Full court pressure

Recent Supreme Court ruling in Kansas a reminder of the power of judiciary to shape state school funding

by Tim Anderson (handerson@csg.org)

In the decades-long legal battled over school funding, different states have taken turns in the national spotlight. All eyes were on Ohio in the late 1990s, for example, after its state Supreme Court ruled on multiple occasions that the K-12 funding system was unconstitutional — due to an overreliance on local property taxes and a failure to deliver a “thorough and efficient system of common schools.”

This year was Kansas’ turn to grab headlines. That state’s Supreme Court ruled in March that the Legislature’s current financing of K-12 schools was unconstitutional. The decision not only forced lawmakers to scramble for a fix by the end of this year’s session, it also could have ramifications in other states.

“Forty-five states have had court cases on [the constitutionality of school funding], and these cases have almost always been about, ‘Should we spend more money or not?’” notes Erik Hanushek, a senior fellow at the Hoover Institution.

“What the Kansas Supreme Court has said is that this might be an issue, but the real issue is whether students learn. That is important because it may change the focus — how you spend the money rather than how much you spend.”

The Kansas case, Gannon v. State of Kansas, centered on two issues at the heart of most school-finance litigation: equity and adequacy.

On the first question, the state’s highest court ruled the system unconstitutional due to the lack of state dollars going to “equalization” funds for poorer school districts. The Kansas Legislature was given until July 1 to fix the problem, and lawmakers were spending most of the last days of session trying to reach an agreement.

On the question of adequacy, the Kansas Supreme Court returned the case to the district court, which had previously ruled in favor of the plaintiffs. That part of the ruling, in particular, caught the attention of Hanushek and other national observers.

Rather than simply relying on education cost studies and how they compare to actual per-pupil funding, the justices said, a ruling on adequacy should be based on the learning goals and outcomes established in Kansas law.

Those statutory standards include adequate preparation of students for work and college, development of sufficient oral and written communication skills, and the development of physical and mental wellness among young people.

“What the Kansas Supreme Court essentially said is that the cost study isn’t the ultimate measure [of adequacy], the ultimate measure is the standards set in state statute,” notes Molly Hunter, director of the Education Justice program at the Education Law Center.

In other words, does Kansas’ current funding system (both how it is structured and implemented) allow all students to meet the state’s own standards?

How the state courts decide the adequacy part of the case will once again shape the work of the Kansas Legislature in the months and years ahead.

Michigan’s ‘right to read’ case

Meanwhile, another case in the Midwest also has the potential to take state litigation in another direction.

The class-action lawsuit was filed by the ACLU and students in a local Michigan school district.

It claims that the state and district are not meeting a statutory requirement that ensures children are reading at grade level. Current Michigan law requires districts to provide additional remedial assistance to students who are not performing at grade level in the fourth and seventh grades.

A large majority of students in the school district are reading below grade level. This lack of proficiency, and the fact that the problem has worsened, is evidence that Michigan and the local school district are not meeting their statutory and constitu-
Great Lakes

Despite successes and bipartisan support, Restoration Initiative faces continuing fight for funding

In Minnesota and Wisconsin, after decades of work trying to clean up the contaminated St. Louis River, a delisting of this Great Lakes “Area of Concern” is finally in sight. A new action plan targets 2025 as the delisting date, with a price tag of up to $400 million to restore the river system — the largest U.S. tributary to Lake Superior and the largest Area of Concern in the Great Lakes. But to execute the plan, state officials will be relying on federal dollars and, in particular, continued funding of the Great Lakes Restoration Initiative. Launched five years ago, the historic initiative has thus far allocated $1.6 billion for projects that clean up degraded areas, prevent the introduction and spread of invasive species, and protect habitat.

The story of the St. Louis River is one of many examples of how the increased federal dollars are being or will be used.

“Not only has it led to environmental success stories across the Great Lakes region, but it’s had economic success stories as well,” says Todd Ambs, director of the Healing Our Waters-Great Lakes Coalition. Nelson French of the Minnesota Pollution Control Agency emphasized this point during a recent webinar hosted by the Great Lakes Legislative Caucus.

Local leaders in Duluth, he said, are viewing the St. Louis River cleanup to a revitalization of the neighborhoods surrounding it.

But will the Great Lakes Restoration Initiative be around to fund some of these long-term projects? On the positive side, it continues to enjoy bipartisan support among the region’s congressional delegation. However, every fiscal year, supporters have had to fight for funding, and that will again be the case in the coming year.

President Obama launched the initiative in FY 2010, when it was funded at $475 million. Annual appropriations have since been cut by 36.8 percent, and as Ambs notes, the reductions could have been much worse. A congressional subcommittee voted last year to slash funding to $60 million.

While advocating higher levels of funding, supporters are also trying to get the initiative on more solid footing during the budget-making process. The proposed Great Lakes Ecological and Economic Protection Act would do that by specifically authorizing the initiative in federal law. (Right now, it is simply an administration initiative that Obama has included in each of his proposed budgets.)

About one-third of Restoration Initiative funding has gone to remediating Areas of Concern: parts of the Great Lakes basin designated by the U.S. and Canadian governments as environmentally degraded. Since the start of the initiative, 24 beneficial-use impairments have been delisted in these areas — more than twice as many as in the previous 22 years.

Ambs notes, too, that 100,000 acres of wetlands in the Great Lakes region have been protected over the past four years as a result of the Restoration Initiative.

Education

With full-day kindergarten becoming norm, states start to consider full funding as well

Four decades ago, only about one-quarter of the U.S. students attending kindergarten went for the full day. Today, the numbers are essentially reversed — only one-quarter of kindergartners attend a half day, according to Child Trends, a nonprofit, nonpartisan research center.

And another change is beginning to occur as well — how states fund kindergartens.

In the Midwest, states have traditionally paid only a half day, but full-day funding has received more attention as part of the growing interest in expanding early learning at the Indiana Department of Education.

In Indiana, voluntary, state-funded full-day kindergarten has been available since the 2012-13 school year.

According to the Indiana Department of Education, the benefits of a full day for kindergartners are verified by studies showing greater progress in academic and social skills.

The Indiana legislature does not allocate a specific amount or cap funding for the full-day program. Instead, dollars go to local school districts based on enrollment and a per-pupil formula. School districts may also apply for grants to support operational costs.

And full-day kindergarten in Indiana has boomed: 97 percent of the children enrolled in kindergarten are in full-day programs, while almost all (99.4 percent) of the state’s school districts offer a full-day option.

In Indiana, too, families can send their kindergarten children to schools outside the district where they live. That, in turn, has put “demands on school districts, as they feel the need to offer full-day kindergarten if neighboring districts don’t,” notes Charlie Geier, director of early learning at the Indiana Department of Education.

Last year, the Minnesota Legislature approved $134 million in funding for full-day kindergarten. Starting this fall, this funding will be available to any school district in the state.

Even with more state dollars, though, local school districts can face challenges in expanding academic offerings — finding extra classroom space, for example.

In Michigan, this may be one reason some districts were only offering a half day, even though the state had been providing funding for a full day. According to the Michigan Department of Education, under the old funding formula, districts were paid for full-day kindergarten even if they were only offering a half day. But starting in 2012-13, districts had to either offer a full day or have their per-pupil funding for kindergarten cut in half.

Brief written by Ilene Gossman, who can be reached at igossman@csg.org. The Midwestern Legislative Conference Education Committee’s co-chairs are Illinois Sen. Michael Frerichs and South Dakota Rep. Jacqueline Sly.
Illinois panel holding hearings on whether tax-break programs for business really help state economy

A series of high-profile requests by companies wanting special tax breaks from Illinois in order to stay in the state have raised questions about whether the state’s business incentive programs actually result in job and economic growth.

So many questions have emerged, in fact, that lawmakers have agreed not to grant any tax breaks until hearings are held to evaluate the state’s tax environment and the effectiveness of business incentives. “It’s clear to me that the policies that we are using now aren’t working,” says Rep. Jack Franks, who is helping lead a newly formed Illinois House working group that is doing the evaluation.

Illinois has the second-highest unemployment rate in the nation, 8.7 percent, and is ranked at the bottom of U.S. states for estimated job growth (see map). Lawmakers are also in the midst of debating a scheduled income-tax rollback, as well as the future of the state’s corporate income tax — currently at 7 percent, plus a 2.5 percent tax on profits from in-state sales.

Illinois gives more than $1 billion in various corporate tax breaks each year. With the agreed-upon moratorium in the House, no special incentives, which require legislative approval, are likely to get a hearing. The state’s main tax credit program used to keep businesses in the state — Economic Development for a Growing Economy (EDGE) — provides credits against corporate income and property taxes to companies that make capital investments and create a minimum number of jobs in the state.

Companies can still apply for and receive EDGE credits, but with the evaluation, some major reforms could be coming. “The focus has not been on the creation of jobs, but rather on the retention of jobs,” Franks says, “which is very difficult to evaluate because [of the question], would a company have changed behavior but for the incentives that we have been giving?”

“There has to be a better mechanism. The first thing I want to do is put in some metrics to evaluate incentive programs [to learn] whether they work in their current form, and then try to find [the ones] that have validity and leverage those so the taxpayers get a better return.”

Franks also wants to hear about best practices from other states. One idea, for example, is to use “closing funds,” under which businesses closing a deal with the state receive cash grants.

But he also hopes the working group helps lead to a more complete vision of how to make the state a better place to do business. “Maybe we should be putting our money not to the incentive programs,” he says, “but perhaps to our human capital and providing these companies with the best educated and (most) talented workforce.”

The escalating competition among states to “steal” businesses, he adds, is unproductive. “Maybe we be better pursuing a compact with our other Midwestern states and say that we’re not going to poach each other’s companies, but work regionally to try to bring more to everybody’s profit?” he asks.

In 2003, a first-of-its-kind Michigan law, which required drug testing of people receiving cash benefits, was ruled unconstitutional. At issue was whether drug testing of people receiving cash benefits, was ruled unconstitutional.

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States consider testing welfare recipients for drugs; Kansas and Minnesota have laws on books

Since 1996, states have had the authority under federal law to require welfare recipients to undergo drug testing.

In recent years, more and more legislatures have given serious consideration to using this authority, including a handful of states in the Midwest. Kansas and Minnesota are among the nine U.S. states with drug-testing laws already in place, and according to the Center for Law and Social Policy, at least 30 states considered bills last year (Illinois, Indiana, Iowa, Michigan and North Dakota among them).

Proponents of drug-testing welfare recipients have cited concerns about benefits being used to buy drugs rather than for housing and other necessities. They also point out that screening enrollees could help identify people in need of substance-abuse treatment.

Critics, however, say such laws are discriminatory and unconstitutional — and that previous programs have seen little or no financial return due to the administrative cost of identifying a small fraction of beneficiaries using drugs.

In 2003, a first-of-its-kind Michigan law, which required drug testing of people receiving cash benefits, was ruled unconstitutional. At issue was whether drug testing of all welfare recipients — without cause or suspicion — which was deemed to violate the Fourth Amendment’s provisions on unreasonable search and seizure.

Eight years passed before another state took up the issue. In 2011, Florida legislators enacted a law requiring testing for parents receiving welfare benefits. But that law, too, was struck down on grounds it allowed “warrantless, suspicionless” testing.

Move to ‘suspicion-based’ testing

More-recent measures have been designed to pass constitutional muster, generally by providing a mechanism that tries to identify whom to test.

For example, Kansas lawmakers passed a bill (HB 149) last year that allows for testing of beneficiaries suspected of drug use based on criteria such as demeanor, arrest record and missed appointments. Anyone who tests positive must complete a state-funded drug treatment and job skills program. (Legislators are also subject to random drug testing under HB 149.)

If a parent becomes ineligible (due to multiple failed drug tests or failure to take part in the state-mandated programs), a “protective payee” can be designated to oversee benefits on behalf of the child.

Under Minnesota law, counties have been required since 1997 to test welfare recipients who have been convicted of a drug-related felony in the previous 10 years. But the law wasn’t enforceable because the state, counties and courts had not shared felony-conviction information. A bill passed in 2012, however, required these agencies to share such information. Drug testing
Drop in public-sector jobs continues in parts of the Midwest

Some Midwestern states continue to shed public sector jobs, new U.S. Census Bureau data show, with Michigan leading the nation in the decline of state and local government employment between 2007 and 2012.

In addition to Michigan, six other states in the region — Illinois, Indiana, Iowa, Minnesota and Ohio — have had drops in state and local government employment over the last five years in which census data are available (see chart below).

The recent national recession has had an unusually deep and lasting impact on public-sector employment, the Rockefeller Institute of Government notes in a 2013 study. In previous downturns, employment in this sector tended to rebound quickly. However, this time around, the Great Recession officially ended in mid-2009 — yet the number of U.S. federal, state and local employees fell by 115,733 between 2011 and 2012.

“While the overall level of job creation in the U.S. has been slow, it’s being dragged down by the significant job losses in the public sector, especially for local government jobs,” University of Michigan economist Mark J. Perry noted in a March article for the American Enterprise Institute.

Not since the end of World War II, he adds, has there been such a large contraction in government employment. The number of state and local government jobs, though, has been growing in some Midwest states — including North Dakota, where the 7.7 percent rise between 2007 and 2012 marked the second-highest increase in the country.

Most state and local employment is in work related to K-12 and higher education.

### Trends in state, local government employment

<table>
<thead>
<tr>
<th>State</th>
<th># of state, local government employees (2012)*</th>
<th>% change, 2007 to 2012</th>
<th>% change, 2011 to 2012</th>
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<tr>
<td>Illinois</td>
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<tr>
<td>Indiana</td>
<td>329,610</td>
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<tr>
<td>Iowa</td>
<td>177,881</td>
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<td>Kansas</td>
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<td>Michigan</td>
<td>449,351</td>
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<td>Nebraska</td>
<td>120,912</td>
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<td>North Dakota</td>
<td>44,623</td>
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<tr>
<td>Ohio</td>
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<tr>
<td>South Dakota</td>
<td>45,648</td>
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<td>+0.4%</td>
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<tr>
<td>Wisconsin</td>
<td>292,864</td>
<td>+0.4%</td>
<td>+1.1%</td>
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</tbody>
</table>

* Full-time equivalent employees

Source: U.S. Census Bureau

Lawmakers homing in on use of drones by law enforcement and individuals

A mazon wants to use a drone to deliver your new jacket, and a beer company thinks unmanned aircraft systems are perfect for deliveries to remote Minnesota lakes.

But at the same time, hunters and anglers in downstate Illinois are concerned that animal rights activists will use drones with cameras to interfere with their sport.

Drones are still most known for their use by the U.S. military, but they are beginning to get more attention from state legislators and others who set domestic policy.

The recent activity in Illinois is a case in point. As state Rep. Norine Hammond describes it, some rural constituents voiced concerns to her about plans by People for the Ethical Treatment of Animals to use what it called “air angels” — drones that could be deployed to let “hunters know that someone may be watching — and recording — them” and that could expose “hunters’ dirty secrets.”

Illinois lawmakers responded to those concerns by passing HB 1652, a first-of-its-kind bill that regulates drone use by individuals. Under the new law, it is now a Class A misdemeanor in Illinois to use a drone in a way that “interferes with another person’s lawful taking of wildlife or aquatic life.”

Support for the bill, Hammond says, “cut across both sides of the aisle.”

Last year, too, Illinois SB 1587 was signed into law. It sets new rules and limits on the use of drones by law enforcement. For example, the new law requires police to demonstrate probable cause and obtain a warrant before using unmanned surveillance aircraft.

Exemptions to the warrant requirement include filming traffic accidents, crime scenes on public property and searches for missing persons.

“I want Illinois to take a proactive approach,” Sen. Daniel Biss, the bill’s sponsor, said upon its passage, “recognizing that drones can make police work more efficient and keep officers out of harm’s way, but also acknowledging the potential threat they pose to individual liberties.”

Illinois’ new law also limits the retention and sharing of information collected by unmanned surveillance aircraft and requires police departments to disclose the number of drones they have.

Thus far, state activity across the Midwest and country has focused mostly on concerns about drones’ use by law enforcement. In all, 45 states have introduced legislation to regulate such activity; Illinois is one of the first U.S. states where such a measure became law.

### Future of drones and public policy

State legislators and their constituents, though, see a positive side to the rise in drones as well.

For example, while hunters and farmers may be concerned with private surveillance of their activities, drones could also help agricultural producers decrease costs and improve production when used to fly over fields to improve spraying precision or to monitor crop growth and animal health.

Sen. Biss, too, noted that drones have the potential to make “legitimate contributions … to public safety.”

In North Dakota, legislators jumped on the prospect of the state becoming a test site for Federal Aviation Administration unmanned-aircraft systems. With SB 2018, they authorized spending $1 million to pursue such a designation. The same bill also provided $4 million to operate the site. North Dakota has since been chosen as one of six research sites.

“Legislators felt that constituents were already protected from illegal surveillance by the Fourth Amendment,” North Dakota Sen. Robert Erbke says.

“We were more interested in the economic activity that could grow from drone research.”

Also in 2013, Michigan legislators passed a resolution (HR 280) recognizing the future benefits of the drone industry.

State interest in the issue is only likely to continue considering this 2012 estimate by the FAA — by the end of the decade, as many as 30,000 drones could be flying in American skies.

When it comes to public policy on drones, states have been most active on issues related to privacy and civil liberties.

At the federal level, much of the focus has been on FAA safety regulations for the fledgling drone industry. In 1981 and again in 2007, the FAA issued policy notices limiting the use of unmanned aircraft to hobbyists. The federal agency has said, too, that guidelines must be established before it will allow the commercial use of drones. The U.S. Congress has ordered the FAA to provide such guidance for private drones by 2015.

But in March, a National Traffic Safety Board administrative law judge ruled that the FAA’s previous policy notices “weren’t enforceable because they hadn’t been written as part of a formal rulemaking process.” The ruling appears to make it legal for drones to fly under 400 feet for any purpose. The judge’s ruling doesn’t apply to larger drones that share airspace with helicopters and planes.
In the span of just two years (during the 2011 and 2012 legislative sessions), every Midwestern state adopted laws to better protect young people from concussion-related injuries. These so-called “return-to-play” laws had three key components:

- educating parents, coaches and players on the signs and symptoms of concussions;
- removing a player from a game or practice who may have a concussion, and not allowing him or her to return that day; and
- requiring sign-off from a medical professional before the player returns to action.

In May 2013, the American Journal of Public Health issued a study examining the “return to play” laws that had been adopted in 44 states. One of the study’s findings was that these laws tended to take a one-size-fits-all approach rather than incorporating “scientific consensus that youth concussions vary on the basis of age, the type of sport, and whether the athlete is male or female.” Also, only about half of the laws require some form of concussion training for coaches, and none define how that education should be structured.

Legislation passed by the Indiana General Assembly this year aims to correct that for football, which some estimate is responsible for about half of the concussions that occur in high school sports. SB 222 requires anyone coaching football for people under the age of 20 to complete a certified education course at least every two years.

The course must cover concussion awareness, equipment fitting, emergency preparedness and proper tackling technique. The bill also requires at least a 24-hour sit-out period for a player with a suspected concussion.

Though states’ implementation of “return to play” laws are viewed as a positive step in improving safety, they do little or nothing to prevent concussions from occurring in the first place.

Bills such as HB 1205 in Illinois focus more on prevention. That measure would have limited full-contact hitting during youth and high school football practices to one day a week. Though the measure did not pass, it may have helped contribute to the Illinois High School Association’s adoption of new safety rules in May 2013, namely that football teams must practice longer before players wear full pads and take part in full-contact drills.

The IHSA will also convene a special session of its legislative commission to consider a bylaw proposal to eliminate full-pad contact during summer practice.

Other changes have taken place at the association level, including the adoption of USA Football’s Heads Up program (safer tackling, proper equipment, etc.) by a number of youth organizations.

An expert committee formed by the National Academies’ Institute of Medicine and the National Research Council concluded last October that while concussion awareness has risen dramatically, research, policy and practice have a long way to go. There remains a culture of resistance, the panel found, when it comes to youth self-reporting and compliance with treatment plans.

Article written by Laura Kliewer, CSG Midwest senior policy analyst. She can be reached at kliewer@csg.org. Question of the Month highlights an inquiry received by CSG Midwest through its Information Help Line, a research service for lawmakers, legislative staff and other state officials. To request assistance, please contact us at csgm@csg.org or 630.925.1922.

Region’s legislatures use variety of methods to oversee state agencies

by Tim Anderson (tanderson@csg.org)

By mid-April, the 2014 legislative session had ended in Nebraska, with its 49 senators leaving the Capitol and returning to their jobs and lives outside of state government. But the work of state government continues, with many important decisions left in the hands of Nebraska’s state agencies.

“The policies we create here are only as effective or as burdensome as the rules and regulations used to implement them,” state Sen. Sue Crawford says.

And in a state with a term-limited, part-time unicameral Legislature, she adds, there should be concern about a potential lack of oversight of the agencies and how they set administrative rules.

Though fairly new to the Legislature (she was first elected in 2012), Crawford is well aware of the wide-ranging impact of administrative rule-making. She is a political science professor at Creighton University, and this past fall, she ran across a state-by-state-by-map in a college textbook that helped convince her that more had to be done in Nebraska — her home state was listed as one of the weakest in the country when it came to oversight of agency rules.

Her response: Introduction of a three-bill package that requires more of state agencies during the rule-making process and that expands the ability of legislators to challenge existing regulations.

Hospital visits for traumatic brain injury, ages 19 and younger

<table>
<thead>
<tr>
<th>Activity (top 10 listed)</th>
<th>No. of annual emergency room visits</th>
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</thead>
<tbody>
<tr>
<td>Bicycling</td>
<td>26,212</td>
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<tr>
<td>Football</td>
<td>25,376</td>
</tr>
<tr>
<td>Playground</td>
<td>16,706</td>
</tr>
<tr>
<td>Basketball</td>
<td>13,967</td>
</tr>
<tr>
<td>Soccer</td>
<td>10,696</td>
</tr>
<tr>
<td>Lacrosse</td>
<td>9,634</td>
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<tr>
<td>ATV riding</td>
<td>6,337</td>
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<tr>
<td>Swimming</td>
<td>6,004</td>
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<tr>
<td>Skateboarding</td>
<td>4,557</td>
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<tr>
<td>Hockey</td>
<td>4,427</td>
</tr>
<tr>
<td>Other sports</td>
<td>173,285</td>
</tr>
</tbody>
</table>

Source: U.S. Centers for Disease Control and Prevention (data for 2001-2009)

Audits performed, committees formed

Agency oversight is an important function of the legislative branch, and a recent CSG Midwest survey revealed some of the methods used by legislatures to carry out that responsibility:

- legislative audit offices — often guided by a joint committee of legislators — to assess the performance of state-funded programs and agencies;
- specially created standing subcommittees that focus on a specific agency during the budget-making process;
- interim legislative committees that focus on the efficacy of particular state programs or departments;
- statutory requirements for agencies to provide regular reports to the legislature or for audits to be conducted of certain programs; and
- placement of legislators on certain boards within a state agency or commission.

Crawford’s bills deal specifically with one of the more important oversight functions — reviews of administrative rules and regulations. LB 720, for example, establishes a formal process for legislators to raise complaints not only about proposed rules, but some existing ones as well. That change, Crawford says, would allow senators to address regulations that have become burdensome or outdated over time.

Under other provisions in her legislative package, agencies would have to post semiannual updates of rules under development and their fiscal impact (LB 718). A third measure (LB 719) requires agencies to develop “public report summaries” that include comments made at hearings on a proposed rule as well as the agency’s response.

“If the agencies aren’t being responsive to comments and concerns,” Crawford says, “that should be a concern for us.”

According to Crawford, constitutional separation-of-powers restrictions in Nebraska have limited the Legislature’s ability to establish oversight committees with broad authority over agency rules and regulations.

In the Midwest, most states have joint bipartisan committees in place to review administrative regulations, according to The Council of State Governments’ 2013 “The Book of the States.” (In Nebraska, regular standing committees do these reviews; North Dakota has an interim rules committee that meets four times a year.)

In states such as Illinois, Iowa, Minnesota and Wisconsin, these joint committees can review both proposed and existing rules. Ohio’s legislative committee administers a statutory requirement that all agency rules be reviewed once every five years.

Legislative committees in Illinois and North Dakota have the power to block or void proposed rules. In other Midwestern states, rules can sometimes be delayed or suspended at the committee level, but a vote by the full legislature is needed to overturn or veto them.

Capital Closeup highlights institutional issues in state government. Articles are available at www.csgmidwest.org.
Impact of school-funding lawsuits, rulings varies widely in different states

Review of school-funding lawsuits

M ichigan and every other state in the nation have an education clause as part of their constitutions. Such clauses date back more than a century. Hunter says,ler, and were prerequisites for territories wanting to become U.S. states. The language in these clauses — “suitable provision for finance of the educational interests of the state” in Kansas, for example, or “thorough and efficient system of common schools” in Ohio — has often served as the basis for school-funding lawsuits. (Equal-protection clauses are also frequently cited.)

By the exception of Iowa, state supreme courts have handed down school-funding decisions in every Midwestern state. Plaintiffs have lost most of these cases, and in one Midwestern state, Nebraska, the court said it could not weigh in on the school-funding issue because it raised “nonjusticiable political questions.”

To date, Kansas and Ohio are the only states in the region where K-12 funding systems have been ruled unconstitutional.

“I don’t think the [constitutional] language has much to do with the differences in how you see the courts rule,” Hunter says. “We see states with the same language with different rulings, or states with different language with the same rulings.” Likewise, the impact of these rulings is unpredictable.

Complicated history: A look at Midwestern states’ experiences with school-finance litigation

In multiple cases over the past five decades, Illinois courts have rejected claims that the state’s school-funding system is unconstitutional. The most recent ruling was made by the state Supreme Court in 2012. Plaintiffs in that case argued that the funding system was in violation of the Illinois Constitution’s equal-protection clause to disparities between property-rich and property-poor school districts.

The Illinois Supreme Court has never ruled the state’s school-funding system unconstitutional. The state revamped its funding formula two decades ago following a case filed by some local school districts claiming the system was inequitable. More recently, the legislature made changes after a lawsuit was filed by some of the state’s rapidly growing school districts. That funding case was dropped due to legislative changes made in 2011.

The only school-funding lawsuit in Iowa occurred in 2002. It challenged the constitutionality of a provision in state law that allowed local governments to levy a sales tax to support school facilities. That provision, plaintiffs argued, made funding unequal for children who live in rural school districts and others with a small sales-tax base. The lawsuit was dropped in 2004 after the legislature made changes to increase revenue for these districts.

In two separate cases over the past decade, the Kansas Supreme Court has ruled the state’s school-funding system to be unconstitutional. Its most recent decision was handed down in March. The system is unconstitutional in equity grounds, the justices ruled, because the legislature has failed to provide sufficient “equalization” funds for poorer school districts. On the question of the overall adequacy of school funding, the justices returned the case to the district court for further review. They guided the lower court to base its decision on whether the current funding system provides the opportunity for students to meet statutorily set standards and learning goals. A contract, rulings in the previous case were based on comparisons of state funding levels with the estimated cost of adequately educating students. In 2006, the Kansas Legislature revamped its school-funding system in response to the Supreme Court’s finding that the system was unconstitutional. But the new case was brought following subsequent cutbacks in school funding.

Michigan’s school-funding system has never been ruled unconstitutional. However, the state is now a defendant in a first-of-its-kind “right to read” lawsuit. Under current Michigan law, school districts must provide additional remedial assistance to students who are not performing at grade level in the fourth and seventh grades. The lawsuit claims that the state and a local school district have failed to ensure that students are reading at grade level.

In 1991, the Minnesota Supreme Court rejected a lawsuit brought by school districts challenging the constitutionality of school funding. The districts said the state’s funding model led to unconstitutional disparities among property-rich and -poor districts. A subsequent lawsuit challenged the funding system based on the state’s equal-protection clause. That suit was settled after an agreement was reached between the state and the NAACP.

Nebraska is one of only five U.S. states where a state supreme court rejected a school-funding lawsuit because it raised “nonjusticiable political questions.” The questions raised in such a case cannot be addressed by the courts, the Nebraska justices ruled, and must be left to the state Legislature.

Eight years ago, a lawsuit was filed in North Dakota claiming the state’s system of funding schools was unconstitutional, on the grounds that it was both inadequate and inequitable. That case helped lead to a transformation in how North Dakota’s 12 districts are funded. Beginning in 2007, the state revamped its funding formula and increased the total amount of dollars going into the system. (The lawsuit was then dropped.) Today, the state provides more than 80 percent of total state-local funding for K-12 education — compared to about 40 percent a decade ago.

The state of Ohio’s Dohlfish case remains one of the nation’s best-known examples of school-finance litigation. The case was filed in 1991, and over a five-year span (between 1997 and 2002), the state Supreme Court ruled four different times that the funding system was unconstitutional. The system was overly reliant on local property taxes, the Ohio justices ruled, and thus failed to meet the constitutional requirement to “secure a thorough and efficient system of common schools.” The court, however, did not retain jurisdiction over the case. The Dohlfish lawsuit and court rulings did lead to increases in state school funding — in particular, a large new investment in school facilities.

In two major cases, the Sosnowski case. The Minnesota Supreme Court has rejected lawsuits challenging the constitutionality of the state’s school-funding system. The first case centered on questions of inequality (resource disparities among different school districts), the second on the overall adequacy of K-12 finance.

Wisconsin’s system for funding the state’s K-12 schools withstand three different challenges between 1976 and 2000. In the three cases, the plaintiffs alleged that the method of funding led to resource inequities among the state’s school districts, thus violating the Wisconsin Constitution’s equal-protection clause and local constitutional wording that calls for schools to be “as nearly uniform as practicable.”

Sources for state-by-state information: Education Law Center and CSG Midwest research

In 2006, nine local school districts filed a lawsuit alleging that the state’s K-12 funding method was inequitable and inadequate. Central to their complaint was the system’s reliance on local revenue — at the time, only about 40 percent of the state-local share for schools was coming from state dollars. In response to the lawsuit, the state formed a special Commission on Education Improvement.

“We wanted to be the ones to solve the problem, not the courts,” recalls North Dakota Sen. Tim Flakoll, who served on the commission.

Led by the lieutenant governor, the commission included legislators, superintendents, state education leaders and teacher groups. Its work was built around finding consensus, Flakoll says, noting, for example, that any recommendation from the commission first required a supermajority vote by its members.

Beginning with the 2007 legislative session, North Dakota lawmakers moved ahead with the commission’s plan to address concerns about equity and adequacy. The lawsuit was then dropped.

Today, more than 80 percent of the state-local share for K-12 schools comes from state sources.

“It was a historic change in the way we funded education,” Flakoll says. “But it wasn’t just about the dollars. It was about focusing those dollars on meaningful student performance.”

“We delivered what I would call ‘mass customization’ — provide [funding] on a student basis, not on a...
The tail end of that period was marked by a widespread fiscal crisis in states across the country. The recession and ensuing revenue slowdown led to funding cuts in education. Hunter notes, too, that many states have chosen to cut taxes in recent years.

According to the Center on Budget and Policy Priorities, at least 34 states are providing less school funding per student in 2013-14 than they did before the recession hit. That includes at least six states in this region (see map on this page). Kansas has had among the steepest cuts in the country, the center’s report concludes.

Funding levels have fallen in most states

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Ohio Rep. Tracy Maxwell Heard
House minority leader has made criminal-justice issues a top priority, shepherding bills related to sentencing and sanctions

by Kate Tormey (ktormey@csg.org)

W hen Rep. Tracy Maxwell Heard was in her first term in the Ohio House, she remembers the emotional speeches given by outgoing lawmakers at the end of session. At the time, she was surprised to see grown men cry on the floor of the legislature. But now that she’s served seven years, it doesn’t seem strange at all.

“It didn’t take me long to realize how unique and how special this opportunity really is,” says the Democrat and current minority leader. “And how connected you become and how much you care about the impact you are having.”

In fact, when it’s her turn to say goodbye, she plans to post her farewell speech on YouTube, because she’s sure she will be too emotional to get through it in person.

Strong connection to community

Though she has served her community and the state in many ways, Heard’s legislative seat is her first elected position.

Her career began in broadcast journalism, as an anchor for a local ABC affiliate. In 1996, she brought her communications skills to the Clinton-Gore presidential re-election campaign, and that experience led her to a position as a legislative staffer in the Ohio Senate. She later went on to serve as executive director for a community development corporation in her district.

“That’s when I started to recognize the connection between government and communities,” she says. “And I became interested in running for office.”

Heard decided to challenge a newly elected incumbent in 2006, and during her campaign, she sat down with community organizations to develop a platform of local priorities. And ever since then she has kept her constituents at the heart of her legislative work, attending every local event that she can.

“People are always saying, ‘We’re so glad you made it and worked us into your schedule.’ And I reply, ‘You are my schedule. I work for you. You should be surprised if I don’t show up!’” she says.

And now that she is House minority leader, she is also focused on issues of concern to the state as a whole. For example, she has led her caucus through issues such as regulating hydraulic fracturing ("fracking"), funding education, combating a heroin epidemic and expanding Medicaid.

Meanwhile, she has also tried to be a legislative leader who models cooperation and bipartisanship, which she says isn’t always easy in today’s politics-driven climate.

“If we were in the private sector, we would all have been fired a long time ago — from the state legislature all the way to D.C., — because we are not taking care of our company,” Heard says. “There are things we are simply not tending to because we can’t work together.”

In hopes of being a positive role model, especially for young women, Heard launched Girl Power, an initiative that helps encourage females to advocate for issues they believe in, get involved in their communities or run for office themselves.

Here are some excerpts from an interview that CSG Midwest conducted with Heard last month.

Q: You are hopeful that legislation you’re sponsoring this year regarding credit unions will pass. What would it do?
A: It opens up the opportunities for credit unions to hold state deposits. It makes them more viable and able to better support their communities. It won’t affect all credit unions, because you have to be at a certain level to accept those deposits. The banking industry is absolutely against it, but it’s really not taking any business away from them. … Credit unions have not been able to hold state deposits, and we are responding to small businesses and school districts that are looking for alternatives. I am really proud of the bill.

Q: House minority leader has made criminal-justice issues a top priority, shepherding bills related to sentencing and sanctions

Bio-sketch: Rep. Heard

✓ first elected to Ohio House in 2006
✓ currently the House minority leader
✓ holds a bachelor’s degree from the University of Akron in communications
✓ serves a central Ohio district that includes parts of Columbus
✓ was a television anchor for an ABC news affiliate
✓ worked for the 1996 Clinton-Gore election campaign and as a staffer in the Ohio Senate

Q: You’ve named education as one of the top concerns you hear from your constituents these days. What are your own goals in this area?
A: When we fail in public education, we fail as a state. You’re not just failing the poor kids or the minority kids. Public education is about workforce development and having a ready workforce. And it also has a huge impact when we are trying to attract industry here; education and the rating of your public school system is one of the top things that companies look at when they are coming to an area.

And there are long-term, cumulative effects on crime statistics, health statistics and home owner-ship. All of those things are negatively affected when we are failing in the public education realm.

Under current leadership, we are not doing anything to fix that — we continue to do things going in the wrong direction. … We have a directive from the Supreme Court that says we have to change our funding formula because we are totally dependent on property taxes. That is unfair and has a built-in bias because if you live in a wealthier suburb there is more money going into your district than in an impoverished urban environment. And the one thing public education should be is equal.

Q: Because of term limits, this will be your last year in the Ohio House. What are your plans after you leave the legislature?
A: What I will continue to do, even from a non-elected position, is to try to engage the electorate and make people understand how important it is for them to be involved in the process. The madness that is happening right now is happening because citizens are disengaged. I understand why they are disgusted, but in a democracy, you are in charge.
Illinois legislation takes aim at vicious new trend in cyberbullying

Bill would make posting explicit ‘revenge porn’ images a felony

by Illinois Sen. Michael E. Hastings

Technology is changing at a rapid pace. It has led to major advancements in our means to communicate. Needing only access to the Internet, anybody can create a Skype account, and a person’s ability to communicate is no longer confined by distance or the price of a phone call.

It amazes me that I no longer have to open a phone book to find the telephone number for a local restaurant, or make an unexpected stop at a gas station to ask for directions.

Instead, I can simply utilize the technology at my fingertips — my iPhone — and ask Siri who has the best pizza in Chicago, and thankfully, my GPS will not only provide me with directions, but will also steer me away from traffic congestion.

However, as our communication platforms expand, so too has the ability to use these technologies for harm. Cyberbullying was a fairly foreign phrase 20 years ago, but now it has increasingly and unfortunately become a household term.

According to a 2011 report by the National Crime Prevention Council, cyberbullying is a problem that affects almost half of all American teens. While serving on our local school board, I noticed that more and more parents were reporting incidents of their child being harassed on the Internet. So, after I was elected to the state Senate in 2012, I decided to raise awareness about cyberbullying and the harm it can do to our younger generations. I wanted to make it an issue that was not only discussed, but also addressed by lawmakers.

While doing research on cyberbullying, I started realizing that it doesn’t just affect teens, but young and older adults as well. More and more stories cropped up about victims, most of whom were women, who were being extorted by a bitter ex. Story after story told the same tale of an unsuspecting victim being traumatized by a disgruntled ex-partner with past digital images or videos of intimate moments that they were threatening to post, or even worse, had already posted online. This heinous act is called “revenge porn.”

These stories really hit home for me, as I have three younger sisters and could not even fathom the kind of pain and anxiety these victims were experiencing.

Some may make the argument that cyberbullying is the result of millennials being careless with technology, but what happens when those videos or photos were the result of an abusive relationship? Not until I spoke with a victim, a young woman who provided testimony about her experience, did I realize the full devastating and humiliating — and potentially long-lasting — impact this can have on someone’s life.

Story after story told of an unsuspecting victim being traumatized by a disgruntled ex-partner posting images of past intimate moments.

As “revenge porn” — the posting of sexual images of people (usually women) without their consent, often with identifying information and intent to harass after a breakup — has become increasingly common, states have begun to address the issue with legislation.

Currently, only two U.S. states, California and New Jersey, have passed laws criminalizing the practice, though legislation to do so has been proposed in numerous other states, including Wisconsin and Illinois in the Midwest.

California’s SB 255, signed into law last year, makes disseminating revenge porn a misdemeanor punishable by up to six months in jail, a fine of up to $1,000 or both. Those seeking harsher penalties, such as the organization End Revenge Porn (endrevengeporn.org), say that although the law is a good start, it is inadequate. Under the law, they say, charges are contingent not only on the images having been taken by other individuals, thus leaving out self-taken photos, but also upon “intent to cause serious emotional distress,” which requires an additional, unnecessary burden of proof. New Jersey’s prohibition of unauthorized dissemination of sexual images (punishable by a fine of up to $30,000) is the result of a 2004 invasion-of-privacy law that was intended to address voyeurism.

In Wisconsin, current law makes it a Class I felony to possess, reproduce or distribute a nude or sexually graphic image taken without the depicted person’s knowledge or consent, punishable by up to three years and six months in prison and/or a fine of up to $10,000. AB 462 would make it a Class A misdemeanor to disseminate such an image without the depicted person’s consent, whether or not the person originally consented to its being taken. Penalties include up to nine months in jail and a fine of up to $10,000.

Illinois’ SB 2694, posting explicit images without the depicted person’s consent (including self-taken images) and with intent to cause emotional distress, would be a Class 4 felony, punishable by up to 3 years in prison and a fine of up to $25,000.

After I introduced SB 2694, my proposal targeting revenge porn, my office was contacted by a woman who wanted to share her story in the hope that her experience would garner support for the bill. Diana, an interior designer from Chicago, was in an abusive marriage.

Abuse can be more than physical

As she explained to lawmakers in committee, “An abusive relationship doesn’t always come with broken bones and bloodied lips.” She described the abuse as both emotional and physical, including threats to participate in certain acts “or else.” For her, complying became a form of self-preservation.

She eventually got a divorce, but that didn’t end the threats of extortion from her ex-husband. Dana described it as a constant “noose around her neck.” She was fearful that friends, family or co-workers would see the graphic material, and worse, that it could lead to her losing her job.

After multiple threats, she filed for an order of protection against her ex-husband; however, the order only lasted two years and once it expired, she was once again left with no legal protection to help deter her husband from releasing the graphic material.

My hope is that SB 2694 would serve as that deterrent. Under this proposal, the penalty for anyone who posts explicit content, without consent and with intent to cause emotional distress, can be charged with a Class 4 felony, which carries a maximum prison sentence of three years and a fine of up to $25,000.

At the moment, there is very little information on the number of people who are victims. But I believe that has begun to change as revenge porn and cyberbullying receive more public attention.

California and New Jersey have already passed or are seeking to strengthen laws in an attempt to address revenge-porn loopholes. Illinois and numerous other states are now considering similar laws.

This illustrates that the general public is becoming more aware of this trending problem.

Today’s technology has truly shaped the way we live, but unfortunately, it has brought with it some negative consequences — revenge porn being a prime example.

Technology is always evolving, and as citizens we must constantly be vigilant to ensure that our criminal justice system has the necessary protections to keep pace with our rapidly changing, technology-based environment.

Illinois Sen. Michael E. Hastings, a Democrat from Orland Park, was first elected in 2012.

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. 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 430.925.1022 or tanderson@csg.org.
CSG among national associations that sign letter supporting federal sales-tax bill

S

tate and local governments lost a total of $23 billion in revenue from just one source in 2012. The loss in revenue wasn’t attributed to the recession, tax cuts or a loss in federal support; it was because “remote sellers” — largely Internet-based businesses — are not currently required to collect sales tax from consumers. As the result of previous U.S. Supreme Court rulings, states cannot require retailers located outside their borders to collect sales taxes from their residents. As a result, states simply lose out on revenue from those transactions — which continue to rise due to growth in online sales. Last month, an association of seven national organizations whose members represent state and local governments wrote a letter in support of a federal legislative solution. “As representatives of state and local government, which rely heavily on sales taxes to fund vital programs and services ... the remote-sales-tax issue is not about enacting new taxes; rather, it is an issue about collecting taxes that are already owed,” the “Big Seven” wrote to leaders of the U.S. House Judiciary Committee. The “Big Seven” are The Council of State Governments, the National Governors Association, the National Conference of State Legislatures, the National Association of Counties, the National League of Cities, the U.S. Conference of Mayors and the International City/County Management Association. The current absence of a federal law, leaders of the Big Seven note, is harming bricks-and-mortar businesses, which must bear the administrative burden of sales-tax collection. “Our nation’s Main Street retailers provide employment to our citizens, contribute to our charities and help to keep our communities vibrant,” the letter states. “It is inherently unfair that they must collect sales taxes while their online competitors do not.”

Sales-tax dilemma goes back decades

M inus congressional action, states cannot require retailers to collect sales taxes from out-of-state consumers due to Supreme Court rulings handed down in 1967 and 1992. For the past several years, states have worked together to address one of the obstacles to collecting taxes from remote sellers outside of their jurisdiction — the burden placed on companies having to keep track of and comply with varying state and local sales-tax systems. The Streamlined Sales and Use Tax Agreement was developed by states and offers businesses a simplified tax-collection process. So far, 24 states have adopted enacting legislation, including every Midwestern state except Illinois. Modern computer software and technology, too, make it much less onerous to track where orders originate and the corresponding tax rates. That is why the “Big Seven” and other proponents of allowing states to adopt their own policies on remote sales say the time has come for the U.S. Congress to act. The Marketplace Fairness Act, which passed the Senate last year, would give a state the ability to collect sales taxes for items purchased by their residents — even for items sent from outside the state’s border. In return, states would have to simplify their tax laws in order to ease the administrative burden on remote retailers. If approved, the federal law would give states one of two options: comply with the Streamlined Sales and Use Tax Agreement (if they are not already a member) or adopt a separate set of tax-simplification measures to notify retailers in advance of rate changes in the state; designate a single state organization to handle sales tax registrations, filings and audits; establish a uniform sales tax base for use throughout the state; use “destination-based sourcing” (i.e., a purchase made by a consumer in California from a retailer in Ohio is taxed at the California rate, and the sales tax is remitted to California); and provide free software for managing compliance and hold retailers harmless for errors that result from using state-provided systems and data.

The “Big Seven” national groups

• The Council of State Governments
• National Governors Association
• National Conference of State Legislatures
• National Association of Counties
• National League of Cities
• The United States Conference of Mayors
• The International City/County Management Association

CSG leaders launch new Pathways to Prosperity initiative

T he Council of State Governments’ two national leaders have selected “Pathways to Prosperity” as their initiative for 2014. West Virginia Gov. Earl Ray Tomblin (CSG national president) and Tennessee Senate Majority Leader Mark Norris (CSG national chair) believe the absence of qualified workers to meet the demand of companies should be cause for concern among state policymakers. “The jobs are there, but the skills are lacking,” Norris says. He noted a variety of issues that contribute to the problem, such as children living in poverty, people battling hunger and poor nutrition, veterans’ difficulties in meeting certification and degree requirements, and people who have been involved in the criminal justice system being disqualified from employment. “It’s difficult for our guidance counselors and local workforce-development professionals to do their jobs when the folks who need work have so many related issues that need addressing first,” Norris adds.

Skills not meeting job demand

The initiative is being driven in part by the connection between education and upward mobility. People with more education have a better chance to become employed, earn a living, support a family, pay taxes and contribute to their communities.

Although the United States previously led the world in rates of college completion, the nation now ranks 16th in degree attainment for 25- to 34-year-olds. The need to address this issue is critical; research indicates that by 2018, nearly two-thirds of all jobs in the United States will require a postsecondary credential or degree. Not only is the lack of skills hurting new graduates looking for their first jobs, it’s also hurting the businesses that would like to employ them. A recent McKinsey survey of more than 2,800 employers worldwide shows that four of 10 employers say they cannot fill entry-level positions. More than one-third of respondents stated their businesses are suffering economically from a lack of appropriate skills in the labor market.

Through the State Pathways to Prosperity initiative, CSG is helping policymakers explore a variety of policy challenges facing state leaders related to workforce development and education — including hunger and nutrition, child poverty, criminal justice, and military and veterans concerns. As part of this effort, CSG is hosting four “Entrepreneurship Days” — one in each of the regions — in partnership with the Kaufman Foundation. CSG Midwest and its Midwestern Legislative Conference helped facilitate the event held in April in the Nebraska Capitol.

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, suggested state legislation and interstate consulting services. The Midwest Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MLC affiliate members.
MLC meeting will include elections preview from leading political analyst; other featured speakers include Doris Kearns Goodwin

This summer’s Midwestern Legislative Conference Annual Meeting in Omaha will feature a session that has long been popular among attendees: a preview of the coming fall elections.

This year’s event will be held July 13-16 in Nebraska’s largest city, Omaha. It will include a presentation by Jennifer Duffy, named one of the 13 savviest political analysts in the country by Business Insider. Duffy will offer her unique insight into the current political environment, national and state political trends, and the upcoming elections — with a focus on forecasting the Midwestern states to watch this fall.

Other top speakers at this summer’s conference include:
- Pulitzer Prize-winning historian Doris Kearns Goodwin;
- Joel Kotkin, an internationally recognized authority on economic and political trends, and
- Gary Moncrief, a leading expert on American politics who will take a historical look at Midwestern legislatures.

Annual meeting offers small-group sessions, family-friendly activities

In addition to top speakers and plenary sessions, legislators will have the chance to share ideas with one another in smaller sessions on topics ranging from health care and economic development, to agriculture and state fiscal policy.

The MLC’s five policy committees will meet on the first day of the meeting (July 13) to discuss key issues of interest to states. Their meetings are open to all MLC attendees.

The Annual Meeting is also a family-friendly event, with a variety of daytime activities offered for the spouses, children of meeting attendees. Nebraska Sen. Beau McCoy, the 2014 chair of the MLC, is leading this year’s host-state efforts.

For more information and to register, visit www.csgmidwest.org or call 630.925.1922. An early-bird discount is available for individuals who register by May 6; a late fee will be charged for any registrations received after June 6.

CSG Midwest organizes legislative exchange that brings Ontario lawmakers to Michigan

In March, four Ontario legislators traveled across the U.S.-Canada border to learn more about a legislature just a few hundred miles away — in Lansing, Mich. During the legislative exchange, which was organized by the Midwestern Legislative Conference Midwest-Canada Relations Committee, members of the Legislative Assembly of Ontario met with state officials to discuss protection of the Great Lakes and the status of the new International Trade Crossing, a bridge being built between Detroit and Windsor, Ontario. Provincial legislators also experienced firsthand a day in the life of a Michigan lawmaker, spending one-on-one time with legislators of both parties. The group was hosted by Michigan House Majority Floor Leader Jim Stamas.

This was the fourth legislative exchange the committee has sponsored in the past year.

Pictured, from left to right, are Ontario Member of the Provincial Parliament (MPP) Michael Prue, Michigan House Speaker Jose Bolger, Ontario Speaker Dave Levac, House Majority Floor Leader Jim Stamas, Ontario MPP Mitzi Hunter and Ontario MPP Bill Walker.
In most Midwestern states, many 17-year-olds have right to vote

For the first time in Illinois, most of the state’s 17-year-olds had the chance to cast ballots in this year’s primary elections. Their participation was the result of a bill passed by the General Assembly in 2013, HB 226 opened up voting to 17-year-olds who will turn 18 before the general election. According to the Chicago Tribune, the measure received widespread bipartisan support, with proponents saying it would encourage young people to get involved in the political process.

Since 1971, the U.S. Constitution has required that anyone 18 or older be able to vote in local, state and federal elections. (Previously, the minimum voting age was 21.)

Electoral participation by those younger than 18 is left to the states. According to the Center for Voting and Democracy, 17-year-olds have the three lowest jobless rates in the nation — the hunt is on for more workers.

Most recently, a new marketing campaign was launched in North Dakota to promote the state and its career opportunities. “Find the Good Life in North Dakota” will target areas of the country with chronically high jobless rates and focus on recruiting skilled workers in sectors such as engineering, health care and energy. It is being paid for through a mix of public and private funds.

Two years ago, South Dakota launched a program of its own to recruit out-of-state workers. However, Gov. Dennis Daugaard said earlier this year that the New South Dakotans initiative “had worked more slowly than we had hoped.” Funding for it has been cut back, with some of the dollars now going to Dakota Roots — a more successful venture that connects former residents with in-state jobs.

Starting in 2011, Nebraska lawmakers began using a mix of public funds and private matching dollars to expand the number of paid internships across the state.

In western part of region, states intensify search for job seekers

The search for more jobs continues to be a high priority in parts of the Midwest suffering from high rates of unemployment. But in states such as North Dakota, Nebraska and South Dakota — which have the three lowest jobless rates in the nation — the hunt is on for more workers.

In the months following passage of a federal farm bill that gave the green light to certain types of industrial-hemp cultivation and research, legislators in at least two Midwestern states have adopted new laws of their own.

Indiana’s SB 357 permits the production of industrial hemp. Under the measure, individuals interested in growing hemp are required to obtain a license and subject to periodic inspections. Nebraska’s LB 1001 allows post-secondary institutions and the state Department of Agriculture to grow industrial hemp for research purposes. The department must develop regulations and certify sites where the hemp is grown.

The new federal farm bill allows state departments of agriculture, colleges and universities to grow hemp for research purposes — provided state law allows for hemp cultivation.

North Dakota has allowed industrial-hemp production for several years. However, as the state’s Department of Agriculture notes, the federal government does not acknowledge state authority to regulate industrial hemp and does not distinguish between it and marijuana. As a result, those seeking to grow hemp must secure a state-issued license as well as approval from the U.S. Drug Enforcement Agency.

Interest in hemp laws grows after passage of new federal farm bill

Four states have adopted new laws of their own this year that the New South Dakotans initiative had hoped to reach. Funding for it has been cut back, with some of the dollars now going to Dakota Roots — a more successful venture that connects former residents with in-state jobs.

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States pick up fight to stop rise in scrap-metal thefts

In response to a problem that the Detroit Free Press says has reached “epidemic proportions” in some communities, Michigan legislators voted in March to give law enforcement more tools to prevent scrap-metal thefts.

Three Midwestern states have among the most metal-theft claims in the country, according to a recent National Insurance Crime Bureau analysis. Those states are Ohio (first in the nation), Illinois (seventh) and Michigan (ninth).

Michigan’s HB 4593 bans all cash sales of scrap metal. For sales of $25 or more, a check must now be mailed to the seller; an encrypted debit card can be used for sales under $25. The bill also includes language allowing for creation of a database that would track people who sell items to scrap yards. Legislators, though, did not require that a database be established. A bill passed late last year (HB 4595) made it a felony in Michigan for scrap-metal dealers to knowingly purchase stolen items. The most commonly stolen items are air conditioner components, catalytic converters and copper wire.

Ohio and Illinois are among the other states where scrap-metal theft laws have been enacted in recent years. Ohio, for example, now requires dealers to register with the state and to report transactions to a state-run database. The dealers pay a fee to maintain this electronic registry.