At MLC meeting, legislators learn how states, schools are reimagining instruction in government and citizenship

By Tim Anderson (tanderson@csg.org)

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our years ago, the state of Illinois began requiring high school students to take at least one semester of civics. Most other states already had a similar instructional mandate in place, at least at first glance.

But the details of HB 4025 made it stand out from other requirements across the country, and they’ve since led to some big changes in how civics is being taught in Illinois.

In July, at the Midwestern Legislative Conference Annual Meeting in Chicago, the region’s lawmakers learned about some of those changes during a session on the importance of civic engagement, which is the subject of this year’s MLC Chair’s Initiative of Illinois Sen. Elgie Sims Jr.

"Civic engagement is much more than voting and volunteering, although those are the two things that we can measure quite well," Sterling Speirn, a senior fellow and former CEO of the National Conference on Citizenship, said to legislators. "It’s also how people interact with one another, in their families, in their neighborhoods and in their communities.

"In places where there is good civic health, strong social capital, there is a correlation with lower crime rates, better public health, stronger workforce development, economic resiliency, better mental health, reduced mortality. ... It almost sounds like a miracle cure.

If so, it’s not surprising that legislative proposals around strengthening civic education have been commonplace in recent years, especially after years in which the subject was de-emphasized in favor of other subjects.

"It’s a bipartisan issue," Speirn said. "In fact, I don’t know you’re going to find anyone who is against civics education."

States have taken different approaches, however.

In North Dakota, Ohio and Wisconsin, state laws now require high school students to take a civics education test. In Wisconsin, for example, students must take a test that includes the 100 questions given to individuals applying for U.S. citizenship. To graduate, each student must correctly answer 65 of those questions.

Illinois, on the other hand, included no such testing mandate with HB 4025.

In fact, that law is often cited because of a very different type of requirement. The content of civics classes must go beyond learning the facts and figures of U.S. history and government; it must also give students the chance to discuss current issues, as well as take part in service-based learning opportunities and simulations of democracy.

Legislators also included language allowing school districts to “utilize private funding … for the purposes of offering civics education.” The result: a new public-
Criminal Justice & Public Safety

Is a ‘third way’ of policing — deflection — emerging?

A relatively new idea in criminal justice, deflection is a “third way” for police to interact with offenders they encounter.

Police officers often only have a binary choice, arrest or release. Deflection seeks to use alternative remedies such as drug and alcohol treatment, hospitalization, and other diversionary programs, when appropriate, instead of introducing involuntary, low-level offenders into the criminal justice system or releasing them back into the community without assistance.

Lawmakers on the Midwestern Legislative Conference Criminal Justice and Public Safety Committee heard about deflection from Jac Charlier, executive director of the Chicago-based TASC Center for Health and Justice. His presentation, “Legislative Opportunities for Justice,” discussed reforms to pretrial justice and bail and the basics of good re-entry programs and legislation. But deflection received the most attention and questions.

The need for, and first usages of, deflection began in rural areas in response to substance use disorder and the opioid crisis. With 68 percent of local jail populations suffering from substance use disorders, the benefits of deflecting many of these people to treatment are clear: It saves state and local jurisdictions prosecutorial time and money, does not burden citizens with the long-term consequences of misdemeanors, and places offenders in treatment instead of jails or prisons, which often worsen mental health and substance use disorders.

In the TASC model, there are five identified deflection pathways to treatment: “self-referral,” when someone seeks treatment by contacting law enforcement; “active outreach,” when law enforcement intentionally seeks individuals for treatment; “Naloxone plus,” when treatment is part of law enforcement’s response to an overdose; “officer prevention referral,” when law enforcement initiates treatment with no charges after a 911 call; and “officer intervention referral,” which is like “officer prevention referral” except charges are held in suspension pending the completion of treatment.

Since 2014, eight deflection-related laws have been passed in six states, including last year’s SB 3023 in Illinois. That measure authorizes and encourages law enforcement to create partnerships with treatment providers and others to deflect individuals away from the criminal justice system. To measure the impact of a local deflection program, the law includes a minimum data collection requirement (municipalities do not have to create a deflection program). Illinois lawmakers also provided civil liability immunity to law enforcement for program-related activities.

Education

Committee: Get federal funding to 40 percent of per-pupil costs for special-education services

When it was first signed into law, in 1975, the U.S. Individuals with Disabilities Education Act (IDEA) came with a pledge of support to help states and local school districts fulfill its requirement that students with disabilities receive a free and appropriate public education.

The intent at the time (some have called it a promise, others do not) was that 40 percent of the average cost to educate a child with disabilities be covered by the federal government. With the exception of a single year (a temporary funding boost under the American Recovery and Reinvestment Act of 2009), congressional funding under IDEA has never come close. Instead, over the past 20 years, federal funding has hovered between 11 percent and 17 percent of average per-pupil expenditures, and it has been declining in recent years.

Members of the Midwestern Legislative Conference Education Committee say it’s time for the U.S. Congress to reverse that trend. In July, the committee passed a resolution (ultimately approved by the full MLC) urging “members of the U.S. Congress and the U.S. executive branch to fully fund IDEA at 40 percent.”

Passage of the resolution came after a legislative year in which the rising cost of special education became a focal point of budget negotiations in at least two Midwestern states: Wisconsin and Minnesota.

In his proposed budget, newly elected Wisconsin Gov. Tony Evers called for an additional $600 million in state special-education funding (which would have boosted the reimbursement rate to schools for special-education services from 25 percent to 60 percent), saying the state’s failure to keep up with rising costs was forcing “local school districts and taxpayers to squeeze resources from other areas.” In the final compromise between the governor and Legislature, the state boosted biennial funding by $95 million — the first increase of any kind in more than 10 years.

In Minnesota, legislators agreed to put an additional $90.6 million into special-education services and freeze what’s known as the “cross subsidy”: local school districts paying for some of the costs of special education with general-education revenue.

Brief written by Mitch Arvidson, staff liaison to the Midwestern Legislative Conference Criminal Justice & Public Safety Committee. He can be reached at marvidson@csg.org.

Stateline Midwest Issue Briefs

In July, the six policy committees of The Council of State Governments’ Midwestern Legislative Conference (MLC) held meetings and sessions as part of the MLC Annual Meeting in Chicago. This month’s Issue Briefs (pages 2, 3 and 4) explore some of the discussion topics.
Health & Human Services

Lawmakers hear why vaccination rates decline, and how states can respond to disease outbreaks

According to the CDC, 1.3 percent of children under 5 years of age went without any vaccines in 2017; that’s up from 0.8 percent in 2008 and above the target of 1 percent, she said.

As of July, Messonnier added, there were 1,418 cases of measles in 30 states. While we need “great local situational awareness” to learn why local outbreaks occur, nationally “the reason we’re having these outbreaks now is misinformation,” she said.

According to Ehresmann, the seeds of Minnesota’s 2017 measles outbreak, which was the state’s worst in 30 years and concentrated in the Somali community, were sown in a 2008 TV news story on parents’ concerns over a disproportionate number of Somali children in special-education programs.

One parent blamed vaccines, and anti-vaccine advocates began contacting the Somali community, she said.

As a result, Ehresmann said, the measles immunization rate among Somali children dropped from 92 percent in 2004 to 42 percent in 2014 (when children affected in the 2017 outbreak were born). The non-Somali rate, meanwhile, stayed constant, at just below 90 percent.

Exclusion — the ability to keep an infected child out of school or day care during the disease’s 21-day incubation period, thus preventing further cases — and accurate information were crucial in containing the outbreak, Ehresmann said.

For information to be disseminated effectively, she said, it had to come from within the Somali community itself. As a result, state outreach included hiring Somali speakers and crafting messages targeting schools, child care centers and the faith community. Somali imams helped, for example, by asking for information that they could pass on to their congregations.

Committee gets glimpse of manufacturing’s future, and hears how states can foster growth

The nation’s manufacturing sector has shed 7.5 million jobs since 1980, with 5.5 million of those losses coming since 2000, according to the U.S. Bureau of Labor Statistics.

Yet the sector remains an important regional (and national) source of jobs, wages and output. It is the sixth largest source of U.S. employment; three Midwestern states — Indiana, Wisconsin and Michigan — have the highest U.S. concentration of manufacturing jobs; and Ohio has the nation’s third largest number of manufacturing jobs.

During a July tour of mHub, one of the region’s leading innovation centers focused on physical product development and manufacturing, the region’s legislators got a glimpse into the future of how manufacturers will work and innovate.

Located in Chicago’s “Tech Triangle,” mHub is a prototype lab and entrepreneurial community where designers, developers, entrepreneurs, engineers and manufacturers create new products in a shared space. With access to equipment, classes, mentors, industry experts and each other, mHub members can accelerate ideas and designs — from concept to product development.

Four participants also saw how shared and co-working spaces function and learned about the benefits of individual entrepreneurs working in a shared community. Organized by the Midwestern Legislative Conference Economic Development Committee and held during the MLC Annual Meeting, the mHub tour also included a discussion led by industry experts who discussed the role of state policy in fostering innovation.

Steve Koch, now an mHub board member and a former deputy mayor of Chicago, said the policy factors that drive manufacturing have not really changed since the 1960s when the sector was at its height. They include public investment in trade promotion, education, and research and development.

“The investment has to come from the states,” he added, because it’s not going to happen at the federal level.

Mark Denzel, president and CEO of the Illinois Manufacturers Association, agreed that public investments are critical, as are public-private collaborations in areas such as education and training. He urged policymakers to focus on improving STEM education (science, technology, engineering and mathematics) and to renew states’ commitment to vocational education.

Chandra Brown, the CEO of MaD, one of 14 manufacturing institutes nationwide, said the skills and training of the incumbent workforce need to match the higher-tech demands of manufacturing. All training and education, she said, should be tied to real jobs.

The three panelists agreed on three points to advance manufacturing in the region: develop a diversified, agile workforce; embrace new technologies; and ensure that regulations don’t hamper innovation.
Agriculture & Natural Resources

Future of state fairs focus of committee meeting in Chicago

B utter sculptures, deep-fried foods and carnival rides might be what you think of when you think of fairs (and ice cream cones and corn dogs indeed originated at state fairs), but there is much more to them than food and rides.

Twenty-four states have an “official” state fair, including every one in the Midwest, but how they’re funded and managed varies. Michigan and Minnesota are the only Midwestern states that do not provide appropriations for their fairs, but other states don’t always meet their annual financial commitments.

Kansas committed $300,000 in general appropriations a year, but rarely provided that amount. In 2018, the Legislature came up with a fix: SB 415, overwhelmingly approved by lawmakers, lets the fair retain 83 percent of the sales-tax revenue generated on the fairgrounds, with that money then being put into a capital improvements fund.

Marla Calico, president of the International Fair and Exposition Association, told attendees at the 2019 Midwestern Legislative Conference Agriculture and Natural Resources Committee meeting that state fairs around the country are struggling with funding, particularly the need to make capital improvements.

In Kansas, for example, the State Fair is challenged by an aging infrastructure and old, single-purpose buildings. “They need to be brought up to code and provide things like climate control that attendees today expect,” Kansas Sen. Carolyn McGinn said.

In addition to money from their general funds, states sometimes dedicate other sources of revenue to support state fairs — for example, unclaimed property in Illinois and a portion of gambling revenue in Indiana. State-issued bonds are used in Indiana, Kansas, Ohio, South Dakota and Wisconsin. The Iowa State Fair gets some money from a state infrastructure fund, and counties and municipalities contribute to the state fairs in Nebraska and North Dakota.

At the July committee meeting, legislators noted the importance of state fairs for youth development and for educating an increasingly urban audience — only about 19 percent of the U.S. population is rural.

“The fairs showcase an important part of our economy that many people today don’t understand,” McGinn said.

Most state fairs operate agricultural education programs that meet school curriculum guidelines, thus helping attendees learn the story of modern agriculture.

Across the Midwest, too, thousands of young people learn critical life skills through raising and showing livestock and crops at a fair. Fairgrounds are also used year-round for other activities, helping to spread maintenance costs. In 2017, for example, Indiana’s fairgrounds hosted 338 additional events.

Attendance at most fairs continues to rise, and that means more “people every year will be learning about where their food comes from, as well as building family memories,” said Illinois Rep. Norine Hammond, co-chair of the MLC committee.

Who oversees state fairs in the Midwest?

- State agency
- Quasi-state agency
- State Agricultural Society
- Private, for profit

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Brief written by Carolyn Orr, staff liaison to the Midwestern Legislative Conference Education Committee. She can be reached at corr@iol.us.

Midwest-Canada Relations

What to expect as NAFTA morphs into the USMCA

With the lifting of metal tariffs on Canada and Mexico in May, the U.S. Congress may be closer to approving the United States-Mexico-Canada Agreement, successor to the North American Free Trade Agreement.

Dan Ujczo, an attorney specializing in Canada-U.S. issues, updated the Midwestern Legislative Conference Committee on the USMCA and its chances for passage at the Midwestern Legislative Conferences 74th Annual Meeting. Legislation could be introduced in Congress any day, he reported in July.

The agreement has been signed by the three countries’ leaders but requires legislative approval in each country. While the U.S. was imposing tariffs on Canadian and Mexican steel and aluminum imports, those two countries’ legislatures were not likely to consider it. The Mexican Senate approved the pact in June.

President Donald Trump has called the USMCA a “renovation” of NAFTA. According to Ujczo, “the best way to think about the USMCA is that about 50 to 60 percent of the new agreement is the same as NAFTA.”

The rest of it can be separated into three groups: small upgrades, larger modernization efforts and a rebalancing, or, as Ujczo said, “knocking down walls.”

Smaller upgrades made sections of the USMCA, such as those dealing with the financial services industry and small- and medium-sized enterprises, consistent with other modern trade agreements and current industry standards, Ujczo said.

The larger modernization efforts focus on digital trade and how a mix of automation and transparency can improve the entry process for goods and services. Ujczo said larger changes will close the back door to Chinese goods entering the North American supply chain through Mexico and Canada. Under the new agreement, 75 percent of an automobile’s content must come from North America in order for it to avoid domestic tariffs (this is up from the 62.5 percent threshold under NAFTA). Other significant changes include raising auto sector wages by requiring that at least 40 percent of the vehicle be made in a factory where the average wage is $16 per hour — a clause targeting the lowest-wage country, Mexico.

Will the USMCA pass Congress? There is bipartisan support, but some members of the U.S. House are expected to demand greater labor and environmental protections, Ujczo said. “The agreement is likely to require more than cosmetic changes to win passage in the Democratically controlled House,” he added.

Brief written by Ilene Grossman, staff liaison to the Midwestern Legislative Conference Midwest-Canada Relations Committee. She can be reached at igrossman@csg.org.
New Illinois law requires instruction of civics in middle school

private partnership (much of it led by the Illinois-based McCormick Foundation) to implement the state mandate, train teachers, and spread evidence-based practices in civics instruction.

This year, Illinois legislators passed a bill (HB 2265, signed by the governor in August) requiring that at least one semester of civics be taught in middle school. It, too, envisions public-private partnerships to help with implementation.

Illinois’ new direction for civics education takes a similar approach to the work being done by groups such as the Mikva Challenge. Through Mikva, for example, students in Illinois get experience on campaigns and in legislative offices, serve on youth councils that advise local school boards and government, and work as election judges. The organization, too, is one of the outside groups helping bring an “action civics” curriculum to classrooms.

The organization was founded by Abner Mikva, a former judge and local congressman from the Chicago area, and his wife. Its mantra: “Democracy is a verb.”

“What we mean by that is that you have to learn democracy by doing it,” Michelle Morales, CEO of the Mikva Challenge in Illinois, said to legislators. “You can’t sit in the classroom and read about it.”

Van Benthuysen, director of social science and civic engagement, and his wife. Its mantra: “Democracy is a verb.”

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The MLC session’s third panelist was Heather Van Benthuysen, director of social science and civic engagement for Chicago Public Schools. She spoke of Illinois’ new law, but also said it’s only a start for how schools are now approaching civics instruction.

“The skills and habits that you need to flex your democratic muscles can’t be learned in only a semester-long or yearlong course,” Van Benthuysen said. It takes a “360-degree commitment” from schools, she said, meaning civic engagement is incorporated across different subject areas and students get a meaningful say in school decision-making.

For that semester-long class on civics, CPS is emphasizing the importance of problem- or service-based learning (identifying a problem in the community and working to fix it) and learning to engage in civil debate over controversial issues.

Implementation can be a challenge.

“Across the country, teachers feel pressure from parents and administrators not to engage in current and controversial issues, out of a fear of appearing partisan,” Van Benthuysen said.

But perhaps the renewal of a meaningful civic education is one way toward less hyper-partisanship.

“It’s a challenging time in politics now because of what’s happening in the social arena,” Spern said to legislators.

Yes, we live in a time of divisiveness, he argued, but the root causes are a “crisis of isolation, of loneliness, disconnection and alienation.” By having young people flex those “democratic muscles” — by talking to people with whom they disagree, by engaging in the community around them — schools can have a role in producing informed, active citizens who feel more connected to others, Spern said.

CONTINUED FROM PAGE 1
I hit record high thanks to small businesses from administrative burdens, and to relieve online sales taxes in place. And to relieve years, we’ve completely changed the process to get act, then you haven’t watched what’s been going quick to respond to a U.S. Supreme Court decision to establish new or higher fees on electric and hybrid since 2013. In addition, many states have begun to Nebraska, Ohio and South Dakota in the Midwest) and less on public colleges and universities (9.7 states spending much more on the public health two areas: Medicaid and higher education, with part to a rise in caseloads from the opioid crisis). More states, too, are fully funding their pension contributions, and some are putting in extra dollars to these systems in order to chip away at unfunded liabilities. “Twenty years ago, you would never have seen that,” according to Hicks. Other recent developments of note: more money being targeted to raise teacher pay, expansions of early-childhood education, and additional resources going to child-welfare programs (due in part to a rise in caseloads from the opioid crisis). Over the longer term, Hicks said, perhaps the most notable change in spending has occurred in two areas: Medicaid and higher education, with states spending much more on the public health insurance program (20.2 percent of general-fund dollars today compared to 14.4 percent in 1995) and less on public colleges and universities (9.7 percent today vs. 12.9 percent in 1995). On the revenue side, a majority of U.S. states (including Illinois, Indiana, Iowa, Nebraska, Ohio and South Dakota in the Midwest) have increased their per-gallon taxes on gasoline since 2013. In addition, many states have begun to establish new or higher fees on electric and hybrid vehicles (the median fee is $120 a year). Hicks told legislators that states also have been quick to respond to a U.S. Supreme Court decision that gave them the authority to require remote sellers to collect and remit sales taxes. “If you think state governments are slow [to act], then you haven’t watched what’s been going on with regard to the online sales tax. … In two years, we’ve completely changed the process to get the benefits of that decision,” Hicks said. Nearly every state now has a statutory requirement on online sales taxes in place. And to relieve small businesses from administratively burdens, states such as Illinois, Indiana, Iowa, Nebraska, North Dakota, South Dakota and Wisconsin are requiring Amazon and other “marketplace facilitators” to handle the work of remitting and collecting sales taxes. On average, revenue from online sales taxes is equal to about 2 percent of states’ sales-tax totals, Hicks said. Illinois, Indiana and Iowa will be the first states in the Midwest to begin getting dollars from another new revenue source: sports betting. Legislators in those three states legalized the activity this year; their new laws include a mix of new license fees and taxes.

Article written by Tim Anderson, CSG Midwest publications manager. He can be reached at tanderson@csfg.org.

Panel shows how states are adjusting policies to meet workforce needs

Every year, the Kansas Department of Labor looks at current job vacancies in the state, wage data, and short- and long-term job projections to come up with a list of “high-demand occupations.” Over the past eight school years, that list has been used as part of a fast-growing state initiative that introduces high school students to these occupations — and then prepares them for success. “In some cases, we have students walking across the stage [with a college degree or credential] within weeks of them walking across the stage for their high school graduation,” Scott Smathers, vice president for workforce development at the Kansas Board of Regents, told legislators in July at a session of the Midwestern Legislative Conference Annual Meeting. Smathers was part of an expert-led panel that examined coming changes in the workforce, and how state policies are evolving to keep up.

Kansan’s Excel in CTE Initiative is one prominent example. About 20 percent of the state’s high school juniors and seniors now participate in it, with the state paying their tuition for technical courses at local postsecondary schools. High schools, in turn, are in line for a $1,000 bonus for every student who graduates with an industry-recognized credential in one of the state’s “high-need occupations.” (Qualifying credentials are associated with 23 different occupations, such as truck drivers, nursing assistants, welders, plumbers and aircraft mechanics.) Fellow panelist Fred Payne, commissioner of the Indiana Department of Workforce Development, said his state also is making a concerted effort to identify employment sectors where more workers are needed, and where wages are at least relatively high — jobs in advanced manufacturing, health services, the life sciences, information technology and transportation. The state is using this information to provide targeted incentives to companies and individuals. Employers who train or hire new or incumbent workers in an eligible occupation are eligible for up to a $5,000 grant from the state ($5,000 per employee). Individuals who seek training in these high-demand fields can have their tuition and other fees covered by the state.

Payne noted, too, that recent changes to Indiana’s high school graduation requirements will ensure young people leave the K-12 system with a “plan of action” when it comes to choosing a career. The state’s new “graduation pathways” put a greater emphasis on students learning employability skills, and exploring potential career paths through project-, service- or work-based learning experiences.

Likewise, Illinois’ Postsecondary and Workforce Readiness Act (HB 5729 of 2016) gives school districts the option of awarding college- and career-ready pathway endorsements on high school diplomas. Also under the law, students in eighth through 12th grade get yearly guidance on what they need to know in order to be college or career ready. John Rico, chair of the Illinois Workforce Innovation Board, singled out this law as the single most important step taken by state legislators in recent years in the area of workforce development. Prior to the panel discussion, Thomas McDonald, a senior economist with the U.S. Bureau of Labor Statistics, gave the Midwest’s legislators an overview of projected changes in the U.S. workforce between now and 2026.

In seven years, he said, nearly 1 in 4 workers will be age 55 or older. That compares to only 11.9 percent in 1996. An aging population also is expected to lead to a greater demand for workers in what has been called the “care economy.” For example, by 2026, the number of personal care aides is projected to increase by more than 777,000, highest among all occupations. Among the nation’s other fastest-growing jobs: registered nurses, home health aides and medical assistants.

Article written by Tim Anderson, CSG Midwest publications manager. He can be reached at tanderson@csfg.org.
Stevenson: Fight against injustice requires truth, reconciliation and hope

The American justice system too often fails to match its goal of equal justice for all; we can change that but do so requires facing uncomfortable truths and a willingness to get closer to those on the margins of society, said Bryan Stevenson, keynote speaker at the 74th Annual Meeting of the Midwestern Legislative Conference in Chicago.

“We are living in a time of great despair in our country and across the world,” Stevenson said. The U.S. jails more people than any other country, while statistics show that one in three black male babies can be expected to be jailed at some point in their lives. For African Americans, he said, “the profound absence of hope is shaping the expectations of our kids.”

Part of the solution, he said, is “a commitment to stay and become ‘proximate’—proximate to the poor, proximate to the excluded. I don’t think we can be responsible policymakers and decision-makers if we allow ourselves to become isolated from the people about whom we are making policies.”

His keynote speech set the table for breakout sessions on mental health and the justice system, state responses to racial and ethnic disparities in prisons, and juvenile justice reform.

While “only proximity can shape the insights and the knowledge we need to change the world, to increase justice,” Stevenson said that’s not enough by itself; we must also change the narratives that frame our issues.

Take mass incarceration and the attitude that addicts are criminals, for example, he said. Other countries treat addiction as a health—not a criminal—problem; nobody thinks it’s appropriate to call the cops if an alcoholic goes to a bar, but addicts are treated as criminals to be locked up, he said.

That creates an unfair environment for people who suffer from addictions or for the mentally ill, whom the justice system, via mandatory sentencing policies rooted in fear and anger, treats as criminals, he said.

“I actually believe that fear and anger are the essential ingredients of injustice,” said Stevenson, who founded the Equal Justice Initiative, a human rights organization in Montgomery, Ala., in 1989, and serves as its executive director. “When we’re governed by fear and anger, we tolerate things we’re not supposed to tolerate while accepting things we should not accept.”

Fear and anger led to children being labeled as “super-predators” which led to children being tried as adults and thrown into adult prisons, he said, noting some of his clients are 9- and 10-year-olds facing 40- or 50-year sentences. “We have to change that narrative…Children are children,” Stevenson said.

Another narrative that must change, because it affects everything, is that of racial differences, he said. The true evil of slavery was the myth of racial difference, used to justify slavery and the ongoing oppression of African Americans, he said. Slavery didn’t end with the 13th Amendment, it evolved, and its narrative endures as the ideology of white supremacy, he said.

“Nor was that narrative limited to African Americans, he said, adding that what happened to Native Americans after Europeans arrived was genocide, justified by the narrative that they were ‘savage.’

“We must acknowledge that history,” he said. Even today, African Americans and Latinos are still presumed guilty with the burden on them to prove otherwise, he said, citing his own experience: After arguing a case in the U.S. Supreme Court, he was in a Midwestern courtroom, in a suit and tie and seated at the defense table. “When the judge walked in and saw me, he got angry. He said, ’Hey, hey, hey, you get out there in the hallway!’ You wait until your lawyer saw me, he got angry. He said, ’Hey, hey, hey, you get out there in the hallway!’ You wait until your lawyer is here! I’m not letting defendants into my courtroom without their lawyer!”

Afterward, Stevenson said he thought, “what is it when the judge saw a middle-aged black man sitting in a suit and tie at the defense counsel’s desk and it didn’t even occur to him that I was a lawyer? That’s this narrative of racial inequality.”

While we need to engage in truth and reconciliation to end these destructive narratives, we need to stay hopeful, too, he said. “Helplessness is the enemy of justice,” he said. “Our hope is our super-power.”

Article written by Jon Davis, CSG policy analyst. He can be reached at jdavis@csg.org.

Meacham: Current times reflect eternal struggle for America’s soul

No matter your spot on the political spectrum, it seems reasonable to wonder if the country has been as divided as it seems these days (with the obvious exception of the Civil War), and what state legislators can do in response.

Yes, the country has been divided and things have even been worse, but it has always muddled through such times, reflecting the struggle between our “better angels” and our demons, said Pulitzer Prize-winning presidential historian and author Jon Meacham.

Meacham came to the 74th Annual Meeting of the Midwestern Legislative Conference in Chicago to touch on themes from his recent book, “The Soul of America: The Battle for our Better Angels,” and offer some advice for anyone in public elective office.

First, he said, “you need to be curious, we have to be curious. We have to be in communication with big ideas.”

Despite his flaws, Thomas Jefferson was part of a three-century discussion on power and its shift from one to another side, said Meacham. “You are the heirs of that shift,” he added.

Second, be humble and learn from mistakes as President John F. Kennedy learned after the Bay of Pigs fiasco to not be pushed into the wrong decision; a lesson that helped avoid a nuclear war during the Cuban Missile Crisis, Meacham said.

“If he can do that, I think you can work that up, too,” he said.

Third, feel empathy.

People remember candidate Bill Clinton saying, “I feel your pain” during the 1992 presidential election but might not realize that at the time of that coin—President George H.W. Bush didn’t go into, in 1989, when the Berlin Wall came down because he recognized the pain of that moment for Soviet leadership.

Meacham said no less a luminary than Mikhail Gorbachev told him Bush’s gesture in that moment made it easier for him to help end the Cold War.

“The best of America happens when you listen and consider that the other guy has a point,” Meacham said. “If we [voters] don’t find a way to incentivize you to compromise, to listen to the other guy; if we make that too hard for you, then I’m too partisan.”

A republic is the most human expression of government in the history of the world, he said, adding that the country’s soul is neither wholly good nor wholly bad. But it is disingenuous to say “this isn’t who we are” after incidents like white nationalists marching in Charlottesville or mass shootings, he said.

“The hell it isn’t who we are; at least it is for some of us, or all of us some of the time,” Meacham said.

As for the question, “has it ever been this bad?” Meacham reminded attendees that just after World War I (and before the stroke that incapacitated him), President Woodrow Wilson re-segregated the government, the U.S. attorney general directed raids on political “radicals,” neither women nor African Americans could vote, and the Ku Klux Klan was surging.

Just 51 years ago, we dealt with the Vietnam War, the assassinations of Martin Luther King, Jr. and Robert F. Kennedy, and George Wallace won 30 percent of the vote and five states’ Electoral votes on an openly segregationist platform.

“So yeah, things have been pretty bad,” Meacham said. “How do we get out of it? We push ahead. We expand our community and try to get more people into prosperity.” Without a middle class, there is no democracy.”

Article written by Jon Davis, policy analyst and assistant editor for CSG Midwest. He can be reached at jdavis@csg.org.

![Bryan Stevenson opens this year's Midwestern Legislative Conference Annual Meeting in Chicago. (photo: JKP/hoto)](https://example.com)

Jon Meacham provides historical perspective on how previous generations of Americans have worked through eras marked by tumult and divisiveness. (photo: JKP/hoto)

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**Table: Incarceration by race (2017)**

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Source: U.S. Bureau of Justice Statistics
ne of Michigan Sen. Ken Horn’s most treasured legislative memories will always be an encounter that occurred far away from the state Capitol, on a road he had never been on and with a family he had never met.

It wasn’t a campaign year, but Horn was traveling his eastern Michigan district to visit with constituents.

He met a mother of three who told him how her son recently had needed emergency care for an asthma attack, and how the family had been kicked off the state’s public health insurance program. They didn’t have the money to pay the hospital bill.

Not sure what he could do to help, Horn told the distraught mom that he would do his best.

With a few phone calls to state agencies, Horn and his staff got to the bottom of the problem: A caseworker had made a mistake. The children’s coverage would be reinstated, and the ER visit would be covered.

Five years later, by chance, the father of the family was at Horn’s home to fix a sewer line.

“Are you Ken Horn, the politician guy?” the father said to Horn after seeing some campaign materials on the table. “I just want to tell you that five years ago, you stopped at my house and talked to my wife. I told my wife, ‘You’ll never hear from that guy again.’ But you helped us, and I’ll never forget that.”

Horn, in turn, will forever remember that father’s words of thanks.

“When he relayed that story to me, it gave me goosebumps,” Horn says. “That’s what it’s all about — just neighbors helping neighbors.”

As Horn sees it, his job as a legislator is to solve problems — sometimes by passing a new law, but more often by being a voice for people inside government. That can mean getting a veteran a care he or she needs, taking calls about cases of child neglect, or helping constituents navigate the state’s bureaucracy.

“Writing laws is maybe 20 percent of what we do in the Legislature,” he says. “The rest is constituent services. Does that go all the way back to when you started in the Legislature?”

It really began when I was serving at the county level [as a member of the Saginaw County Board]. As we went along, people would come to me with problems. And the longer I was in it, the bigger my Rolodex became. That allowed me to help more and solve more problems. It was a good feeling. In the Legislature, I couldn’t do it without having a really good staff. We have somebody who is an expert in just about every arena, and when somebody calls up, we try to get them an answer within 24 hours.

Q: You’ve talked about your emphasis on constituent services. Does that go all the way back to when you started in the Legislature?

A: Yes.

Q: You helped somebody and they realize you’re serious, they tell their friends, and then their friends call up. A simple phone call can sometimes help when you know enough people. And providing that help is really what drives me in this business.”

A: Because of that legislation, we are now seeing multi-use developments on these brownfields, which were empty and contaminated sites that no one wanted to build on. Some of these developments are so significant that they will literally transform a community. In Detroit, when legislators come here (for the 2020 MLC Annual Meeting in Detroit; see sidebar article), they are going to see a skyscraper, probably near completion, that’s going to be the tallest building between Chicago and New York. It’s being built because of this brownfield law.

Q: The toughest call you have ever received was from a father who was trying to help his son recently had needed emergency care for an asthma attack, and how the family had been kicked off the state’s public health insurance program. They didn’t have the money to pay the hospital bill.

A: The toughest call I’ve ever received was when a father of three who told him how her son recently had needed emergency care for an asthma attack, and how the family had been kicked off the state’s public health insurance program. They didn’t have the money to pay the hospital bill.

Q: In a recent interview with CSG Midwest, Sen. Horn — who will serve as chair of CSG’s Midwestern Legislative Conference in 2020 — reflected on his career in public service and what he’s learned about lawmaking and the job of a legislator.

Q: What advice do you give to newer legislators?

A: First, you don’t have to write a law for every problem that comes your way, and that goes back to constituent services. Build relationships with department heads and staff people [within state government], along with experts in various arenas. If you find out about a problem, try to fix it first by working with those folks. Another is that no final bill is ever going to be as good as you want it to be, and it’s also never as bad as you think it is.

STATERLINE PROFILE

Michigan Sen. Ken Horn

Lesson learned after years of legislative service: You don’t always need to pass a new law to make a difference in the lives of your constituents

by Tim Anderson (tanderson@csg.org)

Next stop for Midwestern Legislative Conference: 2020 meeting in Detroit

Michigan Sen. Ken Horn was born in Detroit, the son of immigrants who came to this country thanks to the sponsorship of a Lutheran church in the city’s historic Indian Village. Next year, as chair of the Midwestern Legislative Conference, he will be leading the state of Michigan’s efforts in welcoming hundreds of state and provincial legislators to the Motor City.

“I’ve always had a great affinity for the city, and I’m really proud of the hard work that’s been done to rejuvenate Detroit,” Horn says. “It’s time to show it off.”

The MLC Annual Meeting will be held July 19-22 in downtown Detroit. Registration begins in early 2020.
Standing up for sexual assault survivors

Legislation would help Wisconsin to prevent future backlog of sexual assault evidence kits

by Wisconsin Rep. Melissa Sargent (Rep.Sargent@legis.wisconsin.gov)

Inder current Wisconsin law there is no clear statutory procedure for the collection and processing of sexual assault kits. Years of failures and a lack of a standard process has resulted in thousands of kits not being submitted to the state crime laboratory for testing and an egregious backlog, until recent state and national efforts.

In April, during Sexual Assault Awareness Month, Attorney General Josh Kaul and a bipartisan group of legislators proposed a bill designed to help prevent a future backlog of untested sexual assault kits from happening ever again in Wisconsin.

Supported by a broad coalition of more than 50 legislators, law enforcement and health professionals and advocates alike, AB 214 works to create and codify timelines for the collection, submission and storing of kits in ways that honor the dignity of survivors and provide pathways, rather than barriers, to justice.

For those who choose to report a sexual assault, this legislation requires health-care professionals to report to law enforcement within 24 hours, for law enforcement to take possession of evidence within 72 hours and send it to the crime lab within 14 days, and for the kits to be stored for 50 years, until the statute of limitations expires or until the end of the term of imprisonment/probation for a person prosecuted in a sexual assault case.

For individuals who do not wish to report a sexual assault, health-care professionals must send the kit to the crime lab within 72 hours and the kit must be stored for 10 years.

Standing up for survivors

It’s no secret that sexual violence is a pervasive problem in our society. An American is sexually assaulted every 92 seconds, according to the Rape, Abuse & Incest National Network (a national anti-sexual-violence organization), which also reports that this jarring and frightening statistic only gets worse if you are

• a woman (in every six women has been the victim of an attempted or completed rape),
• a college student (women ages 18-24 who are college students are three times more likely than women in general to experience sexual violence),
• a member of the military (those who reported, 14,900 military members experienced unwanted sexual contact in 2016),
• a member of a tribal nation (Native Americans are twice as likely to experience sexual violence compared to all races),
• a member of a tribal nation (Native Americans are twice as likely to experience sexual violence compared to all races),
• a transgender or gender non-conforming individual (21 percent of transgender, genderqueer, and non-conforming college students have been sexually assaulted).

Adding to these shocking numbers is the reality that three out of four sexual assaults go unreported, according to RAINN.

We have been talking about this issue for too long, and it is refreshing to see that Wisconsin is now taking nonpartisan common-sense and pragmatic action to stand up for survivors. Untested and improperly handled rape kits send a damaging message to the victims of these crimes; working to prevent backlogs of untested sexual assault kits and ensuring proper processing and storage procedures are crucial steps in supporting survivors of sexual violence and sends a clear message that our government recognizes, believes, and stands with survivors.

Further, this legislation will ensure a procedure is in place that upholds survivors’ dignity, choice, and right to a fair and just process. It will also protect those who choose not to report at the time of an assault, or who change their minds. Sexual violence can be a hard conversation to have; we know that reporting can be one of the most challenging steps for a sexual assault survivor to take.

Survivors deserve the respect to report when they are ready — storing kits for the time frame specified in this legislation provides this respect by taking the traumatic nature of sexual assault into account.

Providing pathways to justice

AB 214 also works to hold offenders accountable for their crimes and provide justice for survivors. While no piece of legislation can ever erase the trauma of sexual violence, failures to effectively and efficiently collect, submit and store kits — such as Wisconsin has seen in the past — should never be a barrier to justice. The timely collection, submission and storing of sexual assault kits is the first step to providing victims with affirmation and a path toward justice.

It is crucial that we do not have systems in place that re-traumatize individuals, but instead provide pathways to support, healing, and justice. Prioritizing the collection and submission of kits in a timely manner sends an important and lifesaving message to survivors of sexual violence that they matter, and that our state is committed to holding the perpetrators of these crimes responsible.

Ensuring that a sexual assault kit backlog does not occur again is a moral and public safety issue and is a completely achievable and necessary action. Preventing a future backlog is imperative, and provides an important opportunity for a change in conversation around the issue of sexual violence, and how we choose to prioritize these cases as a state.

I am proud to work with my colleagues in the Legislature, community advocates, and Attorney General Kaul to support this legislation and to stand in solidarity with the survivors of past and future instances of sexual violence.

The timely collection, submission, and storing of sexual assault kits is the first step to providing victims with affirmation and a path toward justice.
Saskatchewan becomes full member of Midwestern Legislative Conference

**MLC Executive Committee approves the move at Annual Meeting in July**

In a historic first for the Midwestern Legislative Conference and The Council of State Governments, a Canadian province has been admitted as a full member of the MLC.

Saskatchewan’s request was unanimously approved in July by the MLC Executive Committee. The province, along with Alberta, Manitoba and Ontario, has long been an affiliate member of the MLC — a nonpartisan group of all state legislators from the Midwest. CSG Midwest provides staff support to the MLC.

Saskatchewan is now the first province to receive full membership status in the MLC. With full membership, Saskatchewan will have at least two legislators serve on the MLC Executive Committee. It also will enter the rotation of jurisdictions that host the MLC Annual Meeting and that have a legislator serve as MLC chair. In addition, Saskatchewan legislators will be able to vote on resolutions before the MLC and serve as officers of MLC committees.

For decades, the MLC has helped strengthen ties between the region’s states and provinces. Its longstanding Midwest-Canada Relations Committee, for example, has served as a cross-border forum for dialogue and information sharing on issues such as the economy and energy, and as a voice for the region on federal policies that impact trade between the United States and Canada.

**MLC meeting brings hundreds of legislators to Chicago; policy resolutions on education and trade approved**

More than 500 legislators, their guests and others took part in this year’s Midwestern Legislative Conference Annual Meeting. Led by Illinois Sen. Elgie Sims Jr., the 2019 chair of the MLC, members of the Illinois General Assembly hosted their legislative colleagues from 10 other states and four Canadian provinces. The four-day event was held in July in downtown Chicago.

Now in its 74th year, the MLC Annual Meeting provides a unique opportunity for the region’s legislators to learn from one another as well as leading experts in state policy. The nonpartisan event also includes sessions led by nationally renowned speakers. This edition of Stateline Midwest includes articles on some of this year’s session highlights.

On the final day of the meeting, too, the MLC approved four policy resolutions that:

- support the United States-Mexico-Canada Agreement and other policies that facilitate cross-border, integrated supply chains and economies; and
- endorse Taiwan’s efforts to secure the signing of a bilateral trade agreement with the United States.
BILLD turns 25, and alums mark the anniversary with special events at MLC Annual Meeting in Chicago

National expert on media relations leads workshop for state legislators

Seth Pendleton has prepped members of the U.S. Congress for debates and counseled countless political and business leaders on their media appearances. In July, he provided this expert training to the Midwest’s state and provincial legislators.

His workshop on “Facing the Media” closed the 2019 Annual Meeting of the Midwestern Legislative Conference and was sponsored by the Bowhay Institute for Legislative Leadership Development, as part of BILLD’s ongoing mission to provide professional development to the Midwest’s state and provincial legislators.

Here were three of Pendleton’s takeaway messages.

1. Be prepared, and refrain from ‘live thinking’

“No Live Thinking!” Pendleton calls this his “three-word bumper sticker” to keep media appearances from going wrong, sometimes horribly so. Be prepared for the appearance and the questions that will come, he told lawmakers, and avoid the temptation to improvise. His example of “live thinking” gone wrong: During an interview after a massive oil spill in the Gulf of Mexico, British Petroleum CEO Tony Hayward told the reporter, “I’d like my life back.” The backlash from the media was immense.

2. Media pros are not born; they’re made through practice

In their debate performances or television appearances, some elected officials seem to have a natural gift for coming off to viewers as strong and warm (the two impressions that all leaders should want to leave). But that ease in front of the camera likely only came after a lot of practice and self-analysis. “If you work at it, you’ll get better at it,” Pendleton said. “If you don’t, you’ll get worse.” To improve media appearances, Pendleton suggested that legislators record themselves giving mock interviews or debates, and then scrutinize the results with staff and other trusted individuals.

3. Your words only tell part of the story for viewers

According to Pendleton, viewers’ impressions of an elected official are based not so much on party or policy, but rather on how they answer the following: “Does this person appear to be the kind of person?”

This question begins being answered within seconds of a media appearance, and the response is largely based on how legislators appear visually (their posture, facial expressions, eye contact, use of space, etc.) and how they sound (tone, rate of speech, volume and pitch). That’s not to say the content of the message doesn’t matter, Pendleton said, and that message resonates much more when a legislator tells an impactful story/anecdote to underscore his or her policy position.

At luncheon, legislators reconnect with colleagues, reflect on program’s success

More than 60 alumni, sponsors and staff of the Bowhay Institute for Legislative Leadership Development gathered in Chicago for a celebratory luncheon on July 24 to mark BILLD’s 25th anniversary.

Former Wisconsin Sen. Brian Rude reflected on creation of the program, its early years, and its continued success. Rude was the founding co-chair of the BILLD Steering Committee along with former Illinois Rep. Tom Ryder. More than 875 legislators have been trained through BILLD. Many graduates have moved into top legislative leadership positions and other state and federal offices.

BILLD, 25th anniversary luncheon was held on the final day of the 2019 Midwestern Legislative Conference Annual Meeting. Graduates from many BILLD classes took part in the event. (photo: JFKphoto)
Wisconsin is the latest Midwestern state to regulate ‘step therapy’

Insurance companies may no longer dictate which medications patients in Wisconsin are allowed under protocols known as “step therapy” (or “fail first”).

Wisconsin becomes the sixth Midwestern state — joining Illinois, Indiana, Minnesota, North Dakota and Ohio — to regulate step therapy, which typically requires patients to begin treatment with the most cost-effective drug therapy, progressing to more expensive or risky treatments only if necessary.

SB 26, signed by Gov. Tony Evers in July, requires exceptions to step therapy regimens under limited circumstances, including when a drug is contradicted (deemed medically inadvisable) for a patient or will cause an adverse reaction; if it’s expected to be ineffective; if it has been previously tried with adverse results; if the drug is not in the patient’s best interest or if the patient is already stable on a different drug under his or her current or past plan.

The new law also mandates that if a patient appeals a denial of a step therapy protocol exception, the insurance company must create separate advisory boards that determine which projects to fund.

One year ago, Ohio legislators passed SB 299, a measure that uses a mix of general fund dollars and capital funding (a total of about $36 million) to protect Lake Erie from excess nutrient runoff. Some of that money is being used to establish separate advisory boards that determine which projects to fund. Even more state resources under SB 299 are going to conservation programs in the agricultural areas of the western Lake Erie basin — for example, incentives for farmers to adopt nutrient management plans, install new structures that reduce nutrient loss, and establish year-round vegetative cover on cropland.

Ohio invests in fund to protect Lake Erie and water quality

Ohio’s recently signed biennial budget (HB 166) includes up to $172 million for a new fund that addresses the state’s myriad water quality challenges — from harmful algal blooms and nutrient pollution in Lake Erie, to failing septic tanks and lead contamination.

Creation of the H2O fund was a top priority of first-year Gov. Mike DeWine.

Three state agencies (the departments of Agriculture and Natural Resources and the Environmental Protection Agency) will establish separate advisory boards that determine which projects to fund.

One year ago, Ohio legislators passed SB 299, a measure that uses a mix of general fund dollars and capital funding (a total of about $36 million) to protect Lake Erie from excess nutrient runoff. Some of that money is being used to help Ohio’s port cities comply with the state’s coming ban on the disposal of dredged materials into the open waters of Lake Erie. Even more state resources under SB 299 are going to conservation programs in the agricultural areas of the western Lake Erie basin — for example, incentives for farmers to adopt nutrient management plans, install new structures that reduce nutrient loss, and establish year-round vegetative cover on cropland.

Minnesota law adds new tools to prevent, investigate wage theft

Minnesota leaders say their state now has the strongest law in the nation to protect workers against wage theft. The bipartisan measure (signed into law in May, as part of HF 2) includes greater enforcement tools and tougher penalties for violators.

Wage theft can take many forms — for example, underpayment of minimum wage, nonpayment of overtime compensation or mandatory breaks, and the misclassification of employees. According to the Minnesota Department of Labor and Industry, around 40,000 Minnesota workers pursue claims every year, with nearly $12 million a year lost annually as a result of wage theft.

Wage theft in excess of $1,000 will now be a felony. The Minneapolis Star Tribune reports, and new statutory language penalizes retaliatory actions taken against individuals who report the crime. HF 2 also enhances civil penalties and includes new notification and record-keeping requirements for employers.

Over the next two years, Minnesota’s Department of Labor and Industry will get an additional $3.1 million to enforce wage laws, and the state attorney general has established a new unit dedicated to investigating cases of wage theft.

Illinois removes statute of limitations for major sex crimes

Illinois will lift its 10-year statute of limitations on major sex crimes starting in January, under a law signed by Gov. J.B. Pritzker in July.

HB 2135, which was unanimously approved by the General Assembly, allows prosecutors to file charges at any time for criminal sexual assault, aggravated criminal sexual assault or aggravated criminal sexual abuse. According to the Chicago Tribune, the limit had been 10 years, if the victim reported within three years of the crime.

In 2017, Illinois removed the statute of limitations for felony sexual assault and sexual abuse crimes against children. That bill, SB 189 of 2017, also was unanimously approved by the General Assembly.

According to the anti-sexual-violence organization RAINN (Rape, Abuse & Incest National Network), Illinois, Indiana, Kansas, Michigan, Nebraska, South Dakota and Wisconsin have either no statute of limitations or one of 21 years or more for their most serious sex crimes. Ohio has a statute of limitations of 11 to 20 years, and Iowa, Minnesota and North Dakota have statutes of limitations of 10 years or less.