Legislative year in review

State-by-state recap shows Midwest’s legislators tackling some of the nation’s biggest issues, from school safety to labor shortages

by CSG Midwest staff (csgm@csg.org)

Illinois expands reach of medical marijuana, adopts new laws on guns

Passage of an on-time, bipartisan budget for fiscal year 2019 was perhaps the most notable development in Illinois, where differences in past years between the Democrat-led legislature and Republican Gov. Bruce Rauner had led to a protracted stalemate.

The latest budget had no tax increases (the legislature raised corporate and individual income tax rates in 2017, and those remain in place), included almost $600 million in cuts, put an additional $335 million into the state’s K-12 schools (as required under Illinois’ recently revamped funding formula), and invested $50 million more in early-childhood education.

While it was a relatively quiet fiscal year, Illinois lawmakers took high-profile actions in other policy areas, including guns and opioids.

The state’s new laws on guns were passed in the wake of this year’s mass shooting at a high school in Florida. Under the state’s new “red flag” law (HB 2354), for example, family members and law enforcement can initiate a judicial hearing to temporarily take away an individual’s gun. Judges can then issue a “firearms restraining order” (in effect for six months) if they find clear and convincing evidence that an individual “poses a significant danger of personal injury to himself, herself or another.”

SB 3256, meanwhile, establishes a new 72-hour waiting period on all firearm purchases; a third measure calling for stricter regulations of gun dealers (SB 337) was still awaiting action by the governor as of October.

In Iowa, school funding in Kansas, and states across the Midwest, legislatures made decisions in 2018 with big consequences for their states’ futures and the everyday lives of citizens — for example, tax policy in Iowa, school funding in Kansas, pension reform in Minnesota, and workforce development in Indiana and Michigan.
To address the opioid epidemic, Wisconsin launches pre-booking diversion program in select areas

Three Wisconsin law enforcement agencies are beginning a statewide experiment in getting people who commit nonviolent crimes because they’re addicted to drugs into treatment rather than prison.

The “Pre-Booking Diversion Pilot Program,” a key recommendation in a 2016 report of the Governor’s Task Force on Opioid Abuse, will split $267,000 in state funding annually over two years between a sheriff’s office and two city police departments.

“The intent is to “catch these people in early stages when they’re at low risk to the community, but with a high need for treatment,” and get them into treatment before they enter the criminal justice system, says Renee Lushaj, a justice system improvement specialist with the Wisconsin Department of Justice.

This kind of intervention should lower criminal justice- and health-related costs due to fewer people being imprisoned, fewer emergency calls, and fewer overdose cases, she says. Between 25 and 50 people are expected to be diverted annually before the pilot program expires at the end of 2019, Lushaj adds.

Only 600 of 18,000 police departments nationwide have diversion programs, says Jac Charlier, executive director of the Chicago-based Center for Health & Justice at Treatment Alternatives for Safe Communities. “We’re very early in. The field is no more than six years old,” says Charlier, whose center works to promote diversion programs. Five diversion “pathways” have been identified, he says:

- **Self-referral**: Someone turns himself/herself in to police, without fear of arrest.
- **Active outreach**: Law enforcement identifies individuals and helps get them into treatment.
- **Naloxone plus**: Treatment is part of the response to an overdose or to a severe substance abuse disorder.
- **Officer prevention**: Law enforcement initiates the treatment option and no charges are filed.
- **Officer intervention**: Law enforcement initiates the treatment option, and charges or citations are held in abeyance, with a requirement for completion of treatment.

Illinois’ SB 3023, enacted in August, “is the only comprehensive legislation” in the country that authorizes deflection programs and is the first law in the country to allow communities to choose from any of the five pathways, Charlier says.

Ohio, where the Naloxone-plus pathway was developed, provided $3 million in its two-year budget for local Drug Abuse Response Teams. These teams of law enforcement officers, drug treatment providers and others are assigned to opioid “hot spots” and assist overdose survivors in the recovery process.

### Great Lakes

**Soo Locks authorization, key Asian carp project included in recently signed federal law**

A bipartisan deal on how to manage the nation’s water resources has potentially big implications for the Great Lakes and the region’s states — authorization of a nearly $1 billion project at the Soo Locks, a movement on a plan to stop Asian carp, and more money to protect drinking water.

Signed into law in October, the Water Resources Development Act (WRDA) also establishes new programs to research the eradication of zebra mus-

The WRDA and its various provisions reflect the continued strength of the bipartisan Great Lakes delegation within the U.S. Congress. This group also has helped fend off multiple proposals by the Trump administration to gut the Great Lakes Restoration Initiative. In his most recent budget proposal, Trump called for eliminating the initiative altogether.

“P"t is possible that there will be cuts to the overall [FY 2019] budget for the [U.S.] Environmental Protection Agency, but every indication is that funding for the GLRI will stay at its current level of $300 million a year,” says Matthew McKenna, director of the nonprofit Northeast-Midwest Institute’s Great Lakes Washington Program.

The recently signed WRDA, meanwhile, authorizes full funding for modernization of the Soo Locks, a lynchpin of commercial navigation in the Great Lakes. Authorization is considered an essential step toward Congress ultimately appropriating money for the $922 million project.

Another high-priority proposal in this region would address concerns about Asian carp reaching the Great Lakes. The U.S. Army Corps of Engineers has a “temporarily selected plant” to install a mix of structural and nonstructural barriers at the Brandon Road Lock & Dam (part of the Chicago Area Waterway System). Most Great Lakes states support the Brandon Road project, but the host jurisdiction, Illinois, has expressed reservations about costs, as well as the impact on navigation and the regional economy.

The WRDA requires the Army Corps to “consult with the governor of the state in which the project is constructed” and boosts the federal cost-share for the project — up to 80 percent for operation-and-maintenance costs. (The typical cost-sharing arrangement is 65 percent federal and 35 percent local.) Michigan and other Great Lakes jurisdictions also have expressed an interest in helping fund the project.

Lastly, over the next three years, states and localities will have more federal resources (in the form of low-interest loans and grants) to upgrade their drinking water infrastructure — if actual appropriations for the Drinking Water State Revolving Fund meet authorization levels set in the new WRDA. The level for FY 2021 is $1.95 billion. In comparison, $1.16 billion was appropriated in FY 2018.

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**List of select federal initiatives related to the Great Lakes, water resources**

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<thead>
<tr>
<th>Program</th>
<th>Funding level (FY 2018)</th>
<th>Description</th>
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<tbody>
<tr>
<td>Great Lakes Restoration Initiative</td>
<td>$560 million</td>
<td>Accelerate restoration efforts, target biggest threats to ecosystem</td>
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<td>Clean Water State Revolving Fund (in the 8 Great Lakes states)</td>
<td>$454 million</td>
<td>Provide grants/low-interest loans to protect water quality</td>
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<tr>
<td>Drinking Water State Revolving Fund (in the 8 Great Lakes states)</td>
<td>$220 million</td>
<td>Provide grants/low-interest loans to ensure safe drinking water</td>
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<tr>
<td>Great Lakes Fishery Commission</td>
<td>$21 million</td>
<td>Facilitate cross-border cooperation to improve, perpetuate fishery</td>
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Source: Northeast-Midwest Institute and CSG-Midwest research.

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Brief written by Jon Davis, who can be reached at jdavis@csg.org. The Health & Human Services Committee’s co-chairs are Illinois Rep. Robin Gabel and Kansas Rep. Susan Concaucan; the vice chair is Nebraska Sen. John McCollister. The Criminal Justice & Public Safety Committee’s co-chairs are Illinois Sen. Mattie Hunter and Nebraska Sen. Laura Ebke; the vice chair is North Dakota Rep. Shannon Roes Jones.

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Brief written by Tim Anderson, who tracks state and federal bills for the Great Lakes-St. Lawrence Legislative Caucus. He can be reached at tanderson@csjong.org. CSG Midwest provides staff support to the nonpartisan, binational caucus. Michigan Sen. Darwin Booher serves as caucus chair. More information is available at greatlakeslegislators.org.

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**Rate of opioid overdose deaths related to fentanyl (2017)**

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* Fentanyl is a synthetic opioid that was involved in almost half of more than 72,000 drug overdoses in the United States in 2017 — up from 6 percent of more than 41,000 drug overdoses in 2012, according to the U.S. Centers for Disease Control and Prevention.

Source: CDC Vital Signs (June 2018)
Economic Development

In North Dakota, lawmakers eye scholarships, loan forgiveness to deal with workforce shortages

In North Dakota, two features of the state's economy have persisted for years now: some of the lowest jobless rates in the nation, and workforce shortages challenging individual employers and entire economic sectors. "By most estimates, we have over 20,000 unfilled jobs," notes North Dakota Sen. Brad Beckedahl. Would scholarships or a loan-forgiveness program — with some strings attached — help fix this mismatch between worker supply and demand? And which of these two options would work best?

Those questions were explored during the legislative interim and will likely emerge again when lawmakers convene in early 2019. Proposals envisioned by the interim Taxation Committee would create a public-private partnership that raises up to $20 million per biennium ($1 in public funds, via the state-run Bank of North Dakota, for every $1 raised by the private sector). Some legislators believe that money should go to students in the form of a scholarship; others prefer loan forgiveness. Either way, the new partnership would target assistance to students entering career fields of critical need; in return, they would need to remain in North Dakota for at least three years after completion of their education or training. Qualifying students would receive financial assistance equivalent to the cost of up to four semesters of tuition.

"What I like about the scholarship [idea] is that you have a tangible carrot for that student on the front end; it provides an incentive now," North Dakota Rep. Thomas Beadle says. He adds, though, that there are more risks — for example, identifying young people who end up leaving school or switching the focus of their degrees. "I can see the [public-private partnership] as being another tool in the toolbox to help attract and retain students and establish careers here," Beckedahl says. "It doesn't by itself solve our workforce shortage issue, but I like that it is targeted to existing workforce needs and provides a recruitment incentive to live and work here."

In contrast, he says, loan forgiveness would go to "proven graduates who will actually be in the field helping fill the workforce gap." The downside: The incentive is less tangible and requires students to take on debt during their school years.

Beadle prefers the scholarship idea; Beckedahl favors loan forgiveness.

According to Rep. Jason Dockter, vice chair of the Interim Taxation Committee, choosing between those two options will frame much of the legislative discussion next year.

Dockter says he would like North Dakota to pursue the loan-forgiveness approach because "it brings some more accountability to the workers … and helps the legislature track the program and its effectiveness." Some of the state's workforce shortages are due to a rise in oil-exploration activities, but Beckedahl says labor needs extend beyond the oil fields of western North Dakota. He points to shortages in health care, professional services, the construction trades, and the technical and manufacturing sectors.

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Growth & Natural Resources

Anti-corporate-farming law still standing, still being challenged

In the 1930s, farmers throughout the Midwest were going out of business in record numbers, and corporations were buying the farmland at rock-bottom prices. In response, several Midwestern states passed bans on corporate farming and foreign land ownership. One of the first was North Dakota — via an initiated measure approved by voters in 1932. That Depression-era law has faced a mix of legislative and legal challenges over the past three years, but it's still standing.

Most recently, in September, U.S. District Court Judge Daniel Hovland issued a decision in a closely watched case that pitted the state against the North Dakota Farm Bureau.

Hovland's ruling allowed both sides in the case to claim victory. But for Attorney General Wayne Stenehjem, the bottom line was this: North Dakota's law has been upheld, with no fundamental changes in how his office has been enforcing it.

"[We] will continue to permit qualifying family corporations to take advantage of the family farm exception," Stenehjem said after the decision.

That exception to the general ban on corporate farm ownership dates back to 1981. To qualify, family members in the corporation must be within a "certain degree of kinship" and at least one of the shareholders must be "residing on or operating the farm or ranch."

Stenehjem denied the claim that the phrase "or operating" distinguishes North Dakota's statute from laws in Nebraska and South Dakota that have been ruled unconstitutional. Those two states had explicit language requiring a physical presence on the farm; North Dakota's law does not. Because agricultural operations can be conducted remotely, Hovland noted, a nonresident of North Dakota can qualify for the state's family-farm exception. The judge, however, did sever the law's language on "domestic corporation" and "domestic limited liability company," saying the term "domestic" gave preference to in-state entities.

Three years ago, the North Dakota legislature sought to loosen the state's anti-corporate-farming law with passage of SB 2351. It allowed corporations to own pork and dairy operations of up to 640 acres. "We were hoping to give smaller farmers the tools to survive in modern markets and allow extended family to invest," notes Sen. Terry Wanzek, an author of that bill. One year after SB 2351 became law, however, North Dakotans, by a wide margin, “voted" the measure through a ballot referendum.

The 1932 anti-corporate-farming law remains popular in North Dakota, but legal challenges continue. The oil-pipeline company Dakota Access, LLC, is currently fighting efforts by the state to force a sale of Cannonball Ranch. Located on the route of a new pipeline, this ranchland was the site of anti-pipeline protesters. In response, Dakota Access says, it bought the land to protect the safety of pipeline workers.

The attorney general's office says the company's ongoing ownership of the land is illegal; Dakota Access counters by saying the state's anti-corporate-farming law is unconstitutional and that the company qualifies for an industrial and business purpose exemption.

Agriculture & Natural Resources

State-level restrictions on corporate farming and/or foreign ownership of land

Unemployment rates in Midwest, as of September

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Growth & Natural Resources

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Takeaways from this year’s state elections in the Midwest

1. **Democrats gain in some states, but GOP still holds strong majorities in most**

   The Midwest’s 20 partisan legislative chambers have a total of 1,501 seats, and Republicans will occupy more than 60 percent of them in 2019. In this fall’s elections, Democrats did have a net pickup of about 50 state legislative seats in this region, led by double-digit gains in Minnesota and Michigan. Still, Republicans have held onto their seat gains from the “wave” election of 2010 (see line graph).

   The partisan shift in Minnesota means Democrats now enjoy a majority in the House, while Republicans maintain a one-seat advantage in the Senate. It will be the only state in the nation with a split legislature. (According to the National Conference of State Legislatures, the last time the United States had only one divided state legislature was 1914.)

   In 2019, parties will be sharing power in three other Midwestern states as the result of Democratic wins in the Kansas, Michigan and Wisconsin governor races. Each of these states has a Republican-controlled legislature and, prior to the 2018 election, had a GOP governor. The other party shift from this year’s gubernatorial races occurred in Illinois, where incumbent Republican Gov. Bruce Rauner lost to J.B. Pritzker, the Democratic candidate.

   Regionwide, Republicans hold a slight majority of the governors’ offices (six vs. five for the Democrats). The GOP has majorities in all but three of the Midwest’s partisan legislative chambers — the lone exceptions being the Illinois House and Senate and the Minnesota House. Further, Republicans hold more than 70 percent of the seats in eight of the region’s legislative chambers: Indiana Senate, Kansas House and Senate, North Dakota House and Senate, Ohio Senate, and South Dakota House and Senate.

2. **Recreational use of marijuana approved in first Midwestern state**

   Michigan is the first state in the Midwest to legalize the recreational use of marijuana for individuals 21 and older. The November ballot proposal, which also allows people to grow up to 12 marijuana plants for personal use, won by a margin of 56 percent to 44 percent.

   Under this new law, the state will create a licensing system for marijuana businesses, with retail sales subject to a tax of up to 10 percent. Local governments will have the authority to ban stores within their jurisdiction from selling marijuana.

   Michigan already was one of five Midwestern states — Illinois, Minnesota, North Dakota and Ohio — that are the others — with broad laws allowing for the use of medical marijuana. It now joins nine states outside the Midwest that permit recreational use. Conversely, North Dakotans soundly rejected a legalization proposal this fall, by a vote of 59 percent to 41 percent.

3. **Nebraska becomes 8th state in region to expand Medicaid eligibility**

   After several failed attempts to get a Medicaid expansion law approved by Nebraska’s unicameral legislature and governor, supporters of the idea took it directly to the voters — and won. As a result, the state must expand its public health insurance program to cover adults between the ages of 19 and 64 with income levels at or below 138 percent of the federal poverty level. Legislators will have to appropriate an estimated $52 million over the next biennium to fund the expansion.

   As a result of the vote in Nebraska, there are now only three Midwestern states that have not expanded their Medicaid programs under the U.S. Affordable Care Act: Kansas, South Dakota and Wisconsin. (According to the Kaiser Family Foundation, Wisconsin does cover some childless adults.)

4. **Major redistricting changes come to two Midwestern states**

   In another closely watched ballot proposal in Michigan, voters chose to overhaul their state’s redistricting process, taking it out of the hands of the Legislature and handing control to a 13-member commission.

   These commissioners will be randomly selected from a pool of registered voters — four Democrats, four Republicans and five unaffiliated, independent members. The Michigan secretary of state will oversee the selection process. Partisan elected officials, lobbyists, employees of the Legislature, and party officials will not be eligible to serve on the redistricting commission.

   This constitutional amendment received approval by more than 60 percent of Michigan voters.

   This spring, voters in Ohio approved big changes to that state’s redistricting process. The legislatively referred constitutional amendment encourages a bipartisan approach to how congressional maps are drawn — by requiring any new U.S. House district lines to be approved by a three-fifths “yes” vote in the Ohio House and Senate. Those “yes” votes must include support from at least half of the members of each of the state’s two largest political parties.

   If the General Assembly does not approve a plan, congressional redistricting is turned over to a commission: the governor, secretary of state, state auditor and four legislative representatives from both parties. Any commission-drawn map will require “yes” votes from at least two Republican and two Democratic members. If the commission cannot reach an agreement, the General Assembly regains control of the process. At this stage, a new map can be approved with a simple majority vote, but it would then have to comply with several “anti-gerrymandering requirements” and expire after only two general elections.

   In 2015, Ohio voters approved a change requiring bipartisan support of any commission-drawn plans for state legislative districts.
Good Samaritan laws offer legal safeguards to people who help others they believe might be injured, sick or in peril. In some states, these laws have been expanded to provide liability protections for people who take actions to protect “companion” or “domestic” animals left unattended in parked vehicles — in conditions where the animals’ lives could be in danger.

According to the Animal Legal and Historical Center at the Michigan State University College of Law, these animal-rescue laws fall into one of two categories: 1) provide legal protections for all people who seek to rescue animals in unattended vehicles, and in dangerous conditions, are subject to no more than a fine or misdemeanor. Among the most states, people who leave animals unattended, in danger, in parked cars, and in dangerous conditions, are subject to no more than a fine or misdemeanor. Among the Midwest states, the center found three states to no more than a fine or misdemeanor. Among the Midwest states, the center found three states to

the Pew Charitable Trusts and the Chicago-based John D. and Catherine T. MacArthur Foundation teamed up in 2010 in the “Results First Initiative” to help states implement and make use of cost-benefit analyses. The goal was (and is) to help them identify policies and programs which evidence shows are working.

By 2014, the initiative identified five key components of evidence-based policymaking: program assessment, budget development, implementation oversight, targeted evaluation and, especially, outcome monitoring.

Earlier this year, Pew single out Illinois and Minnesota for their use of outcome monitoring and evidence-based decision-making during their respective budget cycles.

Illinois was noted for its “Budgeting for Results” performance-based system, established by SB 3660 of the 2010 legislative session (signed into law by then-Gov. Pat Quinn on July 1 of that year). In its own language, the Budgeting for Results law requires “a method of budgeting where each priority must be justified each year according to merit rather than according to the amount appropriated for the preceding year.”

This has been incrementally implemented in seven “result areas”: education, economic development, environment and culture, government services, health care, human services and public safety.

The BFR Commission, established by HB 5424 of the same session (signed by Gov. Quinn in February 2011), uses the Pew-MacArthur Results First cost-benefit analysis as one of three measurements of program effectiveness, along with the Illinois Performance Reporting System — which tracks performance measures from 400 different state programs — and the State Program Assessment Rating Tool.

Per its annual report for FY 2018, the commission assessed Illinois’ adult criminal justice programs — a process deemed successful enough to warrant its expansion into assessments of juvenile justice and substance abuse programs.

Minnesota was cited for the “Minnesota Dashboard” — a website maintained by the Management and Budget agency that tracks 40 key indicators of how well the state’s government, economy, education and public health systems are performing. Policies and programs resulting from the dashboard include the Results for Children dashboard, which tracks outcomes for key populations from early childhood through postsecondary education, and the Homework Starts with Home initiative to end student homelessness.

Outcome monitoring also helped legislators allocate $12 million in additional funding in the state’s current biennial budget for home-visiting services for pregnant and parenting teens, to help reduce the number of babies with low birthweight and lower rates of maternal depression while increasing the number of mothers who breastfeed for at least eight weeks.

Across the Midwest, many state agencies maintain their own performance data dashboards. Some states provide a portal with links to agencies’ dashboards rather than making a user look agency-by-agency. Examples include Data Iowa, KanTrack (Kansas), OpenMichigan and Nebraska’s open data page.

Data dashboards are high-profile and a good way for the public to see what’s going on, but they’re “really a tool in the greater-outcomes monitoring system,” says Sara Dube, director of the Pew-MacArthur Results First Initiative.

For example, Wisconsin Gov. Scott Walker, in a March 2016 executive order, directed agencies under his control to develop dashboards that report on each agency’s performance on core agency functions and put them online for the public to see.

Dube says Wisconsin is also a Midwestern leader in outcome monitoring, not only because all agencies report their data quarterly, but because the state goes a step further: Agency heads meet on a semi-annual basis to discuss progress, and agency staffers who review the data also attend those meetings, which means they can elucidate or explain discrepancies in the data, she adds.

“There’s an incredible appetite for all things evidence [based]. I think outcome monitoring is a good example of that,” Dube says.

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

QUESTION OF THE MONTH

QUESTION: Do any states in the Midwest have Good Samaritan laws for individuals who take actions to save animals?

No law found

Source: Michigan State University Animal Legal & Historical Center

Ohio’s law (SB 215 of 2016) applies to the rescue of not only animals, but of children found in a locked, unattended vehicle. The statutes in Kansas (HB 2516, signed into law earlier this year) and Wisconsin (AB 308 of 2015) provide immunity to people who save vulnerable animals or people of any age.

Indiana’s HB 1085, on the other hand, is specific to animal rescues. Signed into law in 2017, it confers civil and criminal immunity for breaking into a vehicle to save an animal, but the person who did so may have to pay one-half of the costs of any vehicle repairs.

The Animal Legal and Historical Center notes that in most states, people who leave animals unattended in a vehicle, and in dangerous conditions, are subject to no more than a fine or misdemeanor. Among the Midwest states, the center found three states with specific penalties — Class C misdemeanor in Illinois (for a first offense), petty misdemeanor in Minnesota, and an infraction in North Dakota.

Two states outside this region, New Jersey and Virginia, provide for criminal penalties for individuals who leave an animal in a vehicle in dangerous conditions. New Hampshire makes the first offense a misdemeanor, but subsequent offenses are a Class B felony.

Question of the Month response by Ilene Grossman, CSG Midwest assistant director. She can be reached at igrossman@csg.org. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 630.925.1922.
**From Iowa to Wisconsin: A review of legislative actions taken in 2018**

**Iowa** lawmakers ended this year’s session by passing a tax-cut bill. SF 2417 reduces rates in each of the state’s nine income-tax brackets starting in 2019, and envisions a more far-reaching overhaul four years later — a drop in the number of tax brackets from nine to four and a cut in the top rate to 6.5 percent. (The top rate is 8.98 percent this year). These larger changes in the tax code are contingent on the state meeting certain revenue targets.

Early in Iowa’s 2018 session, the Legislature passed a bill (SF 512) that includes new state funding to address the problem of nutrient runoff and water quality. SF 512 will help more farmers adopt evidence-based conservation practices.

Two health care-related measures also received considerable attention this year in Iowa. With the passage of SF 2349, lawmakers authorized the creation of “association health plans,” particularly via a partnership between the Iowa Farm Bureau Federation and Wellmark Blue Cross Blue Shield. The idea is for a “nonprofit agricultural organization” (the Farm Bureau) to sponsor an affordable health care option, and for another entity (Wellmark) to administer it. These newly authorized “association health plans” are not considered official insurance plans, and thus not subject to typical state or federal rules. The goal is to give Iowa farmers more insurance options. Another measure, SF 471, bans abortions once a fetal heartbeat can be detected (SF 471). A judge has since blocked implementation of the law.

**Kansas** moves closer to resolving legal battle over school funding

**Constitutional** questions about the state’s funding of K-12 education once again headlined this year’s legislative session in Kansas.

On the final day of the 2018 regular session, lawmakers passed legislation that phases in a $522 million increase in state funding over the next five years. That includes more base aid for students as well as additional state dollars for special education and several other programs. (Legislators already had increased funding by $300 million in 2017.)

The new law (SB 423) also establishes a more robust accountability system — for example, performance audits that make sure the additional state dollars are being spent wisely and that state funding levels are keeping up with the educational needs of students.

**Michigan** creates ‘Marshall Plan for Talent,’ and also now has toughest lead standards

New laws and investments in Michigan will reshape the state’s K-12 education, particularly as it pertains to preparing young people for careers in high-demand fields such as information technology, the skilled trades, health sciences and manufacturing. Dubbed the “Marshall Plan for Talent” by Gov. Rick Snyder, the changes include more funding for social services and higher education (the subject of previous cuts) as well as pay raises for state employees.

In June, the Kansas Supreme Court ruled that the Legislature had met its responsibility to equitably distribute school funding, but still fell short on the adequacy requirement. Justices gave specific guidance to lawmakers on how to meet that adequacy test — add money to account for changes in inflation.

The court has given lawmakers until June 30 of next year to make the modification. This school-funding case dates back to 2010 and centers on plaintiffs’ contention that funding for Kansas schools is neither adequate nor equitable. The plaintiffs in the case are a group of school districts.

Also this year in Kansas, lawmakers approved increases in the state budget (made possible from tax increases adopted in 2017) that included more funding for social services and higher education (the subject of previous cuts) as well as pay raises for state employees.

**In Nebraska, Legislature invests more in child welfare and continues reforms of occupational licensing**

Mid-biennium budget adjustments in Nebraska led to another round of cuts across many state agencies and programs. But there was one notable exception — the
Legislature pumped an additional $55 million into the Nebraska Department of Health and Human Services, in large part to address an increase in the number of young people entering the state’s child-welfare system.

According to the department, drug use and addiction are one reason for this trend: In the first seven months of 2017, parental use of meth-amphetamines was a factor in one in every three removals of children from their homes. Gov. Pete Ricketts has formed a task force on how to best deal with these rising caseloads.

For much of Nebraska’s 2018 session, talk of property tax reform — a priority of Ricketts’ and many Nebraska senators’ — dominated discussion, but lawmakers adjourned without major changes to the existing system. The Legislature, however, did make some adjustments to ensure that the new federal tax law did not cause an increase in state taxes.

Lawmakers also continued a multi-year push to reform Nebraska’s occupational licensing system, including passage of a bill (LB 299) that requires each standing legislative committee to review 20 percent of the occupational regulations under its jurisdiction every year. All regulations will be examined within a five-year time frame.

Other high-profile measures signed into law this year include LB 841, which requires the Nebraska Department of Correctional Services to address prison overcrowding, through the use of an “accelerated parole plan”; and LB 944, which prevents federal Title X health care dollars from going to organizations where “abortion is a method of family planning” or where abortion counseling or referrals occur.

North Dakota uses 2018 interim to prepare for legislative year ahead

North Dakota’s legislature is the only one in the Midwest that meets only once every biennium, in odd-numbered years. However, lawmakers spent considerable time this year on interim committees preparing for the 2019 session. Among the notable issues:

• The interim Committee on Energy Development and Transmission has drafted a proposal, nicknamed “Operation Prairie Dog,” that would use tax revenues from oil production in western North Dakota to fund infrastructure needs in non-oil-producing counties.

• The interim Government Finance Committee undertook a study of the state’s current transportation funding model, as well as various policy options to address the state’s needs.

• The interim Taxation Committee developed two proposals that would cover the cost of education for students who enter high-demand, critical-need fields in the state’s labor market (see page 3 of this month’s Stateline Midwest for details).

• The interim Education Funding Committee studied the state’s current funding formula for K-12 education, as well as what impact possible changes to the formula would have on equity, adequacy and sustainability.

• The interim Health Service Committee is proposing that the state spend at least $750,000 to address gaps in mental and behavioral health services and to improve supports in underserved areas.

Some of nation’s toughest payday lending rules now in place in Ohio

Ten years after the Ohio General Assembly, and then voters, placed limits on how much lenders could charge for short-term loans (more commonly known as payday loans), lawmakers revisited the issue in hopes of preventing the industry from being able to circumvent the restrictions.

HB 123, signed into law in July, affects about 650 payday lenders in the state. It is one of the most restrictive laws of its kind in the nation.

By addressing loopholes and clarifying statutory language in the 2008 law, the state expects to be able to stop lenders from skirting a 28 percent cap on annual interest rates for short-term loans. (Short-term lenders had been registering with the state as mortgage lenders, allowing them to charge borrowers interest rates as high as 594 percent.)

Other provisions include:

• setting $1,000 as the maximum for short-term loans (up to a year in duration);

• requiring any loans with a duration of 90 days or less to adhere to an income-adjusted repayment scale — the monthly payment on these loans cannot exceed 6 percent of the borrower’s gross income or 7 percent of his or her net income (whichever is greater);

• capping “monthly maintenance fees” at 10 percent of the loan’s principal (and no more than $30);

• limiting total interest and fees to 60 percent of the loan principal; and

• preventing individual borrowers from carrying more than $2,500 in principal over all of their loans.

South Dakota ties legislative pay to median household income

South Dakota legislators took on several institutional issues in state government this year, including changes in legislative pay and the threshold for making changes to the state Constitution.

With the passage of HB 1311, approved by comfortable margins in the House and Senate, South Dakota became the first state in the Midwest to tie the pay of legislators to the median household income. The salaries for South Dakota’s 105 part-time legislators will now be adjusted every year so that they equal 20 percent of the median household income. That is estimated to be $10,200 next year; state and federal dollars to stabilize Wisconsin’s health insurance market. It does so by covering 50 percent of medical costs between $50,000 and $250,000 — essentially providing insurance for the insureds. This plan, in turn, keeps insurers in the health marketplace and controls premium increases.

Lawmakers also focused this year on the state’s initiative- and-referendum process. For example, they placed on the ballot a proposal requiring that any constitutional amendments receive approval of 55 percent of the cast in an election, rather than a simple majority. In November, South Dakota voters rejected this change.

Prior to the start of this year’s session, an interim legislative task force had proposed almost a dozen bills aimed at changing the initiative- and-referendum process. Several measures were subsequently passed by the Legislature, including new laws that will require a fiscal note for initiated measures and amendments that impact the state budget (SB 9 and SB 13) and that expand the role of the nonpartisan Legislative Research Council (HB 1006).

Wisconsin makes $100 million investment in school safety

In the weeks following a mass shooting at a Florida high school, Gov. Scott Walker called a special session of the Wisconsin Legislature to consider policies to increase security at the state’s schools. He signed AB 843 into law on March 26. It:

• creates an Office of School Safety within the Department of Justice to work with law enforcement and schools to establish best practices, provide new training opportunities, and assist with safety plans;

• provides $100 million to fund a new grant program for security upgrades to school buildings;

• allows schools to use the safety grants to implement programs that provide trauma-informed care and help students dealing with adverse childhood experiences; and

• mandates that teachers, principals, other school employees and health professionals report any threats of school violence.

Earlier in the year, Wisconsin tackled another big nationwide issue for states — the costs of health insurance and health premiums.

Under SB 770, signed into law in February, legislators authorized the creation of a $200 million, state-based reinsurance plan, which uses a mix of state and federal dollars to stabilize Wisconsin’s health insurance market. It does so by covering 50 percent of medical costs between $50,000 and $250,000 — essentially providing insurance for the insureds. This plan, in turn, keeps insurers in the health marketplace and controls premium increases.
Indiana Sen. Rodric Bray

Fast rise in leadership provides new opportunities, and challenges, for second-term senator whose roots in state politics run deep

by Ilene Grossman (igrossman@csg.org)

When he first took office in the Indiana Senate, Rodric Bray expected to enjoy serving his home state and district. He went into the job with more personal experience than most—a father who had served in the same chamber (Bray succeeded him) and a grandfather who enjoyed a 24-year run in the U.S. Congress.

Yet serving as a senator has still exceeded Bray’s expectations. It’s a job, he says, that has become a true passion for him.

“Everyone wants to have meaningful work, and at the end of the day, or the month, you ask yourself if you have accomplished something,” Bray says.

“I don’t go home and think about this each day, but at the end of the session, when you are able to take a step back and see that you have done some work to make the state better, I take real satisfaction in that.”

He first got elected in 2012 and moved fairly quickly into positions of leadership, first as chair of the Senate Judiciary Committee. Subsequent departures in the Republican caucus’ leadership team created opportunities for Bray; he served as majority leader in 2016 and will take on the chamber’s top leadership position—Senate president pro tem—in 2019.

As he prepared for new responsibilities and challenges in the year ahead, Bray discussed his views on leadership and his legislative priorities with CSG Midwest. Here are excerpts from the interview.

Q: What are some of the qualities and character-istics of an effective leader?

A: When you see good leadership, everybody knows what that is. It is a person who listens more than speaks; is fair-handed with everyone, even with people who don’t agree; and tries to be deliberative and inclusive. Also, you need to be a good communicator about where you want to go and how you want to get there.

Q: How would you describe your legislative leadership style?

A: A leader needs to be able to look at the big-picture items—look five, 10 years down the road. And to the extent I can, I will help guide us in that way. My style is to bring people to the table and let them have input and then build consensus. It is important to build a culture where everyone understands that when you create legislation, it is best to do your homework, talk to the groups involved and build some consensus. That will work better than just springing an idea in January for the legislative session.

Q: With the recent election, the Indiana General Assembly is going to have new members. How important is mentoring for new legislator?

A: When I was first elected, I was seated by some experienced legislators, so I could ask questions and learn about procedures on the Senate floor and about rules and decorum. We want to keep the [mentoring] program, and I have been working with a couple of senators to beef it up and put more organization to it. I think you can build a healthy, productive culture if people learn what is expected of them.

Q: What are some of the big issues, or the goals of your caucus, for the 2019 legislative session?

A: First, pass a responsible budget that leaves Indiana in a fiscally sound condition. We also want to continue the work we have been doing in workforce development. We can’t fill all the job vacancies we have, and with changing technologies, we need to continue to help workers adapt in this competitive environment. Education funding is always a big priority. It takes up 52 percent of our general fund budget.

School security and ensuring that our state agency responsible for meeting the needs of children, including those who are abused and neglected, runs well are also important. Another issue is teacher pay. The state funds schools, and the local elected school boards determine teacher salaries; in some districts the pay has lagged. We will take a look at that and see if there is anything we can do.

Q: What are your views on working with the minority party when your party has such a large majority?

A: I share this statistic when I talk to people in Indiana: Each year that I have been in the Senate, about 65 percent of the bills that get passed are passed unanimously, and about 95 percent are bipartisan. What that means is that you can count on one hand the number of bills that pass on a party-line vote. Only a few bills each year are polarizing. I am proud of that, and I want to keep it that way.

Q: Do you have any big frustrations about the legislature or legislative process?

A: [Editor’s Note: Among other provisions, the law requires that footage be stored for 190 days; sets up a petition procedure if a person’s request to see the footage is denied; and allows requesters to view the footage twice. Police also must blur out minors and witnesses.]

The other bill reformed Indiana’s civil forfeiture laws, by which law enforcement could take property used in the commitment of a crime. Our law was criticized because it didn’t have a lot of due process. The legislation [passed in 2018] speeds up the process for getting seized property back.

Q: What are some of the biggest challenges and opportunities for Indiana over the next 15 to 20 years?

A: We have a challenge of funding local government. We do a lot of that funding with property taxes, and a couple of years ago we put a cap on property taxes, but that has created some challenges for our schools and local governments.
Nebraska’s look to the future

State law on autonomous vehicles reflects the promise this technology holds for making roads safer, improving mobility and benefiting agriculture

by Nebraska Sen. Anna Wishart (awishart@leg.ne.gov)

For several years, I have been following the advancement of autonomous vehicles, reading books and blog posts by economists about the future benefits and problems associated with this technological breakthrough.

While these discussions have been occurring online and in the private sector, very few legislators in my state had been spending time talking about it.

As a senator whose top strength is “futurist” according to the Gallup Clifton Strengths Assessment tool (if you are reading this and have not taken this strengths test, you should), I have a responsibility to push my legislative colleagues to address emerging technologies to make sure that our state laws allow for free market innovation while still maintaining public health and safety.

That is why I embarked on introducing autonomous-vehicle legislation.

A technology of ‘limitless potential’

When LB 989 was originally introduced, it was meant to allow for the testing of autonomous vehicles by cities, and specifically to enable Nebraska’s capital city of Lincoln to pilot an on-demand autonomous shuttle project.

My home city was named one of 35 ‘Champion Cities’ competing for $5 million in start-up funding from the Bloomberg Foundation for this on-demand autonomous shuttle project.

When I first heard the news of this opportunity for Lincoln, I was beyond excited and wanted to know what I could do to help. In our office’s research, we learned that Nebraska’s laws were essentially silent on autonomous-vehicle technology.

So I decided to introduce LB 989 in January 2016, so that we could ensure that any testing of this technology would be done in a safe and regulated environment.

What happened over the next few months — through committee hearings, stakeholder meetings, research and floor debate with my colleagues — completely changed how I viewed autonomous-vehicle technology and its limitless potential. It is full of promise in the areas of safety, mobility, efficiency, agriculture, commerce, environmentalism and economic development.

Safety was my top priority in trying to introduce this technology to our state.

An estimated 94 percent of traffic accidents are caused by human error, and at a time when vehicular crashes are on the rise, autonomous-vehicle technology shows great potential in preventing injury, saving lives and reducing the cost of traffic accidents.

Autonomous vehicles also will have a huge positive impact for people who are unable to drive, giving them greater mobility and all that comes with it: access to good jobs, quality health care and education, for example. Technological advances in these vehicles also will allow for more flexibility among local public transportation systems and their users.

Nebraska is a predominantly rural state, and farming as we know it is expected to be revolutionized by autonomous vehicles.

We will see an emergence of self-driving tractors, self-propelled implements such as sprayers in row crops, and advanced automated technology for major farm activities such as fertilizer application, planting and irrigation. These automated technologies are predicted to become a $250 billion industry for agriculture suppliers and manufacturers. As an example, small, automated tractor equipment will be a $45 billion market on its own.

Nebraska’s regulatory framework for autonomous vehicles is one of the most innovative and business friendly in the country.

Those concerns resulted in a lengthy filibuster of my bill. This opposition required me, as a freshman senator, to remove my legislative “training wheels.” I withstood three rounds of debate on the legislation, and with the partnership of Sen. Larson, we were able to gain enough votes in our body to overcome a filibuster and advance our bill to the governor’s desk in April of this year.

A month later, we celebrated with a signing ceremony with our governor that included riding in an autonomous shuttle, similar to the one that inspired me to continue pushing myself and my colleagues to look to the future. We will continue to address advancing technologies and examine our existing state statutes in a way that enables innovation while maintaining health and safety.

Nebraska Sen. Anna Wishart was elected to the Nebraska unicameral legislature in 2016. She represents a part of the capital city of Lincoln.

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 FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.

Key provisions in Nebraska’s new law on autonomous vehicles (LB 989)

- Authorizes the use of automated driving systems and driverless-capable vehicles if they comply with state traffic and safety laws
- Requires a conventional driver, if present in the vehicle, to have a license and to manually operate the vehicle if instructed to do so by the automated driving system
- Allows automated vehicles to be used for ride sharing and public transportation

Not an easy road to legislative passage

While my original bill, LB 989, dealt strictly with the testing of autonomous-vehicle technology, I quickly decided to think bigger when one of my colleagues, Sen. Tyson Larson, introduced a similar but broader piece of legislation.

Combining our efforts, we proposed a measure that would make Nebraska’s regulatory framework one of the most innovative and business friendly in the country.

My partnership with Sen. Larson was an example of true bipartisanship — me, a Democrat from an urban district working closely with him, a Republican from a rural district.

Our team also included the Alliance of Automobile Manufacturers, Tesla, Uber, the Nebraska Department of Transportation and a bipartisan group of legislative colleagues.

While we had great support from industry and a select group of senators, we were met with opposition from several colleagues concerned that our legislation was too advanced.
Through interstate commission, Midwest policymakers collaborate on future of rail

Mix of legislators, state officials met in October to map out plans for crucial year ahead

The Midwest Interstate Passenger Rail Commission’s 2018 annual meeting convened in early October to lay the groundwork for what promises to be a busy 2019.

Fifty-four legislators, state officials and others took part in the meeting, which began at Chicago’s Union Station before moving north on a 90-minute train ride to Milwaukee’s Intermodal Station. The Wisconsin Department of Transportation has offices at the station and hosted the meeting.

MIPRC promotes improvements to state and regional passenger rail. To meet this objective, the group facilitates collaboration and information sharing among member states, and serves as an advocate for the Midwest in the nation’s capital.

In October, commissioners agreed to hold their meeting next year in Washington, D.C. — a move that will allow for face-to-face meetings with members of the U.S. Congress as discussions begin over reauthorization of the Fixing America’s Surface Transportation Act of 2015. This law is due for renewal in 2020.

Next year, too, the Federal Railroad Administration will release the first draft of a study that lays out a 40-year vision for the future of passenger rail in the Midwest. MIPRC, along with state departments of transportation, has been working with the FRA on this study.

Regional advances in passenger rail

MIPRC’s annual meeting also gives states the chance to review recent developments on passenger rail in the region. For example:

- In Illinois, trains on the Chicago-St. Louis corridor are expected to hit speeds of up to 90 mph early in 2019 (and 110 mph shortly thereafter). These higher speeds are contingent on the installation and testing of positive train controls.
- In Michigan, work on the Chicago-Detroit Wolverine route continues, with a goal of increasing speeds between Kalamazoo and Dearborn to 110 mph. (Wolverine trains already run at 110 mph between Porter, Ind., and Kalamazoo). The state is studying new passenger rail service between Ann Arbor and Traverse City as well.
- In Minnesota, adding service between Minneapolis and Duluth (via Superior, Wis.) is the focus of ongoing talks between the state Department of Transportation, Amtrak and the Burlington Northern Santa Fe Railroad. Along with this planned Northern Lights Express line, MnDOT is studying the addition of a second daily train between Chicago and the Twin Cities.

Also at the meeting, commissioners learned about advances in train equipment, including the new Siemens “Charger” locomotives (whose engines are manufactured in Indiana) as well as the coach cars being built by Siemens for higher-speed Amtrak service in the Midwest. These cars are due for delivery in 2020.

About the Midwest Interstate Passenger Rail Commission

- Formed in 2000 through an interstate compact, funded by member states with staff support from CSG Midwest
- Member states are Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota and Wisconsin (Iowa, Ohio and South Dakota are eligible to join as well)
- Each member state is represented by four commissioners: one from each legislative chamber (two from Nebraska’s unicameral legislature) and two gubernatorial appointments — a designated representative and someone from the private sector.
- MIPRC is helping to implement the Midwest Regional Rail Initiative, developed in the late 1990s by the member states’ departments of transportation, to guide the development of regional passenger rail
- MIPRC is working with the Federal Railroad Administration on a long-term planning study of future passenger rail service in the Midwest

Midwest’s leaders on passenger rail

Indiana Rep. Sharon Negle, left, and Beth McCluskey were among the 54 attendees of this year’s Midwest Interstate Passenger Rail Commission meeting. They are MIPRC commissioners and part of the group’s three-member officer team. McCluskey, director of the Illinois Department of Transportation’s Office of Intermodal Project Implementation, was re-elected MIPRC chair at this fall’s meeting. Rep. Negle will continue to serve as financial officer. Tim Hoefner (not pictured), director of the Michigan Department of Transportation’s Office of Rail, was re-elected MIPRC vice chair.

New ‘Book of the States’ available

With 186 in-depth tables, figures and “info graphics” illustrating how state government operates, the 2018 edition of “The Book of the States” continues The Council of State Governments’ long tradition of providing comprehensive, comparative information in a single resource.

CSG has been publishing “The Book of the States” since 1935. This year’s version includes chapters on the three branches of state government, constitutions, federalism, elections, finance, state management and demographic trends, and selected policies and programs. CSG staff mined more than 500 sources for this year’s edition, which can be found at knowledgecenter.csg.org.

Thank you to sponsors

Members of the nonpartisan, binational Great Lakes-St. Lawrence Legislative Caucus gathered this fall in Erie, Pa. The group’s Annual Meeting was made possible in part by the generous support of outside contributors. The caucus and CSG Midwest — which provides staff support to the GLLC — wish to acknowledge the following contributors:

- The Joyce Foundation
- The Consulate General of Canada in New York — Buffalo Presence
- Indiana American Water

In-kind contributions came from:

- VisitErie
- Sheraton Erie Bayfront Hotel
- Mazza Vineyards
- The Brewerie at Union Station
- Tom Ridge Environmental Center
- Erie Metropolitan Transit Authority

The meeting was hosted by Pennsylvania Rep. Curt Sonney.

The caucus is seeking sponsors for its 2019 meeting in Chicago. Please contact Lisa Janairo (gllc@csg.org) for information. Benefits include complimentary registrations, as well as acknowledgement before, during and after the meeting. Sponsorships are at the following levels: Superior, $20,000; Huron, $10,000; Michigan, $5,000; Erie, $2,500; and Ontario, $1,250.

Great Lakes-St. Lawrence Legislative Caucus
With help from CSG, North Dakota explores more reforms of justice system

Prison admissions have dropped following legislature’s passage of 2017 law

O
ne year after the passage of comprehensive changes to North Dakota’s criminal justice system, the state’s prison population has fallen and the availability of behavioral-health services is on the rise. One likely factor in the 6.5 percent drop in overall prison numbers (for fiscal year 2018) is a decline in admissions related to alcohol and drug offenses as well as probation revocations.

SB 1041 and HB 1041, signed into law in 2017, marked a significant shift in North Dakota’s sentencing policies. These measures prioritize prison space for people who commit the most serious and violent offenses, increase behavioral health services for people in the justice system, and seek to reduce recidivism by changing behavior.

Experts at the Council of State Governments Justice Center provided assistance to North Dakota policymakers as they studied system reforms and crafted the 2017 legislation. The center is now helping the state’s Justice Reinvestment Oversight Committee monitor implementation. Although impacts of last year’s legislation seem promising, it’s too soon to draw definitive connections between the law (which took effect on Jan. 1) and the drops in prison admissions and the prison population.

This summer, the CSG Justice Center also facilitated a forum in North Dakota on public safety. It focused on crime and law enforcement trends, pretrial reform, and alternatives to incarceration for people in the criminal justice system who need behavioral-health treatment — for example, the use of crisis stabilization units, crisis intervention teams, prosecutorial diversion programs and specialty courts.

As a result of the legislative changes adopted in 2017, North Dakota already has begun investing $7 million in Free Through Recovery, an innovative behavioral-health plan for people who have mental illnesses, substance addictions, or co-occurring mental illnesses and substance additions. CSG-facilitated forums on public safety also have been held in Illinois, Iowa, Michigan and Ohio.

Justice Center updates 50-state report on public safety

The Council of State Governments Justice Center has released an updated version of its "50-State Report on Public Safety" that includes 2017 crime and arrest data. This web-based resource — available at 50statespublicsafety.us — features more than 300 data visualizations comparing crime, recidivism and correctional practices across all 50 states. It couples these statistics and trends with the latest research on strategies that work to improve public safety, as well as more than 100 examples of policy innovations drawn from every state in the country.

The goal of the report is to provide a customized “playbook” for policymakers looking to tackle public safety issues most relevant to their communities.

“Data and research are essential to successfully addressing the unique conditions in each state,” says Megan Quattlebaum, director of the CSG Justice Center.

The center provides practical, nonpartisan, research-driven strategies and tools to increase public safety and strengthen communities.

Funding for the “50-State Report on Public Safety” was provided by the U.S. Department of Justice’s Bureau of Justice Assistance.

Highlighted trends from CSG study

Between 2007 and 2017, violent crime rates decreased in 31 states, including Illinois, Kansas, Michigan, Minnesota and Wisconsin.

The number of U.S. drug overdose deaths is almost four times higher than the number of homicides, compared to 20 years ago when they were nearly the same. Between 2006 and 2016, overdose death rates rose in every Midwestern state — from 16 percent in Kansas to 196 percent in Ohio.

States spend nearly 10 times as much on prisons as they do on community supervision. Probation and parole populations, however, far exceed state prison populations — 4.5 million vs. 1.5 million in 2015.

Between 2005 and 2015, the prison population grew in 28 states, including Iowa, Kansas, Minnesota, Nebraska, North Dakota and South Dakota.

As of 2014, three Midwestern states were among at least 16 nationwide where the percentage of people in prison for property and drug offenses exceeded 40 percent: Indiana (46 percent), North Dakota (42 percent) and Iowa (42 percent).
New laws, programs in Ohio and Wisconsin target elder abuse

Two Midwestern states announced plans this fall to do more to prevent elder abuse.

In Ohio, a new $1.3 million project will seek to raise public awareness, create an online referral system to report abuse, and establish new county-level collaborations. Much of the money for this new initiative is coming from a federal grant. This year, too, Ohio has expanded its mandatory-reporter law. Under HB 49, which was passed in June and took effect in September, many more individuals must report cases of elder abuse or face fines. The list of mandatory reporters now includes pharmacists, certified public accountants, financial planners, real estate agents and first-responders, among others.

In Wisconsin, an attorney general-led task force on elder abuse issued in October a series of recommendations: for example, create a special team of investigators within the state’s Department of Justice; strengthen the ability of financial advisors and institutions to block suspicious transactions; and stiffen criminal penalties and streamline or expedite court proceedings.

Elder abuse includes cases of neglect and abandonment; financial exploitation; and physical, emotional or sexual mistreatment. The number of reported allegations in Wisconsin rose by 160 percent between 2001 and 2017.

South Dakota offers in-state tuition to Iowans, reports positive results

Two years ago, four public universities in South Dakota began offering in-state tuition to Iowa undergraduate students. In October, state officials announced that the plan had begun to pay off.

According to the South Dakota Board of Regents, these four schools have attracted a total of 174 full-time equivalent students from Iowa since the reduced rates took effect. Each school has experienced a “tuition and fee revenue gain” as a result of the policy change, the Regents say. Iowa students previously paid tuition equivalent to 150 percent of the in-state rate. This year, some colleges in South Dakota began offering in-state tuition to Nebraska residents as well.

The National Center for Education Statistics regularly tracks the state-by-state migration of students. In 2016, most states in the Midwest had net positive migration — the number of people who came to the state for a postsecondary education outpaced the number of residents who left for schooling elsewhere. Iowa had the highest net gain among the Midwest’s states; 12,537. In contrast, Illinois (-16,628) and Minnesota (-4,608) had net losses. (These state figures include students coming to U.S. institutions from foreign countries.)

Wisconsin is second state in region with Medicaid work requirement

Wisconsin has received federal approval of changes to its Medicaid program that include requiring work for some enrollees and charging higher premiums based on the results of a health risk assessment.

The approved waiver centers on childless adults applying for and receiving coverage through the public health insurance program. According to The Washington Post, Wisconsin also had originally sought to become the first state in the nation to impose drug tests on some of its Medicaid population. This requirement did not receive federal approval.

The state, however, can compel applicants to fill out a health-and-wellness questionnaire. The premiums charged to childless adults will vary depending on responses to questions such as whether they wear a seat belt, smoke cigarettes or use illegal drugs.

Wisconsin also joins Indiana and three other U.S. states with some type of Medicaid work requirement in place. (Kentucky’s law has been blocked by a federal judge.) According to the Kaiser Family Foundation, Kansas, Michigan, Ohio and South Dakota have similar proposals being considered by the U.S. Centers for Medicare & Medicaid Services.

Potential change in EPA rules would allow year-round sales of E15

A summertime ban on E15 sales may soon be eliminated by the federal government, a move expected to help the Midwest’s corn producers and ethanol industry.

In October, President Donald Trump directed the U.S. Environmental Protection Agency to initiate a rulemaking process that allows for year-round sales. Seven years ago, the EPA approved the use of E15 in all light-duty vehicles built in 2001 or later. According to the Renewable Fuels Association, more than 1,300 retail stations in 29 states currently sell E15. It says allowing year-round sales would lead to a “rapid expansion” of E15 availability.

Close to 90 percent of the nation’s ethanol production capacity is in the 11-state Midwest. Iowa, Nebraska, Illinois, Minnesota and Indiana are the five leading producers of ethanol. Between 2007 and 2017, total U.S. ethanol production rose by 143 percent, from 6,521 gallons to 15,845.

A move to year-round sales requires the EPA to waive certain requirements under the Clean Air Act. The American Petroleum Institute says the federal agency does not have this authority. It also derided Trump’s directive as “anti-consumer ethanol policy,” saying a “vast majority of cars on the road were not designed to use” E15.