of The Council of State Governments will travel to the region’s legislatures during their 2018 sessions. These annual state visits began in January with trips to the Nebraska, South Dakota and Indiana capitols. They give CSG Midwest staff the chance to learn about the interests and needs of state legislators, who, in turn, learn about CSG’s various meetings, products and services.

Every legislator in this 11-state region is a member of CSG’s nonpartisan Midwestern Legislative Conference. The MLC has several interstate policy committees, holds an Annual Meeting (this year’s event will be held July 15-18 in Winnipeg, Manitoba), and runs the highly regarded Bowhay Institute for Legislative Leadership Development.

For every state in this region, CSG Midwest has a staff member dedicated as the point person for providing assistance (research or otherwise) to legislators and legislative staff. These staff members also organize the office’s annual visits to state capitols.

- Illinois and Minnesota — Katelyn Tye, ktye@csg.org
- Indiana and Iowa — Ilene Grossman, igrossman@csg.org
- Kansas — Laura Kliewer, lkliewer@csg.org
- Michigan and Nebraska — Tim Anderson, tanderson@csg.org
- North Dakota and Ohio — Laura Tomaka, ltomaka@csg.org
- South Dakota — Cindy Andrews, candrews@csg.org
- Wisconsin — Jon Davis, jadavis@csg.org

Formed in 1933, CSG serves all three branches of state government and has a unique region-based structure. It offers a diverse mix of programs and services — some national and international in scope, others tailored for specific regions, states and even individual legislators. For more information, contact CSG Midwest at 630.925.1922 or csgm@csg.org.

MLC leadership team in place for coming year

CSG’s Midwestern Legislative Conference will be led in 2018 by a bipartisan, four-member team of state legislators.

All four officers were formally installed when the MLC Executive Committee met in December in conjunction with The Council of State Governments’ National Conference. They are:

- Sen. Ed Charbonneau, MLC chair and a member of the Indiana General Assembly since 2007;
- Rep. Elgie Sims, MLC first vice chair and a member of the Illinois General Assembly since 2013;
- Sen. Ken Horn, MLC second vice chair and a member of the Michigan Legislature since 2007; and
- Sen. Janet Petersen, MLC immediate past vice chair and a member of the Iowa Legislature since 2001.

The MLC is a nonpartisan association of all legislators from 11 Midwestern states; four Canadian provinces and their legislators participate via an affiliation with the MLC.

The officer team is chosen every year by legislators who attend the MLC’s Annual Meeting — the premier event for the Midwest’s state and provincial legislators to learn from one another as well as top policy experts and well-known speakers. In 2018, the MLC Annual Meeting will be held July 15-18 in Winnipeg, Manitoba.
A bipartisan group of lawmakers from the Midwestern Legislative Conference continued their study of cross-border energy issues during a two-day meeting in December in Toronto. Saskatchewan MLA Dan D'Autremont is leading the work of the MLC's Midwest-Canada Energy Subcommittee (its members are part of the larger MLC Midwest-Canada Relations Committee).

Ontario MPP Bob Delaney hosted the legislators during their stay in Toronto, which included a visit to a nuclear power plant at the Darlington Energy Complex. Approximately half of the province’s electricity generation comes from nuclear energy. (Ontario is the first North American government to have completely eliminated coal-fired electricity generation.) The Darlington facility meets 20 percent of Ontario’s power demand; it is operated by the publicly owned Ontario Power Generation.

On the second day, the committee met in the Ontario Legislative Assembly Building and, with the help of Canadian and U.S. experts, explored ways to address electric grid security, reliability, resilience and emergency preparedness. Legislators also discussed the cross-border interconnectedness of the grid.


This MLC subcommittee is exploring how to develop a more integrated energy relationship between the United States and Canada and to upgrade the region’s transmission infrastructure. The government of Canada provided funding to help support the meeting.

State, provincial legislators travel to Toronto for two-day meeting on energy

Nuclear power and grid security among topics discussed by MLC subcommittee

CSG Midwest partners with Germany on legislative trip to study nation’s energy transformation

For the third straight year, thanks to an ongoing partnership between CSG Midwest and Germany’s Federal Foreign Office, a delegation of lawmakers from this region had the chance to learn how that country is transitioning to a low-carbon economy.


Germany’s energy transformation, known as the Energiewende, has three goals: phase out the use of nuclear energy by 2022; reduce greenhouse gas emissions by between 80 percent and 90 percent by 2050; and ensure that 80 percent of the electricity consumed in the country comes from renewables by 2050.

Lawmakers learned about the costs of this transition, the challenge of reducing the country’s reliance on coal, and the structural changes taking place in the economy as a result of the changes.

While in Berlin, the group talked with several key leaders in the German government and industry. It also visited the country’s federal parliament (the Bundestag) and met with one of its members.

The delegation traveled to Freiburg, a small city in southwestern Germany, to focus on the use of renewables and, especially, solar energy research. That town is home to the Vauban district, which legislators toured to see how various renewable technologies and solar-powered homes have been used to create a “model sustainable district” that is based on certain ecological standards and economic and political cooperative models.

Lawmakers also visited Freiburg’s Green Industry Park, an old industrial area that is now home to companies using sustainable, energy-efficient technologies, and learned about the work being done on hydrogen fuel and fuel cell technology at the largest solar energy research institute in Europe — the Fraunhofer Institute for Solar Energy Systems.
Wisconsin does away with state’s portion of the property tax

Wisconsin lawmakers have eliminated a decades-old state property tax that had been used to protect public and private forestlands.

This change will result in savings of about $27 for the average homeowner and an annual loss in state revenue of approximately $90 million, the Wisconsin State Journal reports. The state will instead use general-fund dollars to pay for programs related to fire prevention, pest control, land acquisition, recreation and overall forest health.

According to the Federation of Tax Administrators, in 2016, the property tax accounted for 1.0 percent of Wisconsin’s total state tax collections. It makes up less than 3 percent in most other Midwestern states (some have no statewide property tax at all). The lone exceptions are Kansas (8.2 percent of total state tax collections in 2016), Michigan (7.4 percent) and Minnesota (5.4 percent).

In Kansas, a statewide property tax funds building projects at public universities as well as state institutions for the disabled and mentally ill. Money from the Michigan State Education Tax goes to K-12 schools. Minnesota’s statewide property tax — established in 2001 and levied on businesses as well as resorts and cabins — goes to the state general fund.

Michigan establishes new rules for local retirement systems

Michigan will be keeping a closer eye on the long-term fiscal health of its local governments under legislation signed into law in late 2017. SB 666 aims to address concerns about unfunded liabilities in pension and retiree health care systems.

The state’s local governments will be required to conduct independent actuarial audits as well as regularly report on how well their retirement systems are being funded. With the new law, legislators also established criteria for when “corrective action” must be taken — for example, if accrued liability in the retirement system is less than 60 percent funded and more than 12 percent of the local government’s general-fund revenue is going to the system. A newly created Municipal Stability Board (housed within the Michigan Department of Treasury) must approve these corrective action plans.

Elsewhere in the Midwest, the Ohio auditor has begun issuing a “Financial Health Indicators” study, which calls attention to cities and counties showing signs of fiscal distress. According to The Pew Charitable Trusts, Ohio is one of four U.S. states that has recently begun conducting this kind of study and then publishing the results in a report or on a website.

Six Midwest states ask Supreme Court to end livestock-housing rules

Six states in the Midwest are part of a new legal effort to end laws in Massachusetts and California that regulate the housing of hens, calves and pigs in agricultural operations.

Two separate lawsuits were filed directly with the U.S. Supreme Court in December. Indiana is leading the multi-state complaint against the Massachusetts law, which bans the sale of egg, pork and veal from farms (inside or outside the state) that don’t meet certain animal-confinement standards. These rules were established by Massachusetts voters in 2016 via a ballot referendum.

Nebraska, North Dakota and Wisconsin are among the 12 states joining Indiana in the lawsuit. They argue that the Massachusetts regulations have no “discernible impact on product quality or safety” and violate the U.S. Constitution’s Commerce Clause. In 2016, a federal appeals court ruled that a group of states had no standing in their complaint against a similar California law.

However, those California regulations are being challenged again, by a group of states that includes Indiana, Iowa, Nebraska, North Dakota and Wisconsin. In the December filings, the plaintiff states include economic analyses detailing the impact of California’s and Massachusetts’ regulations on their consumers and farmers.

New laws seek to end ‘doctor shopping,’ prevent opioid abuse

Seeking to make greater use of their states’ prescription drug monitoring programs and to prevent opioid abuse, Illinois and Michigan lawmakers have established new requirements for prescribers. These measures were signed into law in December.

Under Illinois’ SB 772, a patient’s prescription history must be checked, via the state-run program’s database, before he or she is prescribed Schedule II narcotics. This is the federal classification for drugs that have a “high potential for abuse.” Michigan providers will have to review a patient’s history in the state-run electronic database before prescribing Schedule II, III, IV or V controlled substances (SB 166 and 167). One goal of these mandatory checks is to make it harder for individuals to obtain prescriptions from multiple doctors.

Every Midwestern state has a prescription monitoring program. Ohio and North Dakota require, under certain circumstances, prescribers and dispensers to check a patient’s history in the database, according to the Prescription Drug Monitoring Program Training and Technical Assistance Center. This mandate only applies to prescribers in Illinois, Indiana, Michigan, Minnesota and Wisconsin. Other states have no such requirements on prescribers or dispensers.