States Take Steps to Address Lead in Drinking Water; Much Work Remains

Recently enacted policies require more testing and reporting; new federal rule coming

by Jon Davis (jdavis@csg.org)

The COVID-19 pandemic may have overshadowed other public health crises and slowed legislative action on them, but it hasn’t completely stopped such progress. On removing lead from drinking water, for example, several Midwestern state agencies and legislators took steps to require water system testing or to provide funding for lead testing and removal, or to provide a road map for future action.

Also about to happen: the U.S. Environmental Protection Agency is expected to finalize and release a major long-term revision to the federal Lead and Copper Rule, which sets the standards for regulating those two metals in the nation’s drinking water.

Lead pipes have been staples of water distribution systems since the Roman Empire due to the metal’s malleability — it can bend without breaking as the ground moves with freeze-and-thaw cycles, for example — but unless properly treated with anti-corrosive chemicals, the pipes can leach lead into the water supply. Lead is poisonous in even trace amounts, especially in children. Among its known effects are diminished intellectual capacity and behavioral problems, and physical ailments such as headaches, abdominal pain, constipation and infertility.

As the dangers of lead became widely known in the 1960s and 1970s, the metal was banned from gasoline and paint, but its use in pipes continued into the 1980s.

Chicago, for example, required lead service lines — the pipes leading from a water main to individual customers — until 1986. In the U.S., lead pipes are still plentiful, usually in older buildings and those service lines.

While some cities such as Madison, Wis., and Lansing, Mich., were noted for removing all lead service lines in the 1990s and 2000s, the issue exploded into the national consciousness in 2014 when Flint, Mich., switched its water source from Lake Huron (via Detroit’s water utility) to the Flint River and officials failed to apply proper anti-corrosion chemicals.

During the 2020 Annual Meeting of the Great Lakes-St. Lawrence Legislative Caucus — a binational, nonpartisan forum for legislators in the eight states and two provinces bordering the Great Lakes or St. Lawrence River that aims to protect, preserve and improve those bodies of water — Elin Bortona, a civil engineer who helped expose the Flint water crisis, said states have to take the lead on removing lead from water systems because the federal rule “has not been very effective for removing those service lines.”

Testing, Removing Lead

In the wake of the Flint scandal, Michigan revised its own Lead and Copper Rule and instituted a 20-year plan to remove lead service lines, requiring utilities to replace them at a rate of 5 percent per year, at their own expense, starting in 2021.

“That is a huge commitment, it’s an expensive goal,” says Michigan Sen. Curt VanderWall, a member of the Caucus’s Task Force on Lead.

Estimates of lead service lines in midwestern states (2016)*

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<tr>
<th>State</th>
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* According to the U.S. Environmental Protection Agency, structures built before 1980 are more likely to have lead present in pipes or in lead paint, which was banned nationwide in 1978.

Source: U.S. Census Bureau’s American Communities Survey

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* A peer-reviewed article in the American Water Works Association’s Journal AWWA combined the results of AWWA surveys of member water systems from 2011 and 2013.

Source: Cornwall, Brown & W. Journal AWWA, April 2016, American Water Works Association

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**CRIMINAL JUSTICE & PUBLIC SAFETY**

Voting rights for felons now in place across Midwest; Illinois law aims to raise awareness and access

by Mitch Avridson (mavianidi@csrg.org)

When he and then-Rep. Juliana Stratton (she is now the lieutenant governor) knocked on doors a few years ago trying to collect signatures of Chicago residents, Illinois Sen. Omar Aquino says, they were both struck by a common misconception.

“We found people that would say, ‘I can’t sign your petition because I’m no longer allowed to vote,’” he recalls. “We would ask them why, and they would say because they’ve served time before.”

In Illinois, like most states, that isn’t true. But it is easy to understand why many believe ex-offenders cannot vote: It used to be a much more common policy of state governments. According to The Sentencing Project, many states instituted felony disenfranchisement policies in the wake of the Civil War; by 1869, 29 states had enacted such laws. Since 1997, though, at least 25 states have modified their disenfranchisement provisions.

In August, Iowa became the most recent to do so, with the signing of an executive order by Gov. Kim Reynolds that restores voting rights to felons who have completed their sentences, including probation and parole.

This executive order will affect thousands of Iowans, with the only exception being for individuals convicted of murder, manslaughter and voluntary manslaughter, as well as those who have special lifetime sentences for sexual crimes or other offenses. Those who were convicted of these crimes and who have finished their sentences would have to apply to the Iowa Board of Parole to regain their voting rights.

Reynolds’ executive order listed several justifications for the change in policy — increasing public safety and reducing recidivism by fully welcoming individuals back to society; recognizing that the path to redemption includes access to political processes, reducing the burden on Iowans who have completed their sentences, and conserving resources currently used to review voting-restoration applications.

Prior to the executive order, Iowa was the only state in the country to bar anyone with a felony conviction from voting unless this right was restored by an individual application to the governor’s office. An executive order restoring felon voting rights was first issued in Iowa 15 years ago by former Gov. Tom Vilsack, but was rescinded in 2011 by former Gov. Terry Branstad.

Language in the Iowa Constitution states that “a person convicted of any infamous crime shall not be entitled to the privilege of an elector.” The Iowa Supreme Court has interpreted this passage to mean a felony criminal conviction.

The governor has the power to restore these rights, but Reynolds has previously expressed her preference for a more permanent fix — via a legislatively referred, voter-approved constitutional amendment. However, no such proposal made it through the Legislature this year. (HJR 14 passed the House in 2019 by a vote of 95-2, but then stalled in the Senate.)

In Illinois, one of five Midwestern states that allow people on probation or parole to vote, Aquino says the kind of misconceptions that he encountered a few years ago can keep many individuals from the polls. Under a bill he helped get signed into law last year (SB 2090), individuals leaving the state’s prison system will be provided with a voter registration application and information about their voting rights.

He also notes that even though people held in pre-trial detention are legally allowed to vote, this does not mean they are practically able to do so.

SB 2090 aims to change that. Eligible voters who are confined or detained in county jail must be provided vote-by-mail ballots. Furthermore, counties with a population of more than 3,000,000 (Cook County) must establish a temporary branch polling place within the jail. Finally, SB 2090 requires county jails and probation offices to provide voter registration and other resource materials to eligible voters upon discharge.

“There are people right now that are awaiting trial while sitting at home … and can go and vote in the next election,” Aquino says. “Why should someone who can’t afford to bail themselves out not be able to do the same?”


Despite new initiatives and investments, region not yet meeting phosphorus-reduction goals

by Tim Anderson (tanderson@csrg.org)

In most years, on most days, nutrients from the agricultural operations of the Great Lakes region largely stay on the fields. But when heavy rains come, the nutrient runoff of phosphorus and other nutrients occurs, as they leave the fields, enter streams and ultimately reach the lakes.

“The practices that are in place don’t work during those moments (of big storm events),” Santana Wortman of the U.S. Environmental Protection Agency’s Great Lakes National Program Office said during a Sept. 21 virtual meeting of the Great Lakes-St. Lawrence Legislative Caucus.

The result is a health and environmental problem that continues to vex the region’s policymakers, particularly those representing the western Lake Erie basin: how to get phosphorus loads below targeted levels in order to prevent harmful algal blooms.

Canada and the United States have concluded that a 40 percent reduction in phosphorus loads is needed in Lake Erie’s western and central basins; Michigan, Ontario and Ohio have committed to reaching that same level.

But as Wortman noted, progress has been slow, largely despite new investments and initiatives across the basin.

“We haven’t seen any kind of downward trend yet in terms of the [harmful algal] blooms,” she said, adding that since 2012, annual phosphorus loading has exceeded targeted levels every year but one — with that single exception being a very dry year without the big rain events that lead to nutrient runoff.

According to Wortman, agricultural accounts for much of the nutrient pollution in western Lake Erie. To date, the policy response has centered on voluntary, incentive-based initiatives. In Michigan and Minnesota, the states offer voluntary certification programs for agricultural operations that meet certain water quality standards and implement state-approved conservation practices.

Wisconsin offers grants to groups of farmers that collaborate on conservation initiatives for a single watershed. Ohio legislators invested $172 million this biennium in a new H2O Initiative, with one of the four main goals being a reduction in phosphorus runoff. Incentives are going to farmers that have been certified as having adopted a mix of nine “best practices” in nutrient management — for example, soil testing and the use of cover crops around row-crop fields. Minnesota offers an example of a non-voluntary approach taken by a Great Lakes state: It is phasing in requiring perennial vegetative buffers of up to 50 feet along lakes, rivers, and streams as well as buffers of 18.5 feet along ditches.

Recent initiatives have also targeted reductions in point source pollution. One notable success story, Wortman said, has been the results of facility and operational improvements at the Great Lakes Water Authority, which provides water and sewer services in the Detroit area. “It has already achieved a 400-metric-ton reduction, which goes a long way toward Michigan’s 40 percent goal,” she said.

Along with these initiatives, Wortman added, other positive developments include a greater use of science, monitoring and evidence-based policy to tackle the nutrient problem. But some of the recent research also shows that eliminating harmful algal blooms and lowering phosphorus loads could take many years due to factors such as “legacy phosphorus” — buildup of this nutrient from applications in previous years.

“That is going to take some time to work through the system,” Wortman said. “In any given year, you have a combination of what was applied this year and what was there before.”

Nutrient pollution is a top priority of the Great Lakes-St. Lawrence Legislative Caucus, and a GLCC task force led by Wisconsin Sen. Andre Jacque has released model policies for consideration by the region’s state and provincial legislatures.
Trends in crossings at Canada-U.S. border show long road back to normal economic activity

by Ilene Grossman (igrossman@csg.org)

Starting in March, the usually busy Canada-U.S. border shut down to all essential workers and trade. Months later, trade figures at the Midwest’s commercial crossings with Canada show how that closure has led to two very different trends—one a near-return to normalcy for truck traffic, but still only a fraction of passenger vehicles moving between the two countries compared to normal times.

Trucks carry most of the goods moving between Canada and U.S. states in this region, and the two countries agreed early on to allow this to continue. Still, trade volume took a big hit early in the pandemic as factories closed to prevent spread of the virus. Since then, trade has begun to bounce back: in July, the number of truck crossings in Michigan was more than 186,000, a decrease of only 2.6 percent from a year ago. Year-over-year drops in Minnesota and North Dakota were somewhat higher (see table).

William Anderson, director of the Cross-Border Institute at the University of Windsor, notes that the current recession is “the reverse of the usual one, with manufacturing doing well and the service sector not nearly so well.” But he believes that trend of goods moving, but not people, is likely to hurt the manufacturing sector for the longer term. “The movement of people is complementary to the movement of goods,” Anderson says, noting that in normal times, businesses meet with clients to review plans, resolve problems and sell products. Personal relationships also can be more difficult to maintain without face-to-face interaction.

Crossings by passenger vehicles remained low into the summer, although there have been small increases (see table). Anderson attributes this uptick to more people returning to their places of work. In Michigan, the two largest categories of employees deemed essential under travel rules are health care workers and engineers. As COVID-19 cases declined in the United States in the summer months, more people were able to return to cross-border health care work, and more offices reopened for engineers and other essential workers.

Another potential reason for the small uptick: in June, the Canadian government began allowing the immediate family of Canadian citizens and permanent residents to visit family. Still, the pandemic-related border restrictions have hurt areas that rely on revenues from “nonessential” activities such as vacations and shopping.

Ohio Speaker of the House Bob Cupp and Manitoba Minister Kelvin Goertzen serve as co-chairs of the Midwest-Canada Legislative Conference Midwest-Canada Relations Committee. The vice-chairs are Saskatchewan Speaker of the Legislative Assembly Mark Docherty and Michigan Sen. Jim Stamas. Ilene Grossman serves as CSG Midwest staff liaison to the committee.

AGRICULTURE & NATURAL RESOURCES

Disaster recovery in Midwest’s agriculture communities requires state-led collaborations and interventions

by Carolyn Orr (carolyn@strawridgefarm.us)

As if the pandemic, trade wars and drought weren’t making 2020 tough enough on Midwest agriculture, a derecho swept from South Dakota to Ohio in August, traveling 270 miles in 14 hours. Winds in excess of 100 mph destroyed millions of acres of cropland and wiped out buildings and grain storage facilities.

“Derecho events are a very Midwestern phenomenon,” according to Scott Collins, an Argonne National Laboratory atmospheric scientist. So much so, in fact, that they were first discovered and named in Iowa, in 1888, to describe an organized thunderstorm that can generate straight-line winds, hail, torrential rain and tornadoes.

Collins and two of three featured speakers during a September webinar of the Midwestern Legislative Conference Agriculture & Natural Resources Committee on how states can help rural communities recover from natural disasters.

“The derecho that traveled across the Midwest in August really highlighted how damaging these events can be to agriculture,” Collins said, adding that the region should “expect these storms to be more common (in the future).”

In Iowa, the worst intensity path of the storm plowed through 4 million acres of corn (25 percent of the state’s total corn crop) and 2.5 million acres of soybeans. “For the most part, beans stood back up, but corn is still lying flat,” Iowa Secretary of Agriculture Mike Naig said on the September webinar.

According to Naig, the effects of storm events such as this one underscore the importance of collaboration among government officials, farmers and farm groups, and agribusinesses.

“The state of Iowa is now working with the U.S. Department of Agriculture to ensure that different insurance adjusters are consistent in how they assess damage in the fields. Officials are also seeking federal assistance for the damage done to grain elevators. Meanwhile, the state is using dollars from conservation programs to help with cover crops and replace wrecked windbreaks.

Another component to rural disaster recovery is a state’s university system and extension services, including the role these institutions play in disseminating scientific and other information. For example, the University of Minnesota has created customizable forms for farmers to establish contingency plans for their operations.

Naig adds that in Iowa and other states, universities and extension services coordinate assistance for farmers experiencing “mental and financial stress.”

Natural disasters are becoming more frequent and severe; for agriculture, these trends reaffirm the importance of crop and property insurance. Insurance alone doesn’t ensure recovery. States are expected to help financially and to assist with mitigation. When it comes to disaster-related spending, Anne Stauffer of The Pew Charitable Trusts said, states should carefully track expenditures across all agencies and disaster phases.

The state of Ohio is doing just that through a joint system created by budget and emergency management officials. Their goal: Have the data needed to carefully review budget expenditures, and then adjust policies and budget outlays when needed.

Stauffer also recommended that states invest more in disaster mitigation. “Every mitigation dollar spent has been shown to save an average of $6 in post-disaster recovery costs,” she said.

The importance of federal aid also cannot be overstated. “This assistance has long been relied on by states, communities and individuals. But as disaster-related costs rise nationwide, it is clear that local communities have to take on greater financial responsibilities?” The Federal Emergency Management Agency has proposed raising the per capita damage threshold that determines whether a disaster warrants federal funding. In addition, disaster-related grants based on population can put rural, sparsely populated communities at a disadvantage. These same communities are also less likely to have disaster-recovery expertise.

Rural communities, then, must continue to rely on each other. Recovery is contingent on relationships among individuals, government institutions and nonprofit groups.

Photo: Iowa Department of Agriculture & Natural Resources

STATELINE MIDWEST | OCTOBER 2020

# OF FEDERAL EMERGENCY MANAGEMENT AGENCY-DECLARED NATURAL DISASTERS IN MIDWEST SINCE 2015

31
44
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STATERIGHT MIDWEST | OCTOBER 2020
In an election year like none other, new state laws and initiatives sought to expand, diversify pool of poll workers

“...I would bet if you followed those 16-year-olds through their lives, they are going to be the ones who care, who are engaged and who run for office.”

Illinois Sen. Julie Morrison, on the value of having young people serve as poll workers

In the weeks and months leading up to the 2020 general election, an essential, but often-overlooked, part of the voting process received much more public attention than usual — the poll worker. Across the Midwest, too, U.S. states launched new initiatives to find people to staff polling places for the first time.

“We’ve seen a new generation of poll workers emerge, people who have not done this before,” says Robert Brandon, president and CEO of the nonprofit Fair Elections Center.

“It’s traditionally been the province of older, retired people. But I think it’s a really positive thing to have a broader pool of people helping. It also diversifies the pool workers so that they’re more reflective of the voters they’re helping.”

The new outreach by states reflected the unique challenges of finding poll workers this year. In 2016, of the 920,000 people who worked U.S. polls, more than half were age 60 and older. About one-quarter of them were 71 and older.

“During the primaries this year, we saw many of the poll workers not wanting to work because of their vulnerabilities [to COVID-19], and many did not work,” Brandon notes.

“That led to election officials having to scramble to try and replace them. It wasn’t easy. The result was that in many areas, precincts were consolidated or closed. That typically leads to long lines, and potentially confusion on where to vote.

“And that invariably leads to some people simply not voting.”

‘ALLOW MORE YOUNG PEOPLE TO GET ENGAGED WITH THE PROCESS’

In May, as part of comprehensive legislation to prepare for the 2020 general election, Illinois lawmakers included several provisions that could help increase the state’s pool of poll workers.

First, under SB 1863, Election Day was made a state holiday, thus opening up the schedules of many working-age adults in Illinois. Second, the law directed high schools, community colleges and universities to notify students (via their websites) about the opportunity to serve as election judges. Lastly, SB 1863 allowed anyone 16 and older to serve as an election judge. (In previous years, Illinois has allowed 17-year-olds to have a limited role at polling places.)

“You want the person in charge to have some experience with running [the polling place], but other than that, I’m not aware of anything those 16- or 17-year-olds couldn’t do,” he says. He also recommends that state legislators re-examine their rules on residency requirements.

“In the Midwest, with the exceptions of Michigan and Minnesota, states either require or give preference to people only working at polling places in their home precinct, county or legislative district (see table).”

“Anybody who is an eligible state resident should be able to do it,” says Brandon, noting that the enhanced flexibility in Michigan greatly helped with recruitment in that state in 2020.

Those qualification requirements of someone serving in their own precinct reflect the tradition of voting being a very local thing. But that’s often not the reality anymore. We have vote centers now, and a lot of people voting by mail. So a poll worker could help with the count and not interact with anybody.”

FOR FIRST TIME, OHIO PROVIDED COUNTY-BY-COUNTY TRACKING OF POLL WORKERS

In Ohio, poll workers must serve in the county where they live. For several months leading up to the election, Secretary of State Frank LaRose spearheaded a series of initiatives to ensure those counties had enough people.

“For the first time, the number of poll workers was tracked, with the secretary of state’s office providing weekly updates that showed how many workers had been secured in each county vs. how many more were needed. The secretary of state’s office also partnered with Ohio’s university system, which gave all employees the chance to have a paid day off, without using vacation time, to be a poll worker.

“Even before the pandemic, there were many parts of the county having difficulty recruiting enough poll workers,” Brandon says, “and even more were recruiting for people who were technically savvy and bilingual speakers (to work the polls!).”

His hope is that recent state efforts to expand and diversify the worker pool will continue beyond 2020.

Across the border in Canada, poll worker recruitment also intensified this year. In Saskatchewan, for example, the province significantly increased the number of polling locations for its October election, a move that required thousands of more poll workers.

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

“AROUND THE REGION”

“I would bet if you followed those 16-year-olds through their lives, they are going to be the ones who care, who are engaged and who run for office.”

Illinois Sen. Julie Morrison, on the value of having young people serve as poll workers

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STATELINE MIDWEST | OCTOBER 2020

by Tim Anderson (tanderson@csg.org)

In a given year, state courts hear and decide about 95 percent of all the cases filed in the nation’s courts. They cover topics ranging from family and traffic law, to the state funding of schools and the extent of the emergency powers of governors. It’s a reminder of the critical role that state judicial systems play in the everyday lives of Americans, even with all of the attention of late on the future direction of the U.S. Supreme Court.

“State courts are even going to be more important than they have been before,” says Douglas Keith, counsel in the Brennan Center for Justice’s Democracy Program.

“As the federal judiciary looks to have an increasing role in looking at conservative majorities, it’s likely we’re going to see lots of fights play out in state courts, whereas before they might have played out in federal courts.”

“We’ve already seen in some of the major gerrymandering decisions in states, or the Kansas Supreme Court’s decision on reproductive rights” (In 2019, the court ruled that the Kansas Constitution protects a woman’s right to abortion.)

At the federal level, proposals have been introduced recently to dramatically change the makeup of the U.S. Supreme Court — “a packing of the court” by the legislative and executive branches, for example, or a replacement of lifetime appointments for the Supreme Court with a single, limited term in office.

“At the state level, the selection and retention process is typically much different than the current federal model.”

In the Midwest, for example, no state provides for a lifetime appointment to the state supreme court; every justice must face either a retention or competitive election at some point.

In six of the region’s 11 states (Illinois, Michigan, Minnesota, North Dakota, Ohio, and Wisconsin), the initial selection of a supreme court justice is done through an election among competing candidates. In the other five states, the governor selects a supreme court justice from a list of candidates developed by a nominating commission, with or without legislative branch lacking any confirmation authority.

Keith believes lawmakers should re-examine their state systems, particularly those that use elections.

“We are seeing state supreme court elections more and more politicized in a way they haven’t before,” Keith says. “Judges are supposed to be doing things different than our political officials. They’re supposed to be making decisions at least somewhat independent from the pressures of politics.”

This year, elections were held in 31 states to decide who would serve on state supreme courts. Some of those races were quiet, others attracted big money and lots of public attention.

As of early October, more than $31.5 million in political contributions had been made to state supreme court candidates, according to the National Institute on Money in Politics. That already was among the highest totals since 2000.

Wisconsin led the way in the Midwest, with millions of dollars spent on a single race for a state Supreme Court seat.

Two years ago, the Brennan Center for Justice released a study calling for a new way of choosing state supreme court judges: Have them selected by a judicial nominating commission (some states do this), and then have them serve a “one and done” term of between 14 years and 18 years (no states do this).

Imposing such a single term, Keith says, would insulate those judges from the political pressure that comes with facing an election or a reappointment by the governor or other elected officials.

“Judges sitting on the court should not have to be thinking about the next election or the next appointment when it comes to making a decision,” he says.

On the flip side, some worry that too much insulation leads to a lack of accountability.

States use of judicial nominating commissions spread in the mid-20th century as a means of limiting the influence of party machines, ensuring the independence of the judiciary, and putting the selection of judges in the hands of the legal community itself.

But more recently, these merit-based systems have been questioned and sometimes tweaked by lawmakers.

In Iowa, a 2019 law gave the governor the power to choose the majority of people who sit on the state’s 17-member nominating commission; previously, the governor and bar association made eight selections each, with a sitting member of the Supreme Court serving as the final member.

Keith recommends that states strive to give diverse nominating commissions in which no single person or group (governor, bar association, legislature, etc.) can name the majority of members. He also says statutory language can ensure these commissions are bipartisan and have spots secured for different groups of attorneys, as well as citizens who are not lawyers.

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

Capital Closeup

AS IMPORTANCE OF STATE COURTS RISES, SO WILL SCRUTINY OVER JUDICIAL SELECTIONS

With the exception of Nebraska, every state in the Midwest has statutes that require certain juvenile sex offenders to be listed on sex offender registries for offenses they committed. Nebraska does have a sex offender registry that adult offenders must be a part of, but the requirement typically does not apply to juveniles. There is one exception, however — if individuals have been adjudicated as juveniles for a sex offense in another state.

That requirement was affirmed two years ago by the Nebraska Supreme Court, based on its reading of a state law that dates back to 1997.

Elsewhere in the Midwest, juveniles must register, regardless of where the offense was committed. Important differences exist in these state laws; however, as a study released earlier the year showed.

According to the Juvenile Law Center’s “Labeled for Life,” more than 200,000 individuals are on sex offender registries for offenses they committed as children. Exactly which offenses require registration by juvenile-age offenders varies:

1) Most or all offenses in states such as Illinois, Indiana, Minnesota and Wisconsin;
2) Higher-tier, more serious offenses in states such as Iowa and Michigan; and
3) Only rape in South Dakota.

In Ohio, any juvenile 14 or older who has twice committed a “sexually oriented” offense or “child victim oriented offense” is placed on the registry. Earlier this year, the Ohio Supreme Court upheld the state’s registry requirement. That decision stemmed from a case brought by an individual who challenged Ohio’s law on the grounds that it was an unconstitutional violation of due process.

The individual in the case was 14 years old when he was adjudicated in juvenile court on a felony sex offense, and 19 years old when he was indicted in adult court for failing to register.

Another option for states is to give judges discretion on whether a juvenile should be placed on a sex registry. In Kansas, such discretion is given to judges for cases involving nonviolent offenses. North Dakota requires mandatory registration for felons and provides judicial discretion for misdemeanors.

States also differ on how long they require individuals adjudicated in juvenile court on a sex offense to remain on the registry. In the Midwest, the time frame varies from two years to life, depending on the state and severity of the offenses (see table).

In some states, too, these individuals appear on publicly available websites that list sex offenders. According to the “Labeled for Life” study, Indiana and South Dakota include these names on a publicly available website; they are not included in Iowa, Kansas, and Minnesota. A third option is for states to leave this decision to judges or law enforcement, or to only include the names of people who committed violent or more serious sex offenses as juveniles.

The Juvenile Law Center issued the study as part of its efforts to change state laws that place young offenders on registries. The center says registration requirements are imposed without consideration of individual circumstances and without regard to research showing that children who engage in sexual offenses are unlikely to recidivate. The center also says being on a registry can harm an individual’s ability to secure housing, live with siblings, or get a job or an education.

On the flip side, some worry that too much insulation leads to a lack of accountability.

States use of judicial nominating commissions spread in the mid-20th century as a means of limiting the influence of party machines, ensuring the independence of the judiciary, and putting the selection of judges in the hands of the legal community itself.

But more recently, these merit-based systems have been questioned and sometimes tweaked by lawmakers. In Iowa, a 2019 law gave the governor the power to choose the majority of people who sit on the state’s 17-member nominating commission; previously, the governor and bar association made eight selections each, with a sitting member of the Supreme Court serving as the final member.

Keith recommends that states strive to give diverse nominating commissions in which no single person or group (governor, bar association, legislature, etc.) can name the majority of members. He also says statutory language can ensure these commissions are bipartisan and have spots secured for different groups of attorneys, as well as citizens who are not lawyers.

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

**QUESTION OF THE MONTH**

**QUESTION | Do Midwest states require that young people adjudicated in juvenile court for certain offenses be part of a state-run sex offender registry?**

**LENGTH OF TIME SOMEONE MUST REMAIN ON SEX OFFENDER REGISTRY AS RESULT OF OFFENSE COMMITTED AS JUVENILE**

<table>
<thead>
<tr>
<th>State</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>10 years to life (some court discretion)</td>
</tr>
<tr>
<td>Kansas</td>
<td>Until age 18, five years or life</td>
</tr>
<tr>
<td>Michigan</td>
<td>15 years, 25 years or life</td>
</tr>
<tr>
<td>Minnesota</td>
<td>10 years</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Not required to register</td>
</tr>
<tr>
<td>North Dakota</td>
<td>15 years, 25 years or life</td>
</tr>
<tr>
<td>Ohio</td>
<td>10 years, 20 years or life</td>
</tr>
<tr>
<td>South Dakota</td>
<td>10 years</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>15 years</td>
</tr>
</tbody>
</table>

Source: Juvenile Law Center, “Labeled for Life”
‘SIGH OF RELIEF’: DECLINE IN TAX REVENUES FOR FY 2020 NOT AS STEEP AS MANY FEARED

Big drops in economic activity at the tail end of fiscal year 2020 caused year-over-year state revenues to decline, but were not as steep as many fiscal analysts had feared, according to a recent Tax Foundation study based on U.S. Census Bureau data. In their analysis of tax collections in fiscal years 2019 to 2020, foundation researchers reported an overall decline of 5.5 percent among the 50 states and the District of Columbia.

“While hardly good news, it is, perhaps, worthy of a cautious sigh of relief under the circumstances,” foundation researchers concluded, noting the economic impact of the COVID-19 pandemic. They added that actual revenue losses may be even lower after accounting for some shifting of income tax collections into FY 2021.

According to the Tax Foundation, preliminary data from the U.S. Census Bureau showed that year-over-year differences in tax collections in the Midwest ranged from +4.6 percent in South Dakota to -12.6 percent in North Dakota. Its analysis of these preliminary numbers showed year-over-year declines in every Midwestern state except Illinois, Nebraska and South Dakota, see map.

Iowa officially closed the books on FY 2020 at the end of September (though the state’s fiscal year ends on June 30, some obligations remain outstanding after that date). Gov. Kim Reynolds reported a balance of $385.5 million in the state general fund and cash reserves of $770 million served as state officials reported an FY 2020 surplus of $119.1 million and total reserves of $243.0 million. When the COVID-19 pandemic hit, state rainy day funds — both nationally and in some Midwestern states — were at an all-time high, as measured by the balance of these funds as a percentage of general fund spending.

The big question for states now is the extent to which budget adjustments and cuts will have to be made in FY 2021. The Tax Foundation forecasts that for FY 2020 and 2021, state tax collections will fall $220 billion below initial projections. The Center for Budget and Policy Priorities is predicting a FY 2021 shortfall of $290 billion, a figure higher than the deficits faced by states at the peak of the Great Recession.

MICHIGAN LOOKS TO UPSKILL WORKFORCE THROUGH PROVISION OF TUITION-FREE PATHWAY FOR ADULTS

Through a mix of federal dollars and a new state investment of $30 million, Michigan is providing tuition-free pathways for adult residents wanting to earn a postsecondary certificate or associate’s degree.

Legislators appropriated that $30 million in the state’s recently enacted budget for a program called Michigan Reconnect. Modelled after a longstanding scholarship program in Tennessee, Michigan Reconnect is a central part of the state’s goal of having 60 percent of adults with learning or training after high school by 2030. To be eligible, individuals must be at least 25 years old. The program will provide last-dollar financial aid, meaning other needs-based assistance must be used first.

Earlier in the year, Gov. Gretchen Whitmer unveiled “Futures for Frontliners,” an initiative that she described as a “$1.1 billion for essential workers” program. They will get a tuition-free pathway to an associate’s degree or a technical certificate. According to the Detroit Free Press, the $24 million in funding for Futures for Frontliners is coming from the U.S. CARES Act. A part of that federal law established a Governor’s Education Emergency Relief Fund.

This fall, the advocacy group College Promise released a study cataloging state and local initiatives that provide tuition-free or -discounted pathways to a community college degree or postsecondary certificate. It found state-administered and -sponsored programs in states such as Indiana, Iowa, Minnesota and South Dakota. The reach of these programs can vary widely from state to state. For example, the enrollment cap for South Dakota’s program was 300, with scholarships going to students seeking degrees or certificates in high-demand fields. A last-dollar scholarship in Iowa is providing more than $13 million to 6,000-plus students enrolled in community and private college programs preparing them for careers in high-demand jobs.

NEBRASKA NOW COVERING EXPANDED MEDICAID POPULATION, JOINING 7 OTHER MIDWEST STATES

In October, Nebraska officially became the eighth state in the Midwest to expand health coverage through its Medicaid program, and the first in the region to do so as the result of a voter-approved ballot measure rather than legislative action. The state Department of Health and Human Services began covering the expansion population in October, close to two years after voter’s passage of the initiated state statute.

Between Aug. 1 (when enrollment opened) and Oct. 1, the state reported receiving close to 11,000 applications. The expansion, known as Heritage Health Adult, expands Medicaid to lower-income adults who earn up to 138 percent of the federal poverty level and who are between the ages of 19 and 64. Physical health, behavioral health and prescription drugs are the services included in the expansion. Nebraskans who are 19 to 20 years old, pregnant or medically frail will also receive dental and vision services.

Nebraska continues to seek a federal waiver for certain elements of its expansion program. It wants to create two tiers of coverage: a “premium” plan for expansion-eligible adults and adults already in Medicaid as parents or caretaker relatives, and a “premium” plan that will include dental and vision appointments and over-the-counter drugs. The premium plan would be available only to people who are working in school, volunteering or caring for a relative; it would come with an 80-hour-per-month work requirement in order to qualify for coverage.

In the Midwest, Kansas, South Dakota and Wisconsin have not expanded their Medicaid programs under the Affordable Care Act. According to the Kaiser Family Foundation, Indiana, Iowa, Michigan and Ohio operate their programs under a Section 1115 waiver, which means they are allowed to have elements of the expansion not otherwise allowed under federal law.
The U.S. Environmental Protection Agency is finishing a major long-term revision to the Federal Lead and Copper Rule, which sets standards for regulating those two metals in the nation’s drinking water. First established in 1991, the rule has since been revised three times: in 2000, 2004 and 2007. The new revision will take effect 60 days after being published in the Federal Register, that is expected to happen this fall.

The rule currently requires water systems to test for lead at the tap in certain homes and sets a lead action level of 15 parts per billion (0.015 micrograms per liter). This means that if 10 percent of the samples from homes have lead or copper concentrations above the action levels, then the system must perform actions such as public education and replacement of lead service lines.

The proposed revisions maintain current action levels but require that “a more comprehensive approach” be taken by local water utilities. For example:

- Prepare or update an inventory of lead service lines, and “find and fix” causes of elevated lead levels.
- Communicate results of the inventory to customers.
- Replace lead service lines. Water systems will be required to replace those lines when a customer opts to replace the portion of the line that he or she owns.
- Remove service lines from a water system’s service area if it is required to replace 3 percent of its known or potential lead service lines annually if lead is found above 15 ppb.

The revisions will maintain the copper action level of 1.3 ppb (1.3 micrograms per liter).

The new revisions also will require 20 percent of K-12 schools and licensed childcare facilities built before 2014 in a system’s service area to be annually tested for lead.

There are exceptions for buildings that have already been tested by the Indiana Finance Authority since 2017, or that have been in compliance with federal drinking water standards since 2016. The law also requires all school buildings to be tested once every two calendar years afterward; if lead is found above 15 parts per billion, action must be taken to bring it below that level. Districts also must seek state and federal money available for lead sampling or testing.

Michigan’s 2021 budget allocates $102 million toward replacing lead service lines in disadvantaged communities as part of the $500 million Mi Clean Water program addressing water infrastructure and contamination cleanup.

The budget, passed by the Republican-controlled Legislature and signed by Democratic Gov. Gretchen Whitmer, also includes $2 million for a fund that will help low- to moderate-income homeowners and landlords get financing to reduce or eliminate residential lead hazards. Lead removal is a topic of bipartisan agreement, VanderWall says, noting “we’re all of our minds and we know we have to do better.”

“Indiana’s HB 1265, signed in March, requires school districts in Lake County to test their buildings’ drinking water for lead before 2023. But there are exceptions for buildings that have already been tested by the Indiana Finance Authority since 2017, or that have been in compliance with federal drinking water standards since 2016. The law also requires all school buildings to be tested once every two calendar years afterward; if lead is found above 15 parts per billion, action must be taken to bring it below that level. Districts also must seek state and federal money available for lead sampling or testing.

Michigan’s 2021 education omnibus bill (HB 1), signed by Gov. Tim Walz in May of that year, added charter schools to the state’s lead testing and reporting requirements.

Schools must create and publicly post findings and remediation plans, and then directly notify parents of results. In February 2019, the Minnesota Department of Health released a cost-benefit analysis of lead service line replacement showing that a 20-year removal program would cost between $1.52 billion and $4.12 billion. But it found replacement would generate between $4.24 billion and $8.47 billion in health benefits stemming from enhanced brain development and lifetime productivity leading to higher earnings and taxes paid.

The report also suggested potential strategies for state action:

- Conduit a statewide inventory of lead service lines and remove them at a steady pace (especially in conjunction with other construction to reduce costs).
- Increase awareness of the dangers of lead exposure, particularly to formula-fed infants younger than 9 months old, and launch a general public information campaign.
- Conduit corrosion control studies and then implement optimized corrosion control.
- Create partnerships between the Department of Health, community water systems and lead poisoning prevention programs that traditionally focus on paint-based hazards.

The Great Lakes Legislative Caucus created a Task Force on Lead in 2018 as an ongoing effort to reduce lead in the region’s drinking water supply. (CSG Midwest provides staff support to the caucus.) That panel released its final recommendations in September, calling for states to adopt lead action levels of 12 ppb or less generally and 5 ppb or less for schools and child care centers. Other recommendations include steps to:

- Reduce exposure to lead in drinking water in schools, child-care centers and other facilities; promote standardized reporting of test results to central data systems to aid in measuring progress and conducting research;
- Provide financial and technical assistance for testing drinking water;
- Expedite the full replacement of lead service lines; and
- Improve communication about lead in drinking water.

The model policy is an excellent resource for legislators in all states, says Illinois Rep. Robyn Gabel, the caucus’ newly elected chair. The starting point, she says, should be protecting schools and child care facilities by requiring testing for and investigation of lead contamination, she says.

“I know it’s hard to implement everything at once, but I hope they’ll take a piece or two and run with it,” she adds.

Two years ago, Illinois began requiring community water systems to create comprehensive inventories of their lead service lines. The state also requires lead testing in all schools (public and private) built before January 2000, as well as in licensed day care centers.

Michigan is requiring the gradual replacement of all lead service lines. It also has lowered the state’s lead action level (the trigger for vigorous lead mitigation efforts) from 15 parts per billion to 10 ppb starting in 2021. The state’s budget for fiscal year 2021, legislators included $102 million to remove lead service lines in disadvantaged communities.

The report also suggested potential strategies for state action:

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In March 2019, the Government of Canada lowered the national lead action level to 5 ppb by 2026, while HR 852 would require the U.S. EPA to establish a lead contamination testing program for all schools. The latter measure would create a grant program to help school districts conduct lead testing and assist with remediation efforts. The replacement of lead service lines is included in bills (HR 4033 and S 2466) that would invest $250 billion in water safety, affordability and sustainability.

Under a federal law passed in 2016, Ohio requires water utilities to identify and map areas where lead service lines are known, or are suspected to exist, and to identify the characteristics of buildings where lead pipes, soldering or fixtures are likely to be. Those maps must be updated every five years.

Wisconsin’s “Leading on Lead” Act (SB 6) requires municipalities and utilities to provide financial assistance to private property owners via grants or loans to pay for lead service line replacement work on their properties.
PROFILE: NEBRASKA SENATOR LOU ANN LINEHAN

From rural Nebraska, to Washington, D.C., to Iraq — and now back to her home state, where she quickly emerged as a legislative leader on tax policy

by Tim Anderson (tanderson@csorg.org)

She served her country around the world, as the chief of staff to a U.S. senator, as a legislative liaison for then-Secretary of State Colin Powell, and as part of a Provincial Reconstruction Team in Baghdad.

What do you do next after such a remarkable career in government?

For Lou Ann Linehan, the answer was to come home, run for office herself and join the Nebraska Unicameral Legislature. “Just think of someone who did everything backwards,” she jokes about her unique career trajectory, first serving at high levels in the federal government and then becoming a state legislator.

Her interest in politics and government dates back as far as she can remember. As a high schooler in rural Nebraska, she was the one student peppering the U.S. history teacher with question after question after question. “Everybody else was saying, ‘Shut up Lou Ann,’” she recalls. “But I would keep asking.”

As a young parent in Omaha, she fought to get more money into the budget for schools and parks. “Everybody else was saying, ‘Shut up Lou Ann,’ “ she says. “I was home for Linehan, and that love of her state took away from your conscience, because it will come back to haunt you.”

What do you say next after such a long career at the local, state, national and international level?

“Nobody is going to get in trouble [with colleagues] in a state legislature or the U.S. Congress if you say one thing and do something else.”

“Whatever you do, try to do it the right way.”

“What you say and what you do have to be the same. You’re going to get in trouble [with colleagues] in a state legislature or the U.S. Congress if you say one thing and do something else.”

Q: What are some of the similarities you’ve observed about legislating at the federal level vs. the state level?

A: One is that it’s all about relationships and about trust. What you say and what you do have to be the same. You’re going to get in trouble [with colleagues] in a state legislature or the U.S. Congress if you say one thing and do something else.

Another similarity is being responsive to constituents. That’s important in D.C.; that’s important here. You get to show people that you care about them. That’s been especially important recently with all of the unemployment claims [from earlier this year]. It was so now for many people. I think we had 60 to 75 people we were able to help with unemployment claims. That’s a really important part of the job. Because by the time constituents decide to call an elected official, they are likely in trouble.

Q: What are some of the interesting or striking differences that you’ve observed?

A: There’s not the kind of “gotcha” press here. In D.C., it’s just so much more intense. Every word is scrutinized. Here, I’ll hear things on the floor and think, Oh my goodness, if that was said on the floor of the U.S. House of Representatives, that would be national news. It’s not a forgiveness really of the press here. It’s more the press hears what you’re trying to say rather than what you’re saying. And here, there is more of an effort to tell the story of what’s going on — the substance of the issues. What happens in D.C. is that when you put people under that kind of magnifying glass, it keeps people from thinking out loud and from being able to negotiate.

Q: Speaking of negotiations, you were a central part of work this past summer in getting a bill on property tax relief passed by the Legislature and signed into law. What do you view as the key to successful legislative negotiations?

A: Everybody has to be able to walk away with a win. That has sometimes been a frustration of mine since becoming chair of the Revenue Committee — just convincing people that everybody has to get something. There were those who would say, “I hate incentives. They are a giveaway; they are corporate welfare.” Well, but if you’re not able to give on that, you’re not going to get property tax relief. And there were people on the other side saying, “I don’t care if the rich farmers have to pay property taxes.” But nobody is going to get what they want unless everybody gets something.

Q: You spent much of your career as a staff person in government. Now you’re an elected official. What did you have to learn about the difference in those roles?

A: It’s not something I learned so much as I was told, by our speaker (Jim Scheer), and he was right. The speaker said that too many times in our meetings, I would get down too much in the weeds. I was using facts against talking points. And I was doing that because that’s what staff does. Staff has to be able to prove everything their boss is saying is absolutely true. So I was actually, and evidently to a painful extent, getting into the weeds too much with my fellow senators. Finally, Speaker Scheer called me into his office and said, “Stop thinking you have to prove you’re right. Stop taking time trying to explain it all!” That advice has helped me a lot.

“Making every day count.”

“Don’t put off until tomorrow what you can do today. Make every day count. And then also stay true to yourself. Don’t say things that you don’t believe, that go against your conscience, because it will come back to haunt you.”

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BIO-SKETCH: SEN. LOU ANN LINEHAN

- first elected to Nebraska unicameral legislature in 2016, serves as chair of Revenue Committee
- served two stints as chief of staff for Nebraska Sen. Chuck Hagel
- worked as deputy assistant secretary for legislative affairs in the U.S. Department of State under Secretary of State Colin Powell
- served as member of Provincial Reconstruction Team Baghdad as part of President George W. Bush’s Iraq surge; also worked in Iraq for the State Department, served as principal deputy to the U.S. consulate in Iraqi city of Basra
- raised in rural Nebraska and now resides in Elkhorn, has four adult children and six grandchildren
- 2017 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development (BILLD) Program
FIRST PERSON: EFFECTS OF COVID-19 PANDEMIC ON NATIVE AMERICANS HAVE BEEN SEVERE

State-tribal partnerships, assistance programs are essential to addressing the crisis

by Kansas Rep. Ponka-We Victors

My name is Dr. Ponka-We Victors, and I serve as a representative in the Kansas House of Representatives. I am a member of the Tohono O’odham Nation of Arizona and the Ponca tribe of Oklahoma. Currently, I am the chairwoman of the Kansas Legislative’s Joint Committee on State-Tribal Relations as well as vice chair of the National Caucus of Native American State Legislators.

As we struggle to deal with a world health crisis, I would like to highlight an important issue that is often left out of many conversations: the devastating impact that COVID-19 has had on Native American tribes across this country. Many tribal leaders have been left to tackle a world health crisis with limited resources, hospital beds and financial support from the federal government. The number of COVID-19 positive cases continues to rise in many tribal communities. Native American nations in the Southwest have seen the highest infection and death rates in the country. From this, various tribes have imposed strict stay-at-home orders, curfews and checkpoints on their reservations to prevent the virus from spreading. Tribal nations have been working hard to protect their communities, especially elders and children. The elders of each tribe are considered the keepers of the culture and tribal language; therefore, it is crucial that they are protected.

HIGHER RISKS AND DEEPER HEALTH IMPACTS

Native Americans have the highest risk of serious health complications in the country. They are more likely to suffer from diabetes, heart disease, hypertension and other conditions making them more vulnerable to serious or fatal complications from COVID-19. Furthermore, numerous other factors place Native Americans at a higher risk — poverty, multi-generational families living together in one house, and limited access to running water, power and food. These issues have made it nearly impossible for families to take proactive steps to protect their health. Isolation isn’t an option when multiple families reside together, or when it’s more than a 100-mile drive to secure food and water. The Navajo Nation has been hit the hardest with COVID-19. The total number of confirmed COVID-19 cases for the Navajo Nation had reached 9,486 by mid-August. A total of 484 deaths had been reported. There have been numerous issues affecting adequate access to testing kits and timely processing of test results. As a result, infected family members unknowingly spread the virus to other family members.

In May, Doctors Without Borders sent a team of health professionals to the Navajo nation and to the Pueblos to help tackle COVID-19. This organization is equipped with health professionals and resources that they send all over the world to help combat medical crises. The Navajo Nation and Indian Health Service welcomed the organization to help control the outbreak.

States, meanwhile, have responded differently with the various tribes within their borders. Kansas has four tribal nations: the Prairie Band Potawatomi Nation, the Iowa Tribe of Kansas and Nebraska, the Sac & Fox Tribe of Kansas, and the Kickapoo Tribe of Kansas. Since the health pandemic started, Gov. Laura Kelly has scheduled several conference calls with these tribes’ leaders. In addition, tribal emergency managers are included on daily calls hosted by the Kansas Division of Emergency Management for local officials. These calls keep tribal emergency managers updated on current issues and incidents across the state and give them an opportunity to communicate with other agencies.

In addition, Kansas Secretary of Health and Environment Dr. Lee Norman has been in communication with the tribes and the Indian Health Services, and a mobile unit with testing kits has been available to different tribes upon request.

JOB LOSSES, OTHER ECONOMIC HARDSHIPS FROM COVID-19

Tribes across the country have felt the economic impact of COVID-19. Indian gaming casinos lost revenue during the coronavirus-related shutdown, depriving some tribes of their primary source of revenue. Tribally owned businesses and enterprises also lost revenue, and some continued to be closed to help limit the amount of people on the reservation. Unemployment affected not only tribal members, but people from surrounding areas who worked at the tribal casinos, golf courses, hotels, retail stores and other places of employment. As the tribes continue to experience economic hardships and the health crisis continues, revenue from the CARES Act is far from enough to help battle the devastating impact to tribal nations.

STATES CAN HELP TRIBES RESPOND TO PANDEMIC

It is evident that the pandemic has stressed many tribes to a breaking point and created health and economic hardships on the tribes. I believe state leaders should include the various tribes of each state in the discussion when examining the impacts of COVID-19. The National Caucus of Native American State Legislators has been meeting via Zoom to try and fully understand the issues and concerns regarding the tribes in their state.

Recently, the caucus passed a resolution urging all states to support tribal priorities to respond to the coronavirus pandemic and to take active efforts to protect their citizens.

Throughout history, Native Americans have faced challenges, yet have overcome many struggles that were meant to destroy our way of living and well-being. Therefore, I am confident that we will overcome the struggles and obstacles related to the health crisis, but appreciate the sacrifices, help and support from others during this difficult time.

Rep. Ponka-We Victors has been a member of the Kansas House of Representatives since 2011.

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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 630-253-1322 or timanderson@csg.org.
CSG STUDY URGES STATES TO RETHINK USE OF JUVENILE JUSTICE SYSTEM TO CHANGE STUDENT BEHAVIORS

In 2018, more than 60,000 young people were referred to juvenile courts due to truancy. Attendance and other school-related requirements are also a common condition of probation, and sometimes lead to juvenile detention and incarceration when these requirements are not met.

Is this role of the juvenile justice system in education having its intended effects—namely to improve student behaviors and outcomes? A new data-driven study from The Council of State Governments raises doubts. It examined about 11,000 students who entered South Carolina's juvenile justice system to see what (if any) impact that involvement had on their attendance. The CSG study found that when compared to attendance in the previous school year, these students missed five more days.

Based on these and other findings, the CSG Justice Center suggests that states consider:
- re-examining whether excessive school absences should be treated like a crime and be subject to court oversight and sanctions; and
- taking a closer look at the most appropriate roles and responsibilities for the juvenile justice, education and other youth family service systems for keeping young people engaged in school and supporting long-term, positive educational outcomes.

The report is available at csjsuggests.org.

CSG HOLDING ONLINE SESSIONS FOR STATE LEADERS ON WIDE RANGE OF TOPICS THROUGH DEC. 18

In lieu of an in-person 2020 National Conference, The Council of State Governments is hosting online sessions for state legislators and other policy leaders on most weekdays through Dec. 18.

Topics being covered range from equity, health, resilience and international trade to the benefits of public sector apprenticeships and how the use of language affects representation and inclusion of marginalized populations. CSG’s national Healthy States and Future of Work task forces will also report on their work. These bipartisan task force meetings include many state legislators from the Midwest. Kansas Sen. Carolyn McGinn serves as co-chair of the Healthy States task force, and Illinois Rep. Robin Gabel will serve as co-chair of the Future of Work task force. Kansas Rep. Susan Conkannon chairs the Healthy States’ Capacity, Preparedness and Resiliency Subcommittee.

CSG’s “reimagined” virtual National Conference includes numerous sessions on the impact of the COVID-19 pandemic, as well as how interstate compacts are being used or can be used to ease shortages of supplies and workers. The full agenda, along with registration information, is available at csg.org/2020/.

REGIONAL PASSENGER RAIL LEADERS WILL MEET TO DISCUSS FUTURE OF INTERSTATE SERVICE

Virtual meeting also includes business session for interstate compact group

The Midwest Interstate Passenger Rail Commission will host its annual meeting via Zoom on Nov. 10-11. In addition to annual updates on recent passenger rail developments from member states’ departments of transportation and MIPRC commissioners and partner, virtual sessions will address developments at the federal and state level, including:
- developments in federal passenger rail policy and funding and the impact of the COVID-19 pandemic on ridership, both on state-supported regional service and Amtrak’s long-distance trains;
- the potential impact of elections on passenger rail and surface transportation reauthorization;
- visions and priorities for 2021 from Amtrak and the Federal Railroad Administration (FRA);
- an update on the FRA’s Midwestern Regional Rail Planning Study; and
- marketing the Midwest’s passenger rail services.

Commissioners will also finalize MIPRC’s 2021 priorities and budget, set preliminary plans for the group’s 2021 meeting and elect new officers.

To register for the meeting, contact MIPRC director Laura Klawer at lklawer@csg.org.

MIPRC is a 20-year-old interstate compact commission of the Midwest’s state legislators, governors and their designees. It promotes the growth and development of state and regional passenger rail. CSG Midwest provides secretariat services to MIPRC.

GREAT LAKES-ST. LAWRENCE LEGISLATIVE CAUCUS SET FOR 2021 WITH NEW LEADERSHIP TEAM, IN-DEPTH FOCUS TOPIC

The nonpartisan, binational Great Lakes-St. Lawrence Legislative Caucus wrapped up its four-part “virtual” annual meeting in October by setting its new leadership team for the year ahead.

Illinois Rep. Robin Gabel will serve as caucus chair and Minnesota Rep. Jennifer Schultz as vice chair. They were elected during the fourth (and final) session of the GLLC’s 2020 Annual Meeting. Each session included discussion on a specific policy related to the Great Lakes and/or water quality, as well as caucus business, including election of the new leadership team. Along with Reps. Gabel and Schultz, here are the legislators who will be part of the GLLC’s Executive Committee in 2021:
- Indiana Rep. Dave Abbott
- Michigan Rep. Joe Tate
- Minnesota Sen. Carin Ruud
- New York Assemblyman Mark Walczyk
- Ohio Rep. Michael Sheehy
- Ontario MPP Jennifer French
- Pennsylvania Rep. Curt Sonney
- Quebec MLA Gilles Bélanger and

Three leadership designees are also members of the committee: Indiana Sen. Ed Charbonneau and Minnesota Sen. Ann Rest, both of whom are former caucus chairs; and Wisconsin Sen. André Jacque, chair of the GLLC Task Force on Nutrient Management.

The caucus promotes the restoration, protection, economy, and sustainable use of the Great Lakes and St. Lawrence River.

NEW FOCUS ON CLIMATE RESILIENCY

In September, members of the caucus chose a topic for the 2021 Patricia Birkholz Institute. It will be improving the resiliency of coastal communities to climate change. The binational institute brings together a small group of legislators to take a deep dive into an issue on the GLLC’s policy agenda. This group then helps lead the caucus’s work in taking coordinated regional action. The institute is named in honor of the GLLC’s founder, former Michigan Sen. Patricia Birkholz. CSG Midwest provides staff support to the caucus.

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, sponsored state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators representing 11 states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin) and the Canadian province of Saskatchewan. The provinces of Alberta, Manitoba and Ontario are MLC affiliate members.
BILLD Alumni Notes: Graduates Who Did Not Run for Re-Election

Even prior to the November election, CSG Midwest was aware of several alumni of the Bowhay Institute for Legislative Leadership Development whose legislative service will come to an end later this year (due to factors such as term limits, running for other offices, or a decision to retire from public service). CSG Midwest extends its thanks to these BILLD alumni for their service and for being an active part of our organization. We wish all of them the best of luck in their future endeavors!

ILLINOIS

INDIANA

IOWA

KANSAS

MICHIGAN

MINNESOTA

NEBRASKA
Sen. Sara Howard (class of 2013) • Sen. Rick Kolowski (class of 2014) • Speaker Jim Scheer (class of 2013)

NORTH DAKOTA
Sen. Gary Lee (class of 2003)

OHIO

SOUTH DAKOTA

WISCONSIN

SASKATCHEWAN
This month, elections were held for the Legislative Assembly. Prior to the election, three BILLD alumni announced their retirements from the assembly: MLA Danielle Chartier (class of 2011) • MLA Warren McCull (class of 2003) • MLA Warren Michelson (class of 2016)

Please submit Alumni News to Laura Tomaka, CSG Midwest program manager for BILLD. She can be reached at ltomaka@csg.org.

Q & A with BILLD Alumni: Retiring Legislators Reflect on Their Public Service

OHIO REP. JOHN PATTERSON | CLASS OF 2014 | SERVED 2012-2020
What I’m most proud of: “The Fair School Funding Plan. For eight years, I have been working at this issue. It was the main reason I retired from teaching to serve in the Ohio House. It has always been a bipartisan effort.”
How I’d like to be remembered: “For being genuine, transparent, and dedicated to serving all to the best of my abilities.”
An insight I am taking with me: “To thoughtfully, conscientiously and respectfully listen to, and ruminate upon, those opinions and/or beliefs that might run counter to my own.”

NEBRASKA SEN. SARA HOWARD | CLASS OF 2013 | SERVED 2012-2020
What I’m most proud of: “In 2009, I lost my sister to an opioid overdose, and her struggle inspired me to make sure other families never have to go through what my mom and I had to. In 2016, I was able to pass legislation that completely overhauled the state’s Prescription Drug Monitoring Program. Nebraska now has one of the lowest drug overdose rates in the country.”
How I’d like to be remembered: “I would like to think my colleagues and the people I represented felt that I was a hard worker; that I tried to make it a top priority to always be available to my constituents; and that I was a defender of our very unique institution.”

KANSAS REP. TOM PHILLIPS | CLASS OF 2013 | SERVED 2012-2020
What I’m most proud of: “Serving as vice chair of the Taxation Committee when we rectified ill-conceived changes to the state tax code... Once state revenues were restored, I was involved in ensuring a new school finance formula.”
How I’d like to be remembered: “A legislator willing to work with people with different political outlooks to find workable solutions.”
Work I plan to continue: “Helping focus statewide and local leaders on recognizing, planning for and embracing the disruptive forces and challenges facing Kansas’ workforce and higher education, and the ability to adapt to new forces shaping our future.”

MINNESOTA REP. LAURIE HALVERSON | CLASS OF 2015 | SERVED 2012-2020
What I’m most proud of: “Work that I have done to promote the health and security of young people. I authored the Homeless Youth Act, which has increased funding for youth homeless prevention and made it possible to build the first youth homeless shelters in the suburbs.”
How I’d like to be remembered: “As a thoughtful policymaker who led with integrity and worked with all parties to make a difference in people’s lives.”
Something I am leaving undone: “I won’t be there to continue to work for the passage of paid family and medical leave, which I authored this past session, and to join my colleagues on the newly created House Select Committee on Racial Justice to advance equity in our state.”

WISCONSIN SEN. LUTHER OLSEN | CLASS OF 1996 | SERVED 1994-2020
What I’m most proud of: “The passage of the graduated driver’s license bill. Constituents contacted me after their son was tragically killed in a car accident... evidence shows that because of that law, many young lives have been saved.”
How I’d like to be remembered: “As someone who listened, employed common sense and did not engage in political bomb throwing... also as hard-working and as someone who took the time to learn about the issues.”
My reflection on the legislative institution: “We have to get past the hyper-partisanship that characterizes our public sphere right now and find ways to work together for the greater good. It means neither side will get exactly what it wants, but there would be progress toward a solution, rather than leaving things at a standstill.”

through the Bowhay Institute for Legislative Leadership Development, or BILLD, CSG Midwest provides annual training on leadership and professional development for newer state and provincial legislators from this region. This page provides information related to the BILLD program, leadership development and legislative leadership. CSG’s Midwestern Legislative Conference BILLD Steering Committee — a bipartisan group of state and provincial legislators from the Midwest — oversees the program, including the annual selection of BILLD Fellows.