Push for school reform spreads in the Midwest

Iowa, South Dakota and Wisconsin among states where proposals emerge after ‘sea change’ year of 2011

by Tim Anderson (handerson@csg.org)

After a year of sweeping changes in education policy in the Midwest, a handful of state legislatures in the region are once again considering major reforms that would have a lasting impact on how students are taught, and how teachers are paid and evaluated.

Governors in Iowa, South Dakota and Wisconsin kicked off legislative sessions this year with State of the State addresses calling for their states to take their K-12 school systems in a new direction. If enacted into law, the proposals would:
- end South Dakota’s tenure/continuing-contract system for teachers while also establishing a new merit-pay system for educators;
- put a stronger emphasis on reading instruction in Wisconsin, through more-rigorous requirements of prospective teachers and enhanced assessments of early learners;
- overhaul Iowa’s K-12 assessment and accountability systems and change that state’s policies on who becomes a teacher and how local personnel decisions on educators are made.

“2011 was a sea-change year as far as education policy goes,” notes Kathy Christie, vice president of the Education Commission of the States. “That seems to be continuing.”

States such as Illinois, Indiana and Michigan were at the forefront of those changes last year with new laws that eliminated “last-in, first-out” policies (basing teacher layoffs and rehirings on seniority) and established new rules on tenure — for example, requirements that personnel decisions be based on performance, and that evaluations of teachers be stronger and be tied to student academic growth.

The changes being proposed this year build off of some of those recent legislative actions. But Christie says one other national trend emerging early in 2012 — and part of the reform proposals in Iowa and Wisconsin — is an increased emphasis on improving reading instruction.

“No skill is as fundamental to student achievement as the ability to read,” Republican Gov. Scott Walker said in his January speech to legislators. “By fourth grade, our kids must be equipped with proficient reading skills, so they are no longer learning to read, but reading to learn.”

In Wisconsin, and across the country, test scores show that an alarming number of fourth-graders don’t have these skills. “You only have one in three kids reading at or above proficiency for their grade level,” Christie says. “That is utterly unacceptable.”

In Iowa and Wisconsin, a push for changes in reading instruction

Data on the reading performance of Iowa’s fourth-graders mirror those at the national level: A little less than one-third of the state’s fourth-graders are reading at proficiency for their grade level.

For their states to take their K-12 school systems in a new direction. If enacted into law, the proposals would:

• end South Dakota’s tenure/continuing-contract system for teachers while also establishing a new merit-pay system for educators;

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• overhaul Iowa’s K-12 assessment and accountability systems and change that state’s policies on who becomes a teacher and how local personnel decisions on educators are made.

1 “We have stagnated, while other states, and more importantly other nations, have accelerated past us.”

Jason Glass, director, Iowa Department of Education

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Education reform has once again emerged as a top policy priority in Midwestern state legislatures. In Iowa and Wisconsin, one emphasis is on improving the reading test scores of fourth-grade students. About two-thirds of students in this grade level are not proficient in reading.
Economic Development

States increasing use of tax incentives to lure business

Last year, Sears Holdings Corp. announced that, with state and local incentives set to expire in 2012, the company would consider moving out of Illinois, where it has been based since 1887. The result was a flurry of states, including New Jersey, Ohio, North Carolina, South Carolina, Texas and Georgia, expressing interest in landing the retail giant.

Two Midwestern states — Illinois and Ohio — became the most serious contenders and waged an intense incentives war. Ohio offered the company a reported $400 million in incentives to move there. In the end, Sears decided to stay in suburban Chicago, with the state and local governments offering a package that will provide $125 million in property tax breaks and $150 million in state income tax credits.

The same day Sears announced it would stay in Illinois, the parent company of the Chicago Mercantile Exchange followed suit after being offered incentives in the same legislation (SB 397). CME Holdings had been wooed by neighboring Indiana. It is estimated that the Sears and CME deals will cost the state $263 million in fiscal year 2013 and $325 million in FY 2014.

Stories like these, of intense competition for jobs and businesses, are being played out across state lines and within states — and these bidding wars almost inevitably require the use of tax incentives.

According to The Council of State Governments’ third edition of “State Business Incentives: Trends and Options for the Future,” there has been an increase in the number of states offering various types of incentives over the past three decades.

For example, in 1977, at least 28 states offered tax breaks or credits to businesses for equipment and machinery, goods in transit, manufacturers’ inventories, raw materials in manufacturing and job creation. By 2008, the number of states offering such incentives had grown to 44. Likewise, 21 states offered a corporate income tax exemption in 1977, with the number rising to 41 by 2008.

In addition to providing an inventory of and trends in businesses incentives offered by states, the report includes information on state oversight and accountability — how states try to ensure that these taxpayer dollars are being used wisely.

The third edition also discusses two other areas: international economic development and the green/ clean economy. Nearly half of the states responding to a CSG survey indicated that they provide grants to small businesses as part of their export assistance programs. Every state offers at least two types of incentives for renewable energy. For state-by-state information on state business incentives, visit the CSG database: http://apps.csg.org/BusinessIncentives.

Great Lakes

Decline in Great Lakes restoration funding tops concerns as water-quality pact nears completion

As the United States and Canada finalize the terms of an amended Great Lakes Water Quality Agreement (GLWQA), the changes being contemplated remain of high interest to Great Lakes stakeholders.

Created in 1972, the GLWQA has guided the nations’ efforts to “restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes Basin Ecosystem.” Activities such as managing nutrient loads, cleaning up sediments contaminated by toxic chemicals, and preventing the spread of invasive species are intended to achieve the general objectives of preserving the health of the Great Lakes system and ensuring that the water is “drinkable, fishable, and swimmable.”

In September 2011, members of the Great Lakes Legislative Caucus submitted a letter commenting on some of the proposed changes for the new agreement.

Two principal concerns were highlighted: a decline in the amount of federal funding earmarked for the Great Lakes Restoration Initiative (GLRI), and the slow pace of progress in cleaning up contaminated sites.

Restoring the Great Lakes, caucus members observed, cannot be accomplished without “the commitment of significant resources by both parties at a time when financial constraints abound.”

Federal funding for the new GLRI, for example, kicked off at $425 million in fiscal year 2010 but then dropped by more than a third to $300 million in FY 2011. The requested amount of $350 million for FY 2012 is a 26 percent decline over 2010 levels. In response to the letter, Cameron Davis, senior adviser to U.S. Environmental Protection Administrator Lisa Jackson, noted that even with the cuts, the GLRI represents “the largest investment in Great Lakes work in more than two decades.”

For years, a lack of funding has hampered the cleanup of toxic hot spots called Areas of Concern: locations within the Great Lakes as well as connecting rivers and harbors that contain sediments polluted by past industrial activities. In 1987, when the agreement was last amended, 43 sites — 26 in the United States and 17 in Canada — were identified as Areas of Concern, with five of the sites shared by the two countries.

Sites were placed on the list because contaminant levels resulted in “beneficial use impairments” such as fish consumption advisories, loss of habitat, and restrictions on dredging activities. Cleaning up these areas can boost tourism, increase property values and make it possible for local communities to redevelop land.

Since 1987, three sites in Canada have been delisted, but only one in the U.S. — the Oswego River in New York. Caucus members urged that cleanup of contaminated sites be accelerated.

In his response, Davis noted that 35 percent of funding for projects must come from non-federal sources. He called the lack of non-federal funding “one of the most significant barriers” to cleanup progress and requested help from the caucus in identifying non-federal matches.

Over the past four decades, the GLWQA has been amended three times. A final amended agreement is expected by the summer of 2012.
U.S., Canadian officials seek to harmonize rules that raise the cost of doing business

The Campbell Soup Co. has a production problem. It can't sell 16-ounce vegetable soup—a mainstay in American kitchens—in Canada, where it must be sold in a 19-ounce can. That means Campbell's must use a different production line for the soup, and for many other products containing vegetables that the company sells in Canada. Kelly Johnston, Campbell's vice president of government affairs, calls this a conundrum, an example of “the tyranny of small differences” that make it more difficult—and expensive—for companies to do business across the border. She says these differences “plague our regulatory and cross-border programs.”

U.S. Ambassador to Canada David Jacobson uses an example of his own to illustrate this point. For the brand of Cheerios he has for breakfast every day. The two countries have different standards for fortified cereals. (You can't taste the difference, but Cheerios sold in the U.S. are more fortified, with extra vitamins and minerals.) This means that General Mills must have separate production lines for cereals sold in Canada and in the U.S.

The committee’s co-chairs are North Dakota Sen. Tim Flakoll and South Dakota Sen. Carolyn McGinn.

<table>
<thead>
<tr>
<th>Midwestern states’ bilateral trade with Canada (2010)</th>
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<tr>
<td>$6.2 billion</td>
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<td>$44.5 billion</td>
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<td>$9.9 billion</td>
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<td>$30.9 billion</td>
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Source: Government of Canada

Agriculture

States saving on disposal costs by allowing drivers to salvage animals killed on roads

There are about 1 million car-deer collisions each year, resulting in the deaths of some 200 people and injuries to about 10,000 others. Iowa, South Dakota, Michigan, Wisconsin, Minnesota and North Dakota are in the top 10 of U.S. states where a driver is most likely to run into a deer.

About 350,000 deer are killed by cars each year, and more than 250,000 other animals, including elk, squirrels, raccoons and foxes, are killed each day on America’s roads.

At the Deer-Vehicle Crash Information and Research Center (a national project of the University of Minnesota Center for Excellence in Rural Safety), these numbers are used to help states reduce such crashes and improve road safety. But despite these efforts, roadkill will likely remain an all-too-frequent occurrence in rural areas, such as the west-central Illinois district of Rep. Norine Hammond.

Last year, the first bill she sponsored as a freshman lawmaker allowed the harvesting of any fur-bearing mammal “unintentionally killed by a vehicle during the open season” as long as the proper permits are obtained. HB 3178 survived a gubernatorial veto and became law.

Since the bill’s passage, Hammond says, she has received “many positive comments from both wildlife officers and constituents about taking advantage of a resource that had been going to waste.”

In a few states, mostly in the Northeast and South, motorists can request an official tag for any non-restricted species that they unintentionally hit and kill, allowing them to take the carcass for processing or the head or hide for taxidermy. Some states charge for the tags. About 15 percent of deer kills in the Midwest are taken by the motorist, according to the Deer-Vehicle Crash Center. But few Midwestern states have regulations covering the disposal of other animals.

(Due to strong demand from Asia, animal pelts are bringing the highest prices in years. The hides from small mammals can bring up to $500, with Illinois alone reporting more than $1 million in pelts sales in 2010.) In Wisconsin, it costs the state about $1 million annually to collect larger animals such as the 35,000 deer and 150 bears that are killed on the road, so allowing the harvest of these would reduce state expenditures. The state already allows deer killed by motorists to be kept if a tag is obtained, and AB 334, which the state Assembly’s Natural Resources Committee passed in December, would allow the same for bears or wild turkeys.

Under the Wisconsin legislation, other animals that are not protected species could be harvested if in season and the person has a hunting or trapping license. A similar bill died in the Senate during the last legislative session. Both states’ measures have in-season provisions to prevent someone from illegally hunting and then claiming they found the animal on the road. While there was concern that someone might intentionally hit an animal to obtain the carcass, the average cost to repair a vehicle that strikes an animal as small as a coyote is $1,600, according to insurance companies.

Brief written by Carolyn Orr, CSG Midwest staff liaison to the Midwestern Legislative Conference Agriculture and Natural Resources Committee. She can be reached at carroll@csg.org.
Many states report dips in higher-ed funding

Recent data show that support for higher education declined 7.6 percent in the states last year, in part reflecting the impact of the national recession.

Researchers at Illinois State University's Center for the Study of Education Policy point out, however, that some of the decrease can be attributed to the expiration of funding from the federal American Recovery and Reinvestment Act (ARRA). The data were collected as part of the annual Grapevine survey conducted in conjunction with the State Higher Education Executive Officers.

When state-only funding was analyzed, the decline in higher-education funding was 4.1 percent between fiscal years 2011 and 2012. Nationwide, 30 states reported a decrease in non-ARRA funding. Illinois, North Dakota and Ohio were the only Midwestern states reporting increases.

Total state fiscal support for higher education in 2012 is down 3.8 percent from 2007, before the recession hit.

Two Midwestern states — Illinois and Ohio — were included among the report's eight “megastates,” which collectively account for roughly 50 percent of the nation's total state fiscal support for higher education.

Illinois figures, however, include increased contributions to the state university retirement system to address underfunding.

For more information on the Grapevine survey, visit http://grapevine.illinoisstate.edu.

Trends in state higher education funding, fiscal years 2007-2012

<table>
<thead>
<tr>
<th>State</th>
<th>Change from 2011 to 2012</th>
<th>Change from 2010 to 2012</th>
<th>Change from 2007 to 2012</th>
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<td>Illinois*</td>
<td>12.3%</td>
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<tr>
<td>Kansas</td>
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<tr>
<td>Michigan</td>
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<td>Minnesota</td>
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<td>Nebraska</td>
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<td>North Dakota</td>
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<td>South Dakota</td>
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<td>-1.1%</td>
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<tr>
<td>United States</td>
<td>-4.1%</td>
<td>-1.7%</td>
<td>-3.8%</td>
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</tbody>
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* Illinois data for FY 12 include appropriations made to the State University Retirement System to address underfunding of pension programs. These appropriations are not for educational purposes.

Source: 2012 Grapevine survey

Right-to-work law returns to Indiana, as does unions’ effort to repeal it

For Indiana residents old enough to remember their state’s politics of the mid-20th century, the legislative battle in recent years over a so-called “right-to-work” law (dubbed “right to work for less” by opponents) is nothing new.

The year 2012, in fact, may remind them of 1957. In both years, amid protests by labor groups and strong opposition by the minority party, the legislature passed a bill banning union security agreements that require individuals to become a member of a labor organization and to pay dues to it.

HB 1001, the right-to-work bill signed into law in February, makes such agreements a Class A misdemeanor.

The question now in Indiana is whether there will be another 1965, the year the first right-to-work legislation was repealed after Republicans lost control of state government and Democrats swept into power.

“The next election is going to be fascinating,” says Kenneth Dau-Schmidt, a professor of labor and employment law at Indiana University.

“Unionized workers are worked up. They are going to organize and be very motivated, and I don’t think the other side is particularly worked up. ‘But Indiana has changed a lot as a state. There has been a nibbling away of the strength of unions. As manufacturing jobs have gone away, so has the ability of unions to influence what happens in the state Capitol.’

Indiana is the first Great Lakes state — a region with a traditionally strong manufacturing and union base — to adopt a right-to-work law.

In Michigan, another Great Lakes state where Republicans control both legislative chambers and the governor’s office, bills have been introduced that would allow local governments to establish “right-to-work” zones. A separate measure would institute a statewide ban on union-security agreements.

In January, though, Gov. Rick Snyder told The Detroit News that he does not want to see right-to-work legislation “on my desk,” and he cited as one reason why the tumult last year in Ohio and Wisconsin over measures restricting the collective bargaining powers of public sector labor unions.

In statute only

States with laws that ban union-security agreements requiring union membership and payment of union dues

Dau-Schmidt says Indiana’s actions are in many ways a continuation of what occurred in those two other Midwestern states in 2011. In all three instances, the end result has been a weakening of union power.

Proponents of HB 1001 say it will give every Indiana worker the freedom to choose whether or not to join and financially support a union. They also contend it will bring jobs to the state, citing economic growth in existing right-to-work states as evidence.

“This is another important tool we can use to attract jobs to our state,” Republican Sen. Carlin Yoder says.

Soon after the bill’s passage in the House, Democratic Leader Patrick Bauer released a statement saying Republicans had “thrown their support behind a proposal that has a long, documented history of not creating jobs, not improving the pay and benefits of workers, and not making the places where they work safer.”

Each side of the right-to-work debate in Indiana has cited studies regarding the law’s impact on wages and jobs. For researchers, though, finding definitive correlations is problematic, Dau-Schmidt says. (According to his analysis of the research, right-to-work laws have no impact on jobs but tend to lower wages.)

“It’s very hard to separate the effects of a single policy like this on either jobs or wages in a state,” he adds. “You have so many laws and other factors that can impact economic suitability. It’s just not obvious, believe me.”

It is clear, however, that the new state laws on unions will be a significant campaign issue.

A petition to recall Wisconsin Gov. Scott Walker was delivered in January to the Government Accountability Board with more than 1 million signatures. In Indiana, gubernatorial and legislative elections will be held this year. Republicans have long enjoyed a solid majority in the Indiana Senate, but partisan control of the House and governor’s office has fluctuated.

Whether the right-to-work law holds this time in Indiana will depend on whether its proponents can hold off upcoming election challenges.

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

Source: Barry T. Hirsch and David A. Macpherson (www.unionstats.com)

**States with law that ban union-security agreements in 2012 in statute only**

Source: U.S. Department of Labor

Trends in union membership: % of private sector workers in unions, 2010 and 1983

<table>
<thead>
<tr>
<th>State</th>
<th>2010</th>
<th>1983</th>
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<tr>
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<td>Iowa</td>
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<tr>
<td>United States</td>
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<td>16.5%</td>
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Source: Barry T. Hirsch and David A. Macpherson (www.unionstats.com)
In the last year, state capitol in the Midwest have become hotbeds of political protest as lawmakers have debated highly contentious issues.

In early 2011, protesters gathered at the Wisconsin Capitol in Madison during the debate of a bill to, among other things, reduce collective bargaining rights of state employees. The Capital became a gathering place for protesters at other times during the year as well — such as when the collective-bargaining legislation made its way through the court system and as a handful of legislators faced recall elections. (Bills regarding labor policy have also sparked demonstrations in the Indiana and Ohio capitol during the past year.)

One result of all the activity was a new rules on public access to Wisconsin's public facilities. Those rules, adopted in December by the Wisconsin Department of Administration, now require groups of four or more people inside the Capitol, and groups of 100 or more outside the Capitol, to obtain permits for their event. Those permits must be secured at least 72 hours in advance. “Events” include rallies, presentations and ceremonies. Families visiting the Capitol and constituents visiting state officials are not required to obtain permits. And the policy does not apply to “spontaneous” gatherings in response to an event happening within the previous week.

Under the new rules, the state can also charge groups in order to cover the cost of additional Capi- tol police officers (or overtime for officers on duty) if these officers need to intervene during the event. Groups may also be compelled to reimburse the state for any damage caused to the Capitol.

Earlier this year, proposed limits on the number of people who can gather in Indiana’s Capitol drew fire from policymakers and citizens alike. The rules, written in part by the Indiana State Police and supported by Gov. Mitch Daniels, would have limited the number of people in the Statehouse to 3,000 (including about 1,700 state employees). Daniels cited concerns about safety, but critics said the rules were meant to limit the number of protesters opposing “right-to-work” legislation being considered by the Indiana General Assembly. Daniels ultimately abandoned pursuit of the proposed rule changes.

CSG Midwest recently surveyed state officials around the Midwest about occupancy restrictions in their capitol buildings.

In general, most Midwestern state governments limit the number of people in a capitol building based on fire code and to protect public safety. But some states in this region have more-stringent rules about rallies and demonstrations than others.

In Nebraska, rallies and protests are not permitted inside the Capitol and are limited to the outside of the building.

Minnesota, North Dakota, Ohio and South Dakota are among the states that require permits for rallies or demonstrations. Ohio specifically defines a rally as two or more people passing out literature or gathering to demonstrate; rallies are not allowed inside the building.

In Iowa, groups must submit an event request to gather. The director of administrative services can deny the request if public safety is at risk — but he or she cannot infringe on the right of assembly. Demonstrations are not allowed in the House or Senate galleries.

Other states have specific rules of conduct for gatherings in the capitol building. In Kansas and Michigan, for example, an event cannot disrupt state business. Many states, including Iowa, Kansas, Michigan and Minnesota, do not allow signs on sticks.

In Indiana, it is the executive branch duties given to the lieutenant governor that distinguish the office from its counterparts across the Midwest. Although other lieutenant governors are empowered to head up select agencies or commissions, none have the breadth of authority exercised by Indiana’s second-in-command.

Thanks to various constitutional and statutory provisions, including a 2005 reform effort abolishing the Indiana Department of Commerce and reassigning some of its core functions, Indiana’s lieutenant governor serves as the secretary of agriculture and rural affairs. This gives Skillman authority over the Indiana Department of Agriculture, the Office of Community and Rural Affairs, the Office of Energy and Defense Development, and the Indiana Housing and Community Development Authority. Indiana’s lieutenant governor also oversees the Office of Tourism Development (a role that took on added significance in connection with this year’s Super Bowl in Indianapolis) and serves as chair of the state’s Counter-Terrorism and Security Council.

With an executive staff of just 14, Skillman relies heavily on the appointed directors of the agencies that she oversees. Together, these directors constitute a “lieutenant governor’s cabinet,” with whom she meets regularly to discuss strategy.

Skillman says the Indiana model works well, in part, because it requires the governor and lieutenant governor to work closely together. This, in turn, helps to ensure the smooth continuity of government operations in the event of an unexpected succession in leadership, as the state experienced firsthand upon the death of Gov. Frank O’Bannon in 2003 and his succession by the lieutenant governor at the time, Joseph Kernan.

Like most other lieutenant governors (including all in the Midwest), Indiana’s is elected jointly on a single ticket with the governor.

In addition to her constitutional and statutory duties, Skillman, a former state senator, has served as the point person for Republican Gov. Mitch Daniels’s legislative agenda. She has also led eight international trade missions and is currently in the midst of a 92-county tour of Indiana to strengthen the state’s ties with local government officials.

Skillman loves the job and all that it entails. But after seven years, there are at least two lessons she has learned about the office that any prospective candidate would want to know: be sure you have “a lot of stamina,” and be ready to manage your time wisely.

On December 1, 2011, Lt. Gov. Becky Skillman was elected to the 2012-2014 term. The Indiana General Assembly took action this January to increase the lieutenant governor’s salary by nearly 30 percent, effective July 1, 2012.
State reforms target improvements in reading scores, aim to boost teacher quality

One of the factors driving education reform in state capitals has been a policy shift at the federal level, first with the Race to the Top initiative and now with a decision to give states more flexibility under the No Child Left Behind Act. The latter decision to provide more flexibility came in 2011, three years ahead of an NCLB requirement that 100 percent of a state’s students be proficient in reading and math. “As 2014 got closer, more and more schools and districts were not making it; they weren’t meeting AYP [adequate yearly progress] requirements,” explains Alexandra Usher, a senior research assistant at The Center on Education Policy. The reason, she says, is that some states “back-loaded” expectations of student progress: They set lower achievement goals in the first few years of No Child Left Behind, thus requiring huge gains to be made in the years right before 2014. Those gains weren’t being made. States can now get relief from the mandates under No Child Left Behind by applying for waivers with the U.S. Department of Education, but to secure that flexibility, the states must commit to moving forward with a series of education reforms. For example, they must establish new evaluation systems and use data on student academic growth as a factor in measuring the performance of teachers and principals. In turn, these evaluations must be considered in personnel decisions. States must also establish “college- and career-ready” expectations for all students, this requirement will be met through implementation of the Common Core Standards. Minnesota and Nebraska are the only two states in the Midwest that have not adopted the Common Core. The state waiver requests must also show how they are going to tailor their accountability systems for different schools, how they are going to identify low-performing schools, and how they will intervene in these schools to improve performance. In November, Indiana and Minnesota were among the first 11 U.S. states to apply for a waiver, and every other state in the Midwest except Nebraska plans to do so. Nebraska officials have said they don’t have the policies in place to meet the waiver requirements — Common Core adoption, for example. They have also expressed concerns that the new waiver requirements will be supplanted by any future congressional reauthorization of No Child Left Behind. Another state hesitant about moving ahead with a waiver is California, which estimates it will cost $2 billion to implement. That state’s superintendent of public instruction, Tom Torlakson, has said the real solution is passage of a new federal law. Ushering in more education leaders are also that a reauthorization of No Child Left Behind (passed with bipartisan support in 2001) is “long overdue.” The waivers being offered to states, she adds, are a way around congressional inaction.

According to the Center on Education Policy, as of late January, 38 states intended to apply for a waiver or already had done so. Three years ago, with the launch of the Race to the Top initiative, the U.S. Department of Education began using another method to shape state education policy — financial incentives. Race to the Top gave states the opportunity to compete for a significant amount of additional federal dollars; Ohio, for example, received a $400 million grant for its winning Race to the Top application in 2011, and Illinois recently secured $43 million. To be eligible for Race to the Top, states must adopt standards and assessments that prepare students for success in college and the workforce, data systems that measure student growth and success, and develop systems to recruit, develop and retain effective teachers and principals.

Republican Gov. Dennis Daugaard has proposed giving a $3,500 annual bonus for the state’s teachers in those subject areas. “We need more excitement around those two disciplines,” says Republican Sen. Mark Johnston, chair of the Senate Education Committee. Teaching shortages tend to be in those subject areas, he says, and the state needs to graduate more young people in those fields. He learned that first-hand from a business in his home district. “They wanted to expand and were in need of 100 more engineers,” Johnston explains. “After an analysis, they found they weren’t going to be able to fill those positions. That was a wakeup call to all of us.” In Iowa, the impetus for broader education reform has been testing data on how the state’s students are doing relative to their peers. Across grade levels and subject areas, Iowa has gone from “national leader to national average,” says Jason Glass, director of the Iowa Department of Education. “Due to complacency and perhaps hubris, we have stagnated, while other states, and more importantly other nations, have accelerated past us,” Glass says. So in addition to trying to improve reading instruction, Branstad’s education proposal targets improvements in overall teacher quality. For starters, he wants to tighten the standards for becoming a K-12 instructor. At minimum, a student would need a grade-point average of 3.0 in order to enter a teacher-preparation program. And to get a teacher’s license, individuals would have to score in the top 75 percent nationally on tests of their professional skills and content knowledge. “If you look at the high-performing systems around the world, they set a very high bar in terms of who can be a teacher,” Glass says. “Not everyone makes it.” For those who do make it into the classroom, Iowa is looking to change how these individuals are taught.

A wake up call in South Dakota, a call for teacher-based reforms in Iowa

South Dakota, meanwhile, is targeting two other subject areas that state leaders say are in need of special attention: math and science.

With financial incentives and waivers, federal government pushing state reforms

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evaluated and retained. Following the lead of other states, as well as a push by the federal government (see sidebar article on page 6), Iowa would require more frequent and more thorough evaluations of schoolteachers and principals.

The performance of teachers, as determined in annual evaluations by an administrator, would then be the primary determinant in a school district's layoff decisions — the practice of last-in, first-out (a seniority-based layoff system) would be eliminated.

In addition, the governor wants to change Iowa's laws on tenure. Under his proposal, it would take longer to obtain tenure/continuing contract status (the probationary period for a teacher would increase from three years to five years), and the time it takes to remove ineffective tenured teachers from the classroom would be reduced.

"Dismissing an ineffective educator shouldn't be something that takes a year and hundreds of thousands of dollars," Glass says.

"Right now, the process can be appealed all the way up to the Supreme Court."

That system would be replaced with a more streamlined approach: leave the final decision in the hands of the local school board, allow for one outside review by an adjudicator, and ensure the process is wrapped up within 25 days.

In South Dakota, Republican Gov. Dennis Daugaard is proposing to phase out the state's entire tenure/continuing contract system. After July 1 of this year, tenure would no longer be granted to teachers. (Instructors already with tenure would be grandfathered in.)

In South Dakota, under the governor's plan, a revamped evaluation system would also be used to identify and reward high-performing teachers. Daugaard has proposed a $5,000 yearly bonus for teachers rated among the top 20 percent in their districts. Fifty percent of a teacher's evaluation would be based on quantitative measures, including student growth as measured on test scores.

In contrast, under the proposed changes to Iowa's educator evaluation system, quantitative measures were intentionally left out of the equation.

"We would only use it to validate the evaluation," Glass says, "because even with the best value-added data, there are errors in those results."

He adds, too, that there are subject areas where students aren't tested, raising questions about how to evaluate teachers based on student assessments.

Despite these obstacles, though, Glass says development of a quality educator evaluation system in Iowa should be seen as a "bedrock for improving instruction."

At the same time, he also wants to change how student performance is assessed. For example, have all 11th-graders take a college entrance exam like the ACT, and require that all high school students take end-of-course exams in core subject areas. These moves, Glass says, will help align instruction in the classroom with new state academic standards that emphasize college and career readiness.

<table>
<thead>
<tr>
<th>% of states' fourth-graders at or above proficient in reading (2011)</th>
<th>Illinois</th>
<th>Indiana</th>
<th>Kansas</th>
<th>Michigan</th>
<th>Minnesota</th>
<th>Nebraska</th>
<th>North Dakota</th>
<th>Ohio</th>
<th>South Dakota</th>
<th>Wisconsin</th>
<th>Massachusetts</th>
<th>Mississippi</th>
<th>United States</th>
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<tbody>
<tr>
<td>Highest-performing U.S. state</td>
<td>46%</td>
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<td>46%</td>
</tr>
<tr>
<td>Lowest-performing U.S. state</td>
<td>21%</td>
<td>21%</td>
<td>21%</td>
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<td>21%</td>
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<td>21%</td>
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</tbody>
</table>

Source: National Assessment of Educational Progress

"The breakdown in continuing contract has been not so much the fault of teachers, but the person evaluating teachers," says Sly, a retired teacher. "If the evaluation is done right, then you can address the situation where a teacher is not performing. Document it, offer a plan to assist them, and follow up."

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**Midwestern Legislative Conference 67th Annual Meeting**

**July 15–18, 2012 | Cleveland, Ohio**

**SPEAKERS**

Donna Brazile

Democratic strategist

Rich Galen

Republican strategist

P.J. O’Rourke

Political satirist, author

**WWW.CSGMIDWEST.ORG**

Are you looking for a place to share ideas in a nonpartisan environment? Join us in Cleveland for this summer’s MLC Annual Meeting, the premier event for Midwestern state lawmakers. Register by May 7 to receive a discount on your registration fee.

The MLC Annual Meeting is a conference for policymakers from around the Midwest to share ideas, talk about innovative state policy, discuss common challenges and identify solutions. Small-group discussions foster collaborative problem-solving, while larger sessions allow attendees to hear from some of the country’s top experts on issues of importance to state policymakers.

This year’s meeting will feature some of the country’s best-known political experts: Donna Brazile, Rich Galen and P.J. O’Rourke. They will shed some light on the national political scene and provide a preview of the upcoming elections.

Evening social events offer the opportunity to network with colleagues. This year’s agenda includes a reception at the Rock and Roll Hall of Fame and a family-friendly evening at The Greater Cleveland Aquarium. Young people will have the chance to visit Cedar Point Amusement Park, the roller coaster capital of the world.

Come early for a special event at the Blossom Music Center, home of the Cleveland Symphony Orchestra, or stay late for a chance to visit the Pro Football Hall of Fame.
Iowa Rep. Kevin McCarthy

Des Moines native got his start in attorney general's office, but has made his mark as leader in state House

by Kate Tormey (ktormey@csg.org)

When he thinks back to his career in politics, Iowa Rep. Kevin McCarthy can attribute many of his opportunities to one phone call.

As an undergraduate at Wartburg College, McCarthy was working as a clerk for a law firm in Waverly, Iowa. One day in the early 1990s, McCarthy noticed a story in The Des Moines Register about Attorney General Tom Miller, who was seeking the office again after an unsuccessful run for governor. McCarthy wanted to help. So he went to the college library, looked up Miller's phone number at a Des Moines law firm and called at 5:30 p.m., expecting to leave a message. But surprisingly, Miller answered.

"What I didn't know is that after the secretaries left, he answered the phone himself," McCarthy says with a laugh. McCarthy told Miller a bit about himself, and about his interest in politics and Miller's run for attorney general. It turned out be an important phone call for both of them. Miller eventually won the election for attorney general with McCarthy serving as his campaign manager. And for McCarthy, his work for Miller led him on a path to the Iowa Statehouse.

McCarthy served as an assistant attorney general under Miller and later worked in Washington, D.C., for the National Association of Attorneys General on the state tobacco settlement agreement. When an open legislative seat was created through redistricting in 2002, McCarthy felt compelled to run; he flew home from the nation's capital on weekends to campaign.

McCarthy was elected to that seat to represent a part of Des Moines where he was born and raised — and where he now lives with his wife and 9-year-old daughter.

He balances his legislative career with his work as an attorney, often "burning the candle at both ends" and going into his law firm on weekends to maintain his caseload.

And for the past five years, McCarthy has had to fit another set of responsibilities into his packed schedule: his role as leader of the House Democratic caucus. McCarthy was selected as majority leader in 2006 and stayed in that position until 2010, when Republicans gained a majority in the House.

"Like a whole lot of states, we were 'nationalized' — the conversation was about the federal deficit and federal debt, even though in Iowa we had a balanced budget and a billion dollars in the bank," he says. "But it didn't seem to resonate with a lot of the voters, and we were swept out of power."

McCarthy continues to lead the Democrats as minority leader. Last month, he talked to CSG Midwest about his legislative accomplishments, leadership style and policy priorities. Here are some excerpts from the interview.

Q: You once served as a county prosecutor, and you were appointed as ranking minority member of the Public Safety Committee when you

A: Joined the legislature in 2003. What is your proudest legislative accomplishment in this area?

Q: At the time, Iowa was considered to be the methamphetamine-lab capital of the country. ... The chairman of the committee and I joined forces and we were able to reclassify pseudoephedrine as a schedule V controlled substance, which at the time had only been done by Oklahoma, which only [regulated] certain types of it. We worked to classify both liquid and starch-based pseudoephedrine as a schedule V controlled substance, requiring a signature at the pharmacy.

A: We had an immediate reduction [in meth activity]; in two years, we had a 90 percent reduction in meth labs. Back when we were working on the issue, there were almost 1,500 [meth labs found] the previous year. There was a tremendous cost — it was a health issue. [After we passed the law, we had] an almost 70 percent reduction in child abuse cases related to meth labs. It was a huge success, and that is something that I am pretty proud of.

Law enforcement tells us that because of the legislation, Iowa has basically had meth-lab extinction. There are 99 counties in Iowa; it was not uncommon to have in each one three to five meth labs — with hazmat crews blocking off an entire neighborhood — per week. It is rare to find a meth lab in the state of Iowa in a given month now.

Q: You served for four years as majority leader in the House. What are some of the top things the legislature accomplished during this time?

A: The minimum wage hadn't been raised in years, and we were able to increase the minimum wage by $2 an hour.

We reversed the ban on stem cell research, which was a pretty controversial issue, but it allowed the University of Iowa to establish one of the nation's leading stem cell research centers.

We raised teacher pay — we were 42nd in the country. And we extended health care coverage to over 30,000 children. That was our first session, so it was a pretty banner year.

Q: One of your top three issues to tackle this session is providing some property tax relief for businesses. What kind of reforms do you hope for?

A: Commercial property in Iowa is taxed at 100 percent of its valuation. ... Our House Democrat position is to provide a vast majority of the dollars of the relief to go to out-of-state corporations. We want to cap the valuation component so that 90 percent of the dollars stay in Iowa for Iowa-based business. That's the difference in perspective, but we've had a seat at the table and have engaged in some very productive bipartisan work.

Q: Another hot topic in the legislature this year is redesigning the delivery system for mental health and developmental disability services. What is the goal of the work on that issue?

A: Right now the system is county-based, and we have a hodgepodge of 99 delivery systems. We are trying to go to regional clusters, and the state is taking over the funding for that.

It's about providing a more equitable situation. Right now there are very disparate situations.

If you are in Polk County, which includes Des Moines, you have a very wide array of services. They are delivered fairly efficiently, but there is a lack of funding and there is a waiting list.

However, if you're just a few counties south, there isn't that wide array of services and, per capita, it costs a lot more. So we're trying to figure out regional clusters so that in a cluster of counties, there could be that wide array of services and over time it could be financially sustainable. Right now there are some up-front costs initially, but over time it could be more financially stable.

Q: One of your main jobs is to unite your caucus and help negotiate with lawmakers of the other party. What is your philosophy in terms of promoting bipartisanship?

A: We have good relationships, but we do engage in partisan battles. Last session was a disaster for the partisan fighting [because] both parties moved to the extremes.

But we still have good relations across the aisle. One strategy we have is fishing. One of my best friends in the legislature is a Republican, Clel Baudler. He is a pretty conservative Republican, and we go fishing together from time to time. ...

One of the strategies is to maintain good personal relationships. You might not agree on all of the issues, but if you can trust each other, it's very helpful.
A win-win: Reduce farmers’ legal risks, improve environmental practices

Program helps producers implement pollution prevention plans

by Michigan Sen. Joe Hune (SenJHune@senate.michigan.gov)

Michigan’s Agriculture and Environmental Assurance Program (MAEAP) is another way the state and Michigan’s agriculture industry are proactively and comprehensively addressing environmental concerns. This program, which was updated in the Michigan Legislature last year, is the latest tool in helping to implement pollution prevention practices on farms in the state. MAEAP is a voluntary, proactive program open to all farms in Michigan. It was designed in 1999 by a coalition of farmers, agricultural commodity groups, state and federal agencies, and conservation and environmental groups to reduce the legal and environmental risks to producers.

The program teaches farmers how to identify and prevent environmental issues and work to comply with state and federal environmental regulations. MAEAP consists of three phases: education, on-farm risk assessment, and then third-party verification by the Michigan Department of Agriculture and Rural Development (MDARD).

Education begins the process

Education involves farmers attending a qualified MAEAP educational session. Held across Michigan, these sessions introduce farmers to the program and update them on new and emerging regulations and opportunities affecting agriculture.

The on-farm risk assessment focuses on evaluating environmental risks and devising farm-specific and economically viable solutions. Conservation districts in Michigan act as on-farm advisers for these assessments.

Each year, the erosion-reducing aspect of MAEAP verification has kept almost 55,000 tons of farming soil where it belongs — in farm fields.

Farmland as % of total land area in Midwestern states

<table>
<thead>
<tr>
<th>State</th>
<th>Farmland as % of total land area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan</td>
<td>90.0%</td>
</tr>
<tr>
<td>Illinois</td>
<td>52.9%</td>
</tr>
<tr>
<td>Ohio</td>
<td>43.8%</td>
</tr>
<tr>
<td>Indiana</td>
<td>27.7%</td>
</tr>
<tr>
<td>Missouri</td>
<td>86.0%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>75.4%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>64.4%</td>
</tr>
<tr>
<td>Wyoming</td>
<td>53.4%</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Agriculture

Third-party verification is where the MDARD verifies the farm after the requirements of the first two phases are met, the state’s “generally accepted agricultural management practices” are being followed, and the farm has implemented practices specific to system requirements.

Every farm encompasses one of three MAEAP systems designed to help producers evaluate the environmental risks of their operation. Each of the three systems — livestock, farmed and cropping — uses a unique risk-assessment tool that examines a different aspect of a farm, as each has a different environmental impact. Through each phase, producers develop and implement economically feasible, effective and environmentally sound pollution prevention practices.

- The Livestock System primarily focuses on environmental issues related to livestock activities that could include manure handling, storage of diverse commodities. With agriculture being a primary pillar of Michigan’s economy, thus far 1,000 of the state’s 56,000 farmers have completed the lengthy MAEAP verification process, with 10,000 additional verifications pending.

Michigan farmers remain the most conscientious stewards of our environment because they derive their living from the quality of the state’s land and water resources. To date, farmers have spent more than $1.2 million of their own money on environmental protection measures in this program.

So far, MAEAP being strictly voluntary, has provided a cost-effective investment for all of Michigan, with more than a 300 percent return on investment for every $1 of state tax dollars spent. Money spent by these responsible farmers saves the state money. Each year, the erosion-reducing aspect of MAEAP verification has kept almost 55,000 tons of farming soil where it belongs — in farm fields. The MDARD has verified that responsibly, a requirement established for a memorandum of understanding between the MDARD and the Michigan Department of Environmental Quality to help coordinate pollution prevention activities and to provide for a technical review body to help resolve complaints concerning enforcement issues.

Finally, the new state law (Public Act 1 of 2011) will protect farmers who are MAEAP-verified from often-onerous civil fines under the state’s water quality law if the farm is in compliance, while still retaining liability for the farm for actual natural resources damages.

It was a great honor to have our new governor, Rick Snyder, make agriculture a priority in his first term, as he made the bills in the MAEAP package the first public acts he signed into law for Michigan.

Sen. Joe Hune, a Republican from Hamburg, was first elected to the Senate in 2010 after serving six years in the state House of Representatives.

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. We accept submissions on a wide range of public policy issues and state initiatives. 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.
Applications for CSG regional, national leadership programs due in April

BILLD program designed for Midwestern legislators in first four years of service

18th Annual
Bowhay Institute for Legislative Leadership Development
August 10-14, 2012 :: Madison, Wisconsin

2012 BILLD Application Deadline: April 2

What is the Bowhay Institute for Legislative Leadership Development?
The Bowhay Institute helps newer legislators in the Mid-Atlantic region develop the skills they need to be effective leaders. Founded in 1980, the institute is located in Rapid City, South Dakota.

Who should apply for a fellowship?
Midwestern legislators in the first four years of service are encouraged to apply. Fellowships are awarded based on an applicant’s potential, demonstrated leadership, and commitment to public service at the state legislative, district, and institution.

How to apply
Applications are available online at www.csgmidwest.org or by contacting Laura A. Tomaka at (605) 925-1925 or lttomaka@csbg.org. All application materials must be received by April 2, 2012.

Toll Fellows brings together promising leaders in 3 branches of state government

While the Bowhay Institute for Legislative Leadership Development is the leadership program for newer Midwestern legislators, CSG also offers a program for more experienced policymakers.

The Toll Fellowship Program, named for CSG founder Henry Wolcott Toll, is one of the nation’s premier leadership development programs for state government officials. Each year, CSG brings 48 of the nation’s top state officials from all three branches of government to Lexington, Ky., for a six-day “intellectual boot camp.” This year’s program will be held Sept. 7-12.

The Toll Fellowship Program is designed for mid-career state officials. Past graduates have gone on to serve as governors, secretaries of state, chief justices, legislative leaders and members of the U.S. Congress.

The program’s agenda includes a lineup of dynamic speakers and sessions designed to stimulate personal assessment and growth while providing networking opportunities. Previous programs have included sessions on leadership personality assessment, media training, crisis management, appreciative inquiry, adaptive leadership and much more.

Twelve participants from each of CSG’s regions are selected by a panel of Toll alumni. The cost of the program is covered by CSG; participants are responsible for paying for transportation to and from Lexington.

Applications for the 2012 Toll Fellowship Program are due April 20 and are available online at www.csg.org/LeadershipCenter. Questions about the program should be directed to program director Krista Rinehart at 859.244.8249 or krinehart@csg.org.

CSG MIDWEST NEWS & EVENTS

MLC Annual Meeting offered at discount for early registrants

Attendees of this summer’s MLC Annual Meeting will have the opportunity to hear from some of the nation’s top speakers on politics, state public policy and the economy, including Donna Brazile, Rich Galen and P.J. O’Rourke.

Registration is now open for the region’s premier event for state lawmakers. This year’s conference will be held July 15-18 in Cleveland and will offer a variety of policy sessions and networking opportunities. An “early bird” discount is available for attendees who register by May 7.

Brazile, a Democratic political strategist and syndicated columnist, appears regularly on CNN as one of the network’s political contributors. Her past work as a political strategist included serving as Al Gore’s presidential campaign manager.

Galen, a Republican strategist, also frequently appears on television to provide his expertise on politics and elections. He spent six months reporting from Iraq, at the request of the White House, in 2003 and 2004. Galen currently writes an online political column, Mailings.

Legendary political satirist P.J. O’Rourke will be another featured speaker at this year’s meeting. An Ohio native, O’Rourke is the author of numerous best-selling books and has been called the “funniest writer in America” by Time magazine and The Wall Street Journal.

This year’s keynote address on the future of the Midwestern economy will be delivered by Charlie Wheeler, whose work focuses on applying economic principles to solve real-world problems. Wheeler is the author of the book “Naked Economics.”

In addition to hearing from these top speakers, attendees of the MLC Annual Meeting will have the chance to share ideas and innovative solutions with one another in a nonpartisan environment.

Evening events at the MLC meeting give policymakers the opportunity to network with colleagues. This year, the evening program will include an event at the Rock and Roll Hall of Fame. Daytime activities are also being planned for guests of all ages.

Registration for the meeting can be completed online at www.csgmidwest.org.
Midwestern legislators part of North American summit on agriculture issues

State legislators from the Midwest traveled to Capitol Hill in January as part of a gathering of agriculture and rural leaders from across North America.

Lawmakers from 47 states (including all 11 in the Midwest) as well as eight Canadian provinces attended the 11th Annual Legislative Agriculture Chairs Summit in Washington, D.C. The summit was organized by the State Agriculture and Rural Leaders Association (SARL), a group sponsored in part by The Council of State Governments.

During a visit to the White House, lawmakers met with U.S. Department of Agriculture Secretary and former Iowa Gov. Tom Vilsack as well as other key agriculture officials. They discussed the future of international agricultural trade and pending U.S. Environmental Protection Agency regulations.

During a visit to the U.S. Congress, lawmakers participated in briefings on the federal farm bill with staff from agriculture- and energy-related congressional committees.

In addition to the meetings with federal officials, summit attendees met with policy experts and discussed current issues affecting agriculture at the state and national levels. The group of state legislative leaders also discussed solutions that have been successfully implemented around the country.

Nebraska Gov. Dave Heineman opened the summit with a speech focusing on the importance of agriculture and how it has helped his state maintain a low unemployment rate of 4.1 percent.

He noted, for example, that agriculture is one of the few economic sectors in the United States running a positive trade balance with other nations.

The summit provided state legislators with policy ideas for growing rural communities and keeping agriculture profitable. Other sessions focused on such issues as rural energy, invasive species, food safety and farmland taxation.

SARL is a national organization that brings together state policymakers interested in agriculture policy and rural affairs. Its mission is to promote policy solutions and innovation to serve the agricultural and rural communities of the United States and Canada.

Three Midwestern legislators serve on the organization’s leadership team: South Dakota Sen. Larry Rhoden, vice president; Iowa Rep. Annette Sweeney, board member; and North Dakota Rep. Wes Belter, treasurer.

For more information about SARL, visit www.agandruralleaders.org or contact Carolyn Orr at corr@sarl.us.

CSG Midwest committee discusses radioactive waste transportation, tours federal disposal site

State policymakers who attended the Midwestern Radioactive Materials Transportation Committee’s full meeting in Carlsbad, New Mexico, were invited to tour the U.S. Department of Energy’s Waste Isolation Pilot Plant (WIPP). WIPP is the world’s only deep geologic repository for radioactive transuranic waste; it houses waste material from the U.S. nuclear defense program.

The Midwestern Radioactive Materials Transportation Project is a joint project between CSG Midwest and the U.S. Department of Energy. Since 1989, the project has helped state governments in the Midwest learn about and provide input into the DOE’s plans for shipping radioactive materials through the region. For more information, contact Lisa Janairo at ljjanairo@csg.org.

Indiana Sen. Jean Leising questions food safety officials about egg farm inspections at a White House briefing.

Running a positive trade balance with other nations.

Midwestern states take differing actions on tax credits for working poor

While one Midwestern state has passed legislation to decrease taxes for some low-income residents, two other states in this region have scaled back their credits for those “working poor.”

In January, Illinois Gov. Pat Quinn signed a bill (SB 400) to expand the state’s earned income tax credit (EITC). According to the Center on Budget and Policy Priorities, 24 states offer an EITC, which is usually given as a percentage of the taxpayer’s federal credit. EITCs, which are targeted to low-income workers, are typically refundable — meaning a taxpayer can receive a check for an amount exceeding his or her tax bill.

In Illinois, the state EITC rate will increase from 9 percent of a taxpayer’s federal credit to 10 percent of the federal credit. In 2012, the state rule more permanent, by passing legislation that would require jobs impact statements no matter who is serving as governor. According to the Sioux City Journal, HF 2042 was the first bill approved this year by the Iowa House and did not receive a single no vote. (It had not yet been considered by the state Senate as of late January.) Like the executive order, the bill calls for an analysis of the cost of any new administrative rule on local governments and businesses. Whenever possible, the jobs impact statement must determine the per-employee cost of implementing or complying with a state rule.

Some states require that economic impact analyses be done on proposed legislation. A 2011 study by the state of Connecticut found that at least seven states (none of the seven were in the Midwest) have such requirements, some of which focus specifically on a bill’s effects on jobs and small businesses.

Court rules Minnesota cannot keep newborns’ blood samples

Minnesota health officials must begin destroying blood samples collected from newborns over the past 15 years, due to a state Supreme Court ruling issued in November. Every state in the nation conducts a newborn screening program, which tests babies shortly after birth for a range of congenital diseases. Since 1997, Minnesota has kept the samples in an anonymous database and used them for research purposes after testing is complete, reports the Minneapolis Star Tribune.

But late last year, the Minnesota Supreme Court sided with nine families who sued the state on grounds that keeping the samples violates the state’s 2006 Genetic Information Act.

The state will still test babies after birth, but under the ruling, samples must be destroyed 71 days after collection. The state will soon begin destroying samples collected since the date of the Supreme Court ruling, Nov. 16. But still in question are about 1 million other samples, which were collected between 1997 and the date of the court ruling. The District Court must decide whether the families involved in the lawsuit are entitled to damages, a process which state officials say could take up to a year.

Iowa requiring dose look at impact of new agency rules on jobs

In Iowa, any proposed new rule or regulation by a state agency must be accompanied by a “jobs impact statement” — the effects, positive or negative, of the state’s action on employment in the private sector.

The requirement is the result of a gubernatorial executive order signed in 2011. Iowa legislators now want to make the rule more permanent, by passing legislation that would require jobs impact statements no matter who is serving as governor. According to The Wichita Eagle, the measure is an attempt to raise private funding for the commission, which had its funding cut out of last year’s state budget. If the legislation is adopted, Kansas would become the region’s first state to create a tax checkoff program for the arts. Starting this year, Ohio becomes the first state in the region to raise money for its historical society through a tax checkoff program. States have most commonly used tax checkoffs to raise money for wildlife conservation. Every Midwestern state but Michigan will still offer this checkoff option in 2013, and in Indiana and Minnesota, wildlife conservation remains the sole option. In contrast, taxpayers in Wisconsin have 10 different choices (highest total in the Midwest) — from helping with Lambeau Field renovations to assisting military veterans and their families. The latter is one of the more common types of state tax checkoff programs, as are cancer research and child abuse prevention.

Tax season a time for giving through voluntary checkoffs

The number of voluntary tax checkoff programs in the Midwest has closed over the past decade, and at least one more may soon be added to the list. Legislation introduced in Kansas this year (HB 2454) would allow taxpayers to check off a donation to the Kansas Arts Commission. According to The Wichita Eagle, the measure is an attempt to raise private funding for the commission, which had its funding cut out of last year’s state budget. If the legislation is adopted, Kansas would become the region’s first state to create a tax checkoff program for the arts. Starting this year, Ohio becomes the first state in the region to raise money for its historical society through a tax checkoff program. States have most commonly used tax checkoffs to raise money for wildlife conservation. Every Midwestern state but Michigan will still offer this checkoff option in 2013, and in Indiana and Minnesota, wildlife conservation remains the sole option. In contrast, taxpayers in Wisconsin have 10 different choices (highest total in the Midwest) — from helping with Lambeau Field renovations to assisting military veterans and their families. The latter is one of the more common types of state tax checkoff programs, as are cancer research and child abuse prevention.