New approach to juvenile justice

In states such as South Dakota, Nebraska and Kansas, reforms do not necessarily bring bad news for young people. They are to cut costs, reduce recidivism and improve long-term outcomes among young people.

by Ilene Grossman (igrossman@csg.org)

A year ago, officials from all three branches of South Dakota government began taking a close, critical look at the state’s juvenile justice system.

“The working group didn’t like what it saw,” said South Dakota’s chief public defender, Richard Shriver.

“What we found is that South Dakota had the second-highest incarceration rate in the country in 2011, a rate of 385 youth per 100,000,” Shriver said.

Further, that high commitment rate was not connected to a correspondingly high rate of violent crime, and South Dakota’s juvenile offenders were staying longer in out-of-home placements than they had in the past.

Those placements were costly (anywhere from $41,000 to $144,000 per bed); were often for misdemeanors, probation violations and status offenses (such as truancy and underage drinking); and were not necessarily effective in treating young people (community-based supervision trends to yield better results).

The state needed to do better, the working group concluded. With this year’s passage of SB 73, lawmakers believe they have taken a big step forward, one that will save taxpayer dollars, reduce recidivism and improve long-term outcomes for young people.

These same goals are driving proposed reforms of juvenile justice systems in other states as well.

Using evidence of what has proven to work and not work in supervising and treating young offenders, states are reshaping their juvenile justice systems.

There is increasing recognition from the research that the effects of incarceration have not been particularly positive.” notes Josh Weber, director of the juvenile justice program at The Council of State Governments Justice Center.

Instead, many nonviolent offenders do better in a community setting, and are more likely to reoffend if incarcerated. Juvenile incarceration rates have, in fact, dropped sharply in many states over the past 15 years.

Part of that decline is due to a drop in the number of violent crimes being committed by juveniles, but a shift in public policy has contributed to this incarceration trend as well — namely, a decision not to commit low-risk juvenile offenders to state facilities.

Five years of reform in Nebraska

Nebraska’s reforms began in 2010, in part because the state had the nation’s fourth-highest rate of incarceration.

A large number of young offenders were being tried in adult, rather than juvenile, courts. “Besides helping kids, these efforts are preventive maintenance,” Nebraska Sen. Bob Krist says about the state’s new laws.

“In the long run, if we keep creating criminals in the juvenile justice system, our corrections system will blow up.”

As a first step, Nebraska legislators passed a measure requiring that youths be placed in the least restrictive situation that their offense would allow. At the same time, the unicameral legislature increased funding for a violence-prevention fund in local communities.

Then, in 2013, lawmakers expanded a successful pilot project between the state’s probation and health and human services departments. The goal: Keep young offenders in their homes and out of detention facilities or group homes, and provide them with greater access to services (such as substance-abuse treatment and behavioral health counseling) as an alternative to incarceration.

“We created a system where one person, rather than two or three or four people, is connected with a child’s case, and that person can deal with the child and family in real time,” Krist explains.

Prior to this change, he says, these young people could have had a probation officer and caseworker from several social-service agencies.

Jeanie Brandner, deputy administrator of Nebraska’s Juvenile Justice Department, explains that Nebraska’s system is designed to give “preventive maintenance,” those kids who have minor offenses and have a difficult time in school. It is a reaction to the decline of most of the offenses.

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Nuclear Safety & Radioactive Materials Transportation

U.S. announces two-pronged plan for storage of "defense-only," commercial nuclear waste

For decades, the federal government’s plan for nuclear waste — both from production of nuclear weapons and from commercial nuclear reactors — has been to store all of it at a single, permanent geologic repository.

But in March, the Obama administration announced a significant shift in that policy strategy. The U.S. Department of Energy now plans to “move forward with the planning for a consent-based, defense-only repository for some of the DOE-managed high-level wastes,” Energy Secretary Ernest Moniz said.

This decision, he said, reflects in part the difference between the two types of waste. The nation’s inventory of high-level defense waste is finite, and some of that waste is cooler and easier to handle than commercial waste. This could mean greater flexibility in site selection, a simpler site design, and a shorter timeline to begin disposal at a “defense-only” repository.

For the Midwest, the impact of pursuing a defense-only repository will depend on where it is located and the routes chosen for shipping the waste there.

Meanwhile, the DOE is still actively pursuing one or more interim facilities to store commercial spent fuel from the nation’s shut-down nuclear reactors. The Midwest currently has four of these: one in Michigan (Rock Point), two in Wisconsin (Kewaunee and La Crosse) and one in Illinois ( Zion). All four now store their waste onsite.

Depending on the location of an interim storage facility, other Midwestern states could serve as “corridors” for the waste as it travels from these four reactors to a repository.

The Council of State Governments’ Midwest Radioactive Materials Transportation Committee plans to hold a special event in the fall to educate legislators and other state officials about the federal radioactive waste management program, with an emphasis on shipments and their impact on this region.

In addition to the four shut-down sites, the Midwest is home to 19 operating nuclear power plants. Spent fuel is being stored at these sites as well until a permanent repository for the nation’s commercial waste is operational.

Until 2010, it appeared that site would be at Yucca Mountain in Nye County, Nevada. The federal government originally identified the site as a potential repository in 1987, then spent two decades studying it and eventually filed a construction license application.

However, in 2010 President Obama put a halt to the licensing process, and federal funding for the Yucca Mountain project was stripped in the next budget.

In 2013, in response to recommendations from the Blue Ribbon Commission on America’s Nuclear Future, the DOE released a strategy document, which emphasized using a consent-based approach to identify sites for both a pilot and a full-scale interim storage facility in addition to a geologic repository.

Health & Human Services

Indiana authorizes local needle exchanges to deal with health emergencies, disease outbreaks

In the early part of 2015, an outbreak of HIV began spreading quickly in the small, southeast Indiana town of Austin. By the end of April, the number of confirmed cases had reached nearly 150, with many of them linked to use of the opioid painkiller Opana via needle injection.

Gov. Mike Pence declared a public health emergency in Scott County to deal with the outbreak and to allow for a temporary needle-exchange program, but Sen. Patricia Miller says it was important for the legislature to act as well.

“This is a severe epidemic,” she notes, “and it came up very suddenly.”

On the last day of session, the Indiana House and Senate passed SB 461. The bill, Miller says, sought to find the right policy balance on the most contentious issue of all — the extent to which needle exchanges should be authorized under state law.

Under SB 461, Indiana’s health commissioner must first declare a public health emergency in a specific city or county. (The local government can request the declaration.) A local health department, a city or a nonprofit group can then initiate a needle-exchange program in the targeted area.

“Everything is off the table,” Miller says, adding that she has not traditionally been a proponent of needle exchanges.

Under the new law, providers of any local program must give individuals information on drug treatment and provide referrals to treatment programs. The state will also launch a pilot program that beefs up enforcement of drug-related crimes in targeted areas of Indiana.

Meanwhile, over the summer, a legislative committee will study the efficacy of needle-exchange programs in helping reduce disease transmission due to intravenous drug use. As part of their study, lawmakers will review Indiana’s criminal penalties for drug offenses and drug paraphernalia. They also plan to explore the role of “problem-solving courts,” which seek to better accommodate offenders with specific needs and problems, including drug abuse.

According to the Robert Wood Johnson Foundation’s Public Health Law Research program, no Midwest state explicitly authorizes needle and syringe exchanges. However, Illinois, Minnesota and Wisconsin are among the 28 U.S. states that have removed or limited barriers to syringe distribution.

* New law allows for local syringe exchange programs when health emergencies have been declared

Source: Robert Wood Johnson Foundation’s Public Health Law Research program

**This is about helping people not get infected,” says Miller, adding that she has not traditionally been a proponent of needle exchanges.**
**Education**

In Wisconsin, new programs aim to help students with disabilities transition out of high school.

A year after they have left high school, 58 percent of Wisconsin students with disabilities report that they have not yet worked, participated in a job-training program or taken a postsecondary course.

Rep. Robert Brooks, a first-year legislator in the state Assembly, believes the state and its schools can do better for this population. His plan, introduced at least initially as a budget resolution, calls for new pay-for-performance incentives for school districts to improve their career- and college-readiness programs for students with disabilities.

Districts would be rewarded with a $1,000 payment for each student with an Individualized Education Plan who graduates and, the following year, is either employed or enrolled in a postsecondary school. (School districts and the state already collect this data.) Schools would use these payments to expand their programs — for example, providing students with transportation to jobs, paying for specialized staff training, or developing college-prep courses for students with disabilities.

"The initiative was something (disability rights groups) already had on the table," Brooks says. "I decided to get going on it." If the plan isn’t adopted with the budget, Brooks plans to then introduce it as a stand-alone bill in the fall. The Department of Public Instruction estimates the program would need $5.8 million in its initial year.

Brooks says his new approach complements existing state programs, including Gov. Scott Walker’s Better Bottom Line plan, which seeks to improve the job market for people with disabilities.

Wisconsin is also home to the Let’s Get to Work initiative, a federally funded project overseen by the state’s Board for People with Developmental Disabilities. The program aims to improve employment outcomes for students with disabilities as they transition out of high school.

Each of the project’s 12 pilot schools has developed and implemented recommendations to improve services and outcomes. One strategy, for example, has been to provide access to courses that relate to the students’ interests and career goals.

In the project’s first year, the number of students with disabilities who had paid jobs tripled. After three years, more than 60 percent of the students from these pilot schools were working.

**Passenger Rail**

Route connecting two major Midwest cities nearly closed due to state-federal dispute

Every week, hundreds of rail passengers travel on the Hoosier State, a train that runs four days a week between Indianapolis and Chicago.

For this time spring, though, it appeared those travelers would be left without a train to ride.

Before the state of Indiana and Federal Railroad Administration reached an understanding in early April, a dispute between them threatened to end service on the Hoosier State. And even now, questions about the long-term future of the rail line remain.

Seven years ago, with passage of the Passenger Rail Investment and Improvement Act, the U.S. Congress funded funding for Amtrak routes of less than 750 miles, including the Hoosier State line.

In 2013, Indiana became responsible for any operating and capital costs not generated by ticket revenue. (Other states in the region had already been paying for similar shorter-distance "corridor" service.)

Indiana initially contracted with Amtrak for the service, with communities along the line providing more than half of the funding and the Indiana Department of Transportation providing the rest.

In 2014, the state and its local communities agreed to find a better model for operating the line. Later that same year, the state chose Iowa Pacific Holdings to provide the rail cars, food and beverage service, and marketing services. Amtrak would continue to provide the engineers, conductors, tickets and access to freight-owned tracks.

But the FRA initially told Indiana that in order to make such changes, the state would have to be considered a "railroad carrier" and take ultimate responsibility for any safety issues. That new requirement, state officials said, was unacceptable.

"INDOT cannot agree to become a railroad or a railroad carrier as that would require a significantly higher commitment of resources, the assumption of additional liability, and uncertainty over employment practices," department Commissioner Karl Browning wrote in a March 6 letter to U.S. Transportation Secretary Anthony Foxx. Without a change in the FRA’s position, he added, the commitment of resources, the assumption of additional liability, and uncertainty over employment practices, "the Hoosier State would cease operations.

INDOT announced in early April, however, that it was able to reach an understanding with the FRA. The new deal, INDOT says, establishes “clear lines of accountability for passenger rail safety and accessibility.”

Improving the service and ensuring continued financial support for it is another work in progress. This year, the legislature’s biennial budget bill included $3 million in annual funding for the Hoosier State.

In April, the president of Iowa Pacific said that the company plans to institute a variety of marketing packages to increase ridership, and would eventually like to see 12 round-trip trains a day on the route.

In all, 18 states, including Illinois, Indiana, Michigan and Wisconsin in the Midwest, currently pay the cost of intercity passenger rail service on shorter service routes such as the Hoosier State. The Midwest Interstate Passenger Rail Commission has been encouraging states and the FRA to resolve safety issues with these routes without requiring states to be designated as "railroad carriers.”

**Ridership on selected rail corridor routes in Midwest, FY 2009-2014**

<table>
<thead>
<tr>
<th>Route</th>
<th>Frequency</th>
<th>Ridership, FY 2014</th>
<th>5-year % change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago-St. Louis</td>
<td>5 daily</td>
<td>717,565</td>
<td>+42%</td>
</tr>
<tr>
<td>Chicago-Kenosha</td>
<td>7 daily (5 on Saturday)</td>
<td>799,638</td>
<td>+8%</td>
</tr>
<tr>
<td>Chicago-Detroit/ Pontiac, Mich.</td>
<td>3 daily</td>
<td>477,157</td>
<td>+7%</td>
</tr>
<tr>
<td>Chicago-Grand Rapids, Mich.</td>
<td>1 daily</td>
<td>100,961</td>
<td>-2%</td>
</tr>
<tr>
<td>Chicago-Huron, Mich.</td>
<td>1 daily</td>
<td>191,231</td>
<td>+44%</td>
</tr>
<tr>
<td>Chicago-Quincy, Ill.</td>
<td>3 daily</td>
<td>375,443</td>
<td>+45%</td>
</tr>
<tr>
<td>Midwest totals (all routes)</td>
<td>N/A</td>
<td>3,143,034</td>
<td>+27%</td>
</tr>
</tbody>
</table>

Source: Amtrak

**MLC Chair’s Initiative: Leveraging the Senior Year**

Leveraging the Senior Year complements existing state programs for students with disabilities.

**In Support of the MLC Chair’s Initiative**

**Katelyn Tye, staff liaison to the Midwestern Legislative Conference Education Committee. She can be reached at ktyle@csg.org**

**MIPRC Chair**

Tim Hoeffner, director of the Michigan Department of Transportation’s Office of Rail, serves as MIPRC chair; information is available at www.miprc.org.
North Dakota, South Dakota OK new policies on civics education

How many amendments does the U.S. Constitution have? How old do citizens have to be to vote for presidents? How many U.S. senators are there? Those are among the 100 questions that new immigrants study and learn before taking the test to become a U.S. citizen.

Now, some state legislators are considering proposals to require students to pass the citizenship test in order to graduate from high school.

Earlier this year, North Dakota became the second U.S. state to pass such a requirement. Under HB 1087, members of the high school class of 2017 must score at least 60 percent on the 100-question citizenship test. In following school years, students must answer 70 percent of the questions correctly.

In South Dakota, legislators unanimously adopted a concurrent resolution (SCR 6) that directs the state Department of Education to incorporate questions from the citizenship test into the curriculum for the mandatory course in high school government.

Every state in the Midwest, in fact, requires that high school students receive instruction or take a course in American government or civics. But the Civics Education Initiative is pushing for new laws around the country that make passage of the citizenship test a prerequisite for high school graduation. A total of five U.S. states have adopted some version of the law.

In April, the U.S. Department of Education released the results of eighth-graders’ performance on the civics portion of the National Assessment of Educational Progress. Twenty-three percent of them scored at or above “proficient”: demonstrating solid academic performance and competency over challenging subject matter. Twenty-six percent of the eighth-graders scored “below basic.” The results for 2014 were a very slight improvement over student scores from 2010. “This is our future, the next generation of leaders, the ones whose votes will decide the direction of this country for decades to come,” says Frank Riggs, president and CEO of the Joe Foss Institute, which created the Civics Education Initiative in 2014. “We have to make sure our kids understand how our government works, and what their responsibilities for it are.”

Performance levels of eighth-graders on civics portion of National Assessment of Educational Progress

<table>
<thead>
<tr>
<th></th>
<th>Basic</th>
<th>Proficient</th>
<th>Advanced</th>
</tr>
</thead>
<tbody>
<tr>
<td>All students</td>
<td>26%</td>
<td>51%</td>
<td>23%</td>
</tr>
<tr>
<td>Asian/Pacific Islander</td>
<td>17%</td>
<td>44%</td>
<td>16%</td>
</tr>
<tr>
<td>Black</td>
<td>6%</td>
<td>6%</td>
<td>0%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>39%</td>
<td>18%</td>
<td>1%</td>
</tr>
<tr>
<td>White</td>
<td>14%</td>
<td>55%</td>
<td>29%</td>
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As of early May, highly pathogenic avian influenza, H5N2, had been identified in 17 states, with outbreaks at more than 65 farms in Minnesota alone and the loss of more than 28 million birds. Bird flu has also been reported on farms in Iowa, Kansas, North Dakota, South Dakota, Wisconsin and Ontario.

The majority of farms hit by the virus have been commercial turkey operations, but several large egg-layer farms with more than 1 million birds have been impacted. And backyard flocks are not immune, with some affected farms having fewer than 40 birds.

This form of bird flu kills domesticated poultry quickly (especially turkeys) once it gets into a barn. It can spread through an infected bird’s droppings or discharges, and while there is no danger to the public or to consumers of poultry products, the recent flu strain is devastating the poultry industry.

When identified, all surviving birds are euthanized and composted on the farm at a cost of about $2 million per farm. Any farms with birds within a 6-mile radius are quarantined — with no movement in or out. As a result, this outbreak of bird flu is a financial hit not just to one facility, but to other farms within the quarantined area.

“In addition to the economic impact expected to [hurt] the $1.2 billion poultry industry in Minnesota, there are practical issues resulting from composting 50,000 or 100,000 birds on site,” says Rep. Paul Anderson, chair of the Minnesota Agriculture Policy Committee.

The U.S. Department of Agriculture has a compensation program for affected farmers; it pays about $25 for every bird that must be euthanized. Farmers, though, are responsible for the value of birds that die due to the disease. (The Canadian Food Inspection Agency compensates Canadian farmers for lost poultry, paying $20 for a non-breeding chicken and $70 for a turkey.)

Farmers affected by this outbreak of bird flu have no product to sell, and their barns can be out of commission for months. Other financial concerns include the cost of testing, bans on the shipment of products, and the closing of key export markets.

More than 30 countries have banned poultry imports from affected states. The USDA is predicting that this outbreak will reduce the country’s $5.7 billion poultry export market by more than 8.4 percent.

Turkey egg production in Midwest

<table>
<thead>
<tr>
<th>Type of production</th>
<th>Leading states in Midwest (U.S. rank)</th>
</tr>
</thead>
<tbody>
<tr>
<td># of turkeys raised in 2013</td>
<td>Minnesota (1), Indiana (4), Ohio (10) and South Dakota (11)</td>
</tr>
<tr>
<td># of eggs produced in 2013</td>
<td>Iowa (1), Ohio (2), Michigan (3), Indiana (4), Minnesota (7) and Nebraska (32)</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Agriculture, National Agricultural Statistics Service

In Minnesota, Jennie-O Turkey, a division of Hormel Foods, is laying off 233 employees due to reduced bird supplies.

This animal-health emergency is also costly to states. In Minnesota, Agriculture Commissioner Dave Frederickson puts the price tag over a two-month period alone at about $900,000 — for overtime pay for veterinary technicians and for Board of Animal Health employees helping with depopulation and information sharing.

Earlier this year, the Minnesota Legislature approved legislation to cover the costs of the emergency response through this fiscal year; another $1.2 million will be allocated in the next two-year budget to combat animal or plant diseases. North Dakota legislators allocated an additional $300,000 for their Department of Agriculture. According to Iowa Sen. David Johnson, lawmakers in his state have been trying to determine whether to cap emergency appropriations for the Department of Agriculture or leave emergency funding open-ended.

The governors of Minnesota, Iowa and Wisconsin, meanwhile, declared states of emergency and mobilized their National Guards to help with cleanup and security.

Avian influenza viruses typically disappear due to ambient temperatures by mid-May. The concern with this outbreak, though, is that epidemiologists have not been able to figure out exactly how the birds are contracting the disease.

More than a decade ago, each state developed a response plan to focus on and coordinate surveillance for diseases that might be communicable from animals to humans.

Work on those plans has helped states better prepare to handle this outbreak of bird flu. Though they work closely with the USDA, states are responsible for handling ground operations, defining quarantine zones, assisting in biosecurity protocols, and testing the animals.

State departments of natural resources, too, have ongoing wildlife programs that test thousands of wild birds each year. And state departments of health monitor and test poultry employees to ensure there is no transfer to humans. There has been no evidence that this strain can infect people.

A highly contagious strain of “bird flu” hit the United States this year, and parts of the Midwest have been the epicenter of the outbreak.

Parts of Midwest with confirmed cases of highly pathogenic avian influenza, H5N2

Source: U.S. Department of Agriculture, Animal and Plant Health Inspection Service

Article written by Carolyn Orr, staff liaison to CSG Midwest’s Legislative Conference Agriculture & Natural Resources Committee. She can be reached at corr@sarl.us.
Proposals in Illinois, Michigan aim to kill the ‘lame duck’ session

by Tim Anderson ( tanderson@csg.org) 

ove them or hate them, lame-duck sessions are indisputably a time on the legislative calendar when big things often get done. In early 2011, for example, during the final days of Illinois' 96th General Assembly, legislators passed an income-tax increase, legalized same-sex marriage and abolished the death penalty. More recently, in late 2014, the Michigan Legislature approved a $1.2 billion plan to raise more money for the state's roads. (Voters ultimately rejected this legislatively referred constitutional amendment.) The term "lame duck," used for decades in American politics, refers to an official leaving office due to retirement or an election loss. For some states in the Midwest, lame-duck sessions don't occur because of the typical calendar for a part-time legislature. Lawmakers adjourn well ahead of Election Day. But at the federal level, and in states such as Illinois, Michigan and Ohio, "lame duck" sessions occur regularly — after fall elections but before a new legislature convenes. Some legislators in Michigan and Illinois say it is time to kill the lame duck in their states. "If a bill wasn't good enough to pass before the election, it's probably not good enough after it," says Michigan Rep. Joel Johnson. His proposal would require the Legislature to adjourn on the Friday before Election Day even in non-numbered years. In Illinois, both political parties (while in the majority) have taken advantage of lame-duck sessions, Rep. Jim Durkin says, at the expense of public trust in the legislature. "You have situations where legislators’ district phones have been turned off because they’re leaving office, but they’re still voting on important policy issues," says Durkin, current minority leader in the Illinois House. "That’s not representative government." He adds that the lame-duck session can lead to vote trading among members — outgoing legislators agreeing to support or oppose a bill in exchange for help in their post-legislative career (the promise of a new job, for example). Under his proposal, the outgoing Illinois General Assembly could not convene or act on legislation unless the governor and all four legislative leaders agree to hold a special session. In addition, the governor would be inaugurated and the new General Assembly would convene much sooner after Election Day. **Lame-duck sessions in Congress** Considerable research has been done on lame-duck sessions in the U.S. Congress, including two studies released in the latter half of 2014. As part of their study, researchers at George Mason University’s Mercatus Center list some of the big congressional actions taken during lame-duck sessions: impeaching a president (1998), creating the Department of Homeland Security (2002) and reaching a deal to avoid the so-called “fiscal cliff” (2012). A December analysis by the Pew Research Center focused on productivity as well. How much gets done during lame-duck sessions compared to other times of the year? For the last Congress, 87 bills were passed during the lame-duck period, that is nearly one-third of all the bills passed during the entire two-year term. Timing partially explains this rise in activity. Lame-duck sessions occur at the end of the year, when there is a rush to complete unfinished business. But the Mercatus Center study also notes how voting patterns change during lame-duck sessions. Members are slightly less likely to side with their own parties and less likely “to indulge most special interests.” Lame-duck legislators are also more likely to “ignore the ideological wishes of their constituents,” some research has shown. In Michigan, Johnson says, the loss of accountability to voters is due in part to legislators knowing they will soon leave office. But he cites another factor as well: a rushed lawmaker process. “You end up with 200 or 300 bills to do in a two- or three-week period,” he says. “In that kind of time frame, it’s hard for the Legislature to be informed, let alone the public. Bills just don’t get the normal vetting.”

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

**QUESTION OF THE MONTH**

**QUESTION: What is the status of “shared parenting” legislation and laws in the Midwest?**

The National Parents Organization, a group that advocates for “shared parenting,” defines the term this way: “require equal or, when that’s not feasible, nearly equal parental responsibilities” in child custody cases.

In the Midwest, many “shared parenting” laws have been considered in state capitols and on statewide ballots. But to date, proposals to mandate (with some exceptions) joint and/or physical child custody have failed.

This past fall, for example, North Dakota voters rejected an initiated statutory measure which would have presumed that both parents are fit and should be awarded equal parental rights and responsibilities. Only “clear and convincing evidence” could rebut this presumption of fitness.

Advocates for this type of statutory change say it would help more children of divorce have a full relationship with both parents.

But detractors of the North Dakota ballot measure said the state’s current law takes the preferred approach: make the “best interests of the child” the standard in child custody decisions. In other states, too, concerns have been raised that shared-parenting proposals would not allow for enough judicial discretion in individual cases.

The North Dakota ballot measure lost by a vote of 62 percent to 38 percent.

Last year, the South Dakota Legislature passed SB 74, a bill that requires judges to consider joint physical custody when either parent requests this arrangement. This new law, however, doesn’t mandate shared parenting, nor does it require judges to presume that this arrangement is in the best interest of a child. In addition, if a parent has a history of domestic abuse or assault, joint physical custody is presumed not to be in the best interest of a child.

This year, Michigan (HB 4141) and Nebraska (LB 437) are among the states where versions of shared-parenting laws have been introduced.

The Michigan legislation would make joint and shared physical custody the presumed outcome in cases, minus “clear and convincing evidence that a parent is unfit, unwilling or unable to care for the child.”

Nebraska’s LB 437 encourages courts to adopt a parenting plan that provides for joint legal custody. It also would bar judges from issuing orders that give one parent less than 35 percent of parenting time (minus extenuating circumstances such as child abuse or physical assault).

Three years ago, Minnesota Gov. Mark Dayton vetoed legislation (HF 322) that would have raised the amount of time each parent is presumed to get with his or her children — from 25 percent to 33 percent.

“Each divorce has its own unique set of facts, conditions and circumstances,” he wrote in his veto message. “Thus it is very hard to codify one set of presumptions and preferences which will apply to every family situation.”

But that veto didn’t end work on changing the state’s laws governing child custody. Last year, the Legislature passed HF 2722, which states that there is no presumption for or against joint physical custody. (Historically, Minnesota courts have shown a preference against this arrangement.)

Article written by Tim Anderson (tanderson@csg.org), CSG Midwest publications manager. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line. To request assistance, please contact us at csgm@csg.org or 630.925.1022.
New laws on juvenile justice put greater emphasis on evidence-based treatment

of Nebraska’s Office of Probation Administration, says this change has enabled the state to do a better job of helping its young people.

“It is better to keep kids who are either in the juvenile justice or child welfare system, and are in danger of crossing over into the other system, in the one they are already in,” she adds.

“They won’t have multiple people … trying to coordinate their care.”

Also under this 2013 legislation, before a juvenile is committed to a residential center, all local community-service options must first be reviewed and exhausted. Finally, the bill allocated more dollars for local governments to provide evidence-based treatment. By the following year, 11 new diversion programs had been created throughout Nebraska.

This year, Kristen co-sponsored legislation (LB 500) calling for the state to seek a federal Medicaid waiver so that some juveniles on probation could receive certain proven, intensive therapies. A Nebraska-based foundation would cover the costs for training therapists.

‘Far too much recidivism’

As in Nebraska and South Dakota, recent reforms in Kansas have been driven in part by lawmakers taking a critical, comparative look at their juvenile systems.

“It became abundantly clear that we had some major shortcomings in our system,” says Rep. John Rubin, chair of the Kansas House Corrections and Juvenile Justice Committee.

“There was far too much recidivism, much worse than national averages. Other states were using a more modern, evidence-based approach.

“And our incarceration level was too high. Most children are better off being treated in the community.”

Kans is now requiring that risk-assessment tools be used to determine the likelihood of a youth reoffending. These tools help guide decisions on how to supervise and treat each juvenile offender.

“We want the least restrictive situation possible for juveniles, commensurate with public safety,” Rubin says. “You can’t do that without a risk assessment.”

Last year, too, legislators created a lower level of offense in their sentencing procedures for juveniles. The new category is for young people whose offense was not a risk to public safety (a status offense, for example). As a result of the statutory change, these offenders will no longer be incarcerated unless a judge finds a compelling reason to do so.

Rubin hopes to pass legislation next year that will prevent youths who have committed status offenses or misdemeanors from ever being sentenced to a correctional facility.

“The surest way to take a youthful offender who has committed a relatively minor offense and turn them into a hardened criminal is to place them with hardened criminals, he says.

More money for diversion programs

In South Dakota, if the state’s projections hold true, the Legislature’s actions this year will truly reshape the juvenile justice system.

By 2020, the number of youths in residential facilities is expected to drop by 50 percent, while the number of juveniles on probation will fall by nearly 30 percent.

At the heart of this year’s reforms is a push to get more youths diverted from the court system and to community-based programs.

Under SB 73, the state will provide new financial incentives ($250 per child) to counties for these diversion programs. This will keep youths in need of supervision, rather than incarceration (lower risk, low-level offenders), from going more deeply into the system.

Under the legislation, only the most serious juvenile offenders will be committed to residential facilities.

“A second goal,” Solano says, “was to develop a more comprehensive, evidence-based approach and increase access to high quality, community-based programs.”

These programs will provide the type of support that leads to better long-term outcomes for young people — for example, addressing substance abuse, behavioral issues or family problems. Funding for these programs will come from justice reinvestment: using some of the money saved by keeping more young people out of state facilities.

“The more we can do earlier [to help the juveniles], the greater impact we believe we can have,” Solano says.

To track the progress of the reforms under SB 73, South Dakota created an oversight body composed of leaders from all three branches of government.

Offense profile of juvenile offenders committed to state facilities

<table>
<thead>
<tr>
<th>State</th>
<th>Person +</th>
<th>Property +</th>
<th>Drug</th>
<th>Public order</th>
<th>Technical violation</th>
<th>Status</th>
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<tr>
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<td>12%</td>
<td>11%</td>
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<td>Indiana</td>
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<td>30%</td>
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<td>10%</td>
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<td>7%</td>
<td>14%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Includes violent crime and assaults

Includes offenses such as obstruction of justice, liquor and weapons violations, and disorderly conduct

Offenses considered crimes based on age of offender (truancy, curfew, underage drinking, etc.)


Core principles for reducing recidivism, improving long-term outcomes in juvenile justice systems

Identify who is least and most likely to reoffend — The use of validated risk-assessment tools allows judges to minimize interventions for low-risk offenders and target more intensive and restrictive interventions to high-risk offenders. These tools also identify the cause of the delinquent behavior, a critical step in developing an effective case-management plan for each offender.

Effectively address individual needs and then focus on positive development — An increased emphasis on providing services such as cognitive behavior therapy and family counseling can help reduce recidivism rates.

Better coordinate services among different state agencies and systems — Young offenders in confinement, who generally have the highest risk of reoffending, may need a number of different services — treatment for substance abuse, help with educational challenges, and mental- or behavioral-health counseling.

Take a “developmentally appropriate” approach — Research on the human brain indicates that teenage brains are not fully matured. These developmental differences between teenagers and adults should be recognized in state justice systems. Also, there should be a more systematic engagement of families, and youth should be involved in some of the decisions about interventions directed toward them.

Source: The Council of State Governments Justice Center, National Reentry Resource Center
Since being established in 2006, the Council of State Governments Justice Center has helped policymakers across the country improve their criminal-justice systems.

Experts at the center work with all three branches of government to develop evidence-based strategies to increase public safety and strengthen communities. For states wanting to improve prisoner re-entry policies, reduce recidivism or invest their justice dollars more wisely, for example, the center has helped legislators develop data-driven policy solutions.

The center is now putting a greater emphasis on juvenile justice reform.

In a recent CSG Midwest interview, Josh Weber, director of the center’s juvenile justice program, discussed how states can improve outcomes for young people, while also reducing the system’s costs for states and their local communities. Here are excerpts from the interview.

**Q:** Why has the CSG Justice Center now turned some of its attention to helping strengthen states’ juvenile justice systems?

**A:** The Justice Center Board [made up of legislators, judges, law enforcement officers and others] was well aware of the work we had done in criminal justice, and it wanted to see if we could improve outcomes in the juvenile justice system.

In some ways, the juvenile justice systems had already made dramatic progress over the last decade. States had dramatically decreased incarceration rates. There were lots of positive trends, such as diverting lower-risk youths to the community. But there was less attention being paid to the recidivism rate, both for youths on community supervision and for incarcerated kids who were being reintegrated into the community.

Within the last year or two, the Justice Center has produced a number of publications to help states improve outcomes for youth in contact with the juvenile justice system. The program works with a diverse array of states (including Kansas and Nebraska in the Midwest) and counties through the National Reentry Resource Center.

**Q:** What factors should state policymakers consider as they review their systems?

**A:** Data collection and analysis need to be improved. They also should consider reducing the population of youth in confinement, which has cost implications.

State policymakers also want to position youth for long-term success. This includes making sure they have good educational outcomes, which can set them up for meaningful employment later on.

**Q:** What does the research show about what a successful juvenile justice system should look like?

**A:** First, make supervision and service decisions based on the youth’s risk to reoffend.

For youth at low risk to reoffend, the research has shown that the best thing you can do is to leave them alone in most cases. They may need services from systems other than the juvenile justice system (for example, mental health or substance-abuse treatment), but doing much more than that may do more harm than good. You don’t want to mix them with higher-risk offenders.

On the opposite end of the spectrum, the juvenile justice system needs to best address youth needs.

If states target the services to those most in need, they will get the most bang for their buck.

**Q:** How do you determine which young people are at a greater or lesser risk of reoffending?

**A:** Use validated assessment tools to help predict risk to reoffend. These tools also help identify what is driving delinquent behavior, which can allow for the targeting of services to address those needs.

It’s important to then have services that actually address those needs. The research shows that services that have a punitive approach — those based on discipline, like a boot camp, or are authoritarian — don’t really work.

Services that focus on positive development, like family-based therapy or cognitive behavior therapy, have proven to be the most effective. Use validated assessment tools to help predict risk to reoffend. These tools also help identify what is driving delinquent behavior, which can allow for the targeting of services to address those needs.

That means working with families is critical. Also, supervision should be less focused on punitive measures and more focused on promoting positive behaviors, and there should be a continuum of responses that are appropriate when juveniles commit a technical violation of their probation or parole.

For example, don’t immediately incarcerate a youth who breaks curfew. Make sure the reaction fits the offense.

**Q:** What impact does incarceration have on juveniles?

**A:** There is increasing recognition from the research that the effects of juvenile incarceration have not been particularly positive.

The recidivism rate for youths who have been incarcerated can be quite high. There is also some research, although not a great deal yet, showing that for youth who stay longer in facilities, there is a point of diminishing return: Long stays can lead to higher rates of recidivism.

**Q:** What are some of the consistent problems you see with state juvenile justice systems?

**A:** A state can have some of the best policies, supported by research, but if they are not implemented the way they are supposed to, then they will not be successful. This may require the legislature to have more direct oversight over funding and policies.

Data collection seems to be a problem for states as well. Sometimes responsibilities cross branches of government or state and local lines, so tracking outcomes across the different systems can be difficult. Most states do not have a centralized data system, and it is important to have that to track youth throughout the system.

Finally, there is not always coordination across states’ different service systems, since they work across populations.

**Q:** What is the role of all three branches of state government in reforming juvenile justice systems?

**A:** It is critical that everyone shares the same vision. Focus on a statewide plan that everyone — all three branches — buy into. It is also important to provide judges with good data, so they know what kinds of placements will work and which ones won’t.
**Michigan Rep. Aric Nesbitt**

Majority floor leader has been part of big policy changes in his home state, and now wants to help pass new energy plan

by Tim Anderson (tanderson@csg.org)

When he thinks back to when his interest in politics began, Aric Nesbitt first recalls a single page in his seventh-grade history textbook.

On it was information about the U.S. Congress’ centuries-long page program for young people. For the son of a sixth-generation farming family from southwest Michigan’s Porter Township, the nation’s capital seemed a world — or many worlds — away.

But the chance to get an up-and-close look at the nation’s legislative process intrigued Nesbitt, and a few years later in high school, he successfully applied to be a congressional page.

Those few months in Washington, D.C., changed his life.

“I had come from a poorer family and a farming background, and my parents had never given to a political campaign,” he says. “Being there [on Capitol Hill] really opened my eyes. It made me realize that these members came from varied backgrounds.”

It was the first of many experiences that uniquely prepared Nesbitt for a legislative career of his own.

After working his way through college, he went on to serve as a legislative director for two members of the U.S. Congress, ran the campaign of a former Michigan state legislator, and visited state capitols around the country through his work on behalf of Americans for Tax Reform.

Then, in 2010, a state legislative seat opened up in Nesbitt’s home district, an area that his family has called home since the early part of the 19th century.

“Afetr traveling internationally and to other states, I felt like I could come back and make a difference at home,” he says. “At the time, too, we were coming out of a ‘lost decade’ in Michigan [due to the poor economy].

“This really was a once-in-a-generation opportunity for me to make a difference.”

As it turns out, too, his party took full control of the governor’s office and state Legislature.

“I have not been disappointed in the past four years over what we’ve been able to do,” he says. He cites a long list of big policy accomplishments and changes: balancing the budget, paying down some of the state’s long-term liabilities, reforming Michigan’s business tax and adopting “right-to-work” legislation.

Now in his third and final term in the Michigan House (because of the state’s term-limits law), Nesbitt is serving as majority floor leader for the Republican caucus. He still has plenty left to get done, and at or near the top of that list is creating a new long-term energy plan for Michigan.

CSG Midwest recently interviewed Nesbitt about his legislative career, his role in leadership, and his proposed new energy plan for Michigan.

Here are excerpts from the interview.

Q: **What did you learn from that previous experience of traveling to and working in different state capitols around the country?**

A: It was really eye-opening to see how the states operate and how the legislatures work so differently in order to get things done. You travel to Utah, and you see the early mornings and long nights that it takes to get things done in a 45-day session.

We don’t have the rushed activity here in Michigan, where we meet throughout the year. And then you see the hybrid approach taken in states like Minnesota.

I don’t think any of the approaches are either right or wrong. But it is a reminder about the importance of the idea of states being laboratories of democracy, and they’re laboratories of policy as well.

You see different ideas being tried across the country, and you grow an appreciation that not everything should be solved at the federal level. Having things decided closer to home can be really beneficial.

Q: **Since you took office in 2011, what are some of the things you’ve learned about what it takes for a party caucus and individuals to be successful?**

A: First, I think you need honesty and open communication with the entire caucus. You don’t want to surprise people; you want to draw people in and work with them.

But the other thing is, Don’t be afraid of the next election. Instead, look to the next generation and focus on the generational changes that you want to see. A lot of times, I think there can be a fear of action.

If you feel it’s the right thing to do, stand up and do it. I saw that in my first year, when we balanced the budget, reformed our tax system and started taxing pension income. That impacted a lot of individuals.

But in my district, even if they don’t agree with me, I’ve found that folks will respect you if you’re willing to make decisions, and then be honest and accessible to them.

Q: **In addition to your caucus leadership role, you’re serving as chair of the House Energy Policy Committee and leading efforts to develop a new long-term energy plan for the state. Why does Michigan need a new approach to energy?**

A: Part of the challenge is the federal rules coming down that will likely mean the closure of nine coal plants in Michigan over the next year and a half. With that change, how are we going to build a “Michigan-centric” policy on energy that ensures we have a reliable and affordable supply of energy — and an adaptable energy plan — for the future? That is the challenge.

Q: **Part of your solution is for Michigan to return to a “fully regulated” electricity system, as opposed to the system now where some generation can come from alternative electric suppliers, including from out of state. Why do you prefer the “fully regulated” model?**

A: I believe that is the best way to ensure reliability over the long-term for the state [by providing the in-state, regulated utilities with the market certainty they need to invest in and build capacity]. In other states that have gone to a deregulated model, the experience hasn’t been as successful as people had claimed or had hoped.

You see states such as Virginia, Arizona and Montana going back to a fully regulated model.

Q: **You also propose keeping the state’s renewable portfolio standard at 10 percent. Why not raise it?**

A: The idea now is for those industries to stand on their own. We’re going to look at the most competitive fuel options for Michigan. What gives us the best value? If those industries are competitive, they’ll be part of the mix.

There are many other parts of the plan as well. We want to improve the type of advocacy provided to businesses in-state. We don’t want to surprise people; we want to draw people in and work with them.

Q: **What would you consider the biggest issue facing the state in the next two years?**

A: Pension income. That impacted a lot of individuals.

But in my district, even if they don’t agree with me, I’ve found that folks will respect you if you’re willing to make decisions, and then be honest and accessible to them.

“In my district, even if they don’t agree with me, I’ve found that folks will respect you if you’re willing to make decisions, and then be honest and accessible to them.”
The ‘right to try’ in Illinois

Bipartisan measure improves terminally ill patients’ access to experimental drugs; new laws already in place in some states

by Illinois Sen. Michael Connelly (senatorconnelly24@gmail.com)

It's not very often in the rough-and-tumble history of Illinois politics that you find an issue that unites all spectrums of the political divide — until now.

I'm from a region in the western suburbs of Chicago that is traditionally Republican — DuPage County. My ally in this endeavor is state Rep. Greg Harris, who represents a district in the city of Chicago that one would describe as a bastion of liberalism.

Rep. Harris and I are united in trying to provide Illinoisans facing terminal illness with expedited access to experimental medications that may save or prolong their lives. This joint legislative effort hopes to bring what is referred to as the Right to Try Act to Illinois.

When I introduced this legislation from the outset it was the fact that elected officials from both sides of the political spectrum saw this issue the same way. Any piece of legislation that liberal Colorado Gov. John Hickenlooper and conservative Louisiana Gov. Bobby Jindal see the same way deserves a hard look.

Hit movie has real-life resonance

Late last year, my wife and I were at home watching the 2013 film “Dallas Buyers Club,” which was set in 1985. The film’s main character is the hard-living cowboy Ron Woodroof.

Woodroof contracts AIDS, and doctors give him 30 days to live. During the initial HIV/AIDS scare of the mid-1980s, very little was known about the disease.

In real life, Woodroof spent seven years fighting for the right to access investigational medicines and treatments already available in other countries. While it makes for a dramatic movie, scenes like these — of people who are terminally ill and denied access to experimental medical treatments — play out across the Midwest every day.

There are few, if any, of us who have not had a relative, friend or colleague afflicted with cancer, Alzheimer’s, AIDS or some other terminal illness.

Last year, much of our country was caught up in the frenzy of the ALS Ice Bucket Challenge, which not only raised awareness and tens of millions of dollars toward research to find a cure for Lou Gehrig’s disease, but also began a national dialogue on access for terminally ill patients to potentially life-saving medications.

Today, these people have few options. One can attempt to enroll in a clinical trial, but it’s estimated that 97 percent of terminally ill Americans are not in a clinical trial. Sadly, many of those 97 percent travel to foreign countries to gain access to the newest medications.

Currently, the U.S. Food and Drug Administration has what is called the “compassionate use” program. Each year, roughly 1,000 Americans successfully complete the program's application process.

Critics of the program say it is complicated, time-consuming and expensive. To begin the application process, patients need a doctor willing to spend approximately 100 hours on it. Clearly, 100 hours spent writing an application for an experimental process for one patient may not be the most efficient use of time for an oncologist treating scores of other terminally ill patients.

Next, the manufacturer of the medication must submit lengthy documentation. The FDA then has a month to review the submission and either grant or deny the request.

A separate committee called the Institutional Review Board must also approve the patient’s use of the medication. This process can take a month to complete. Terminally ill patients who receive a diagnosis of less than six months to live have little time to waste.

To be sure, the FDA has announced plans to shorten the application process, which is helpful but only addresses one part of the approval process. If your child is dying from a terminal illness and you and your physician are aware of an investigational medication that appears to be helping other children, shortening an approval process doesn't necessarily accomplish the objective of expedited access to that medication.

I am hopeful that the FDA will implement an expedited process soon. What a sea change that would be for the terminally ill.

In the meantime, states are stepping up to provide a framework for their residents to access these very same medications. The Arizona-based Goldwater Institute has taken a lead role in promoting “right to try” legislation. Kurt Altman, Goldwater’s national policy adviser and general counsel, has testified before more than 20 state legislative bodies just this year alone.

“Right to try” allows terminally ill patients access to medicines that have passed Phase 1 of the FDA approval process but are not yet on pharmacy shelves, Altman says. “This expands access to potentially lifesaving treatments years before patients would normally be able to access them.”

Based on the institute’s model legislation, the Illinois Right to Try Act (HB 1335 and SB 29) would allow a patient access to experimental medications if:

- the patient has a terminal illness and has exhausted all conventional treatment options;
- the patient’s doctor has advised the use of the investigational medication;
- the drug has successfully completed basic safety testing and is part of the FDA’s ongoing approval process;
- the patient has provided “informed consent” acknowledging the potential risk of the drug; and
- the company developing the medication is willing to make it available to the patient.

It’s important to note that the act does not obligate drug manufacturers to provide an experimental drug to a patient nor obligate insurers to provide coverage to an eligible patient who seeks experimental treatment.

Bill has broad statewide support

Rep. Harris and I have met with representatives from a number of pharmaceutical companies, the Illinois State Medical Society, members of the legal community and other interested constituencies across the state to discuss the details of the bill. I am not aware of any opposition to the legislation.

In Illinois, there is strong bipartisan and bicameral support for the act; as of mid-April, HB 1335 had passed the House by a vote of 114-1-1 and SB 29 had passed the Senate by a vote of 52-0.

If the act becomes law, Illinois will join a growing number of other states with right-to-try laws, including Indiana, Michigan, North Dakota and South Dakota in the Midwest.

Upon the filing of our respective bills, Rep. Harris aptly noted: “I hope this shows that in Illinois, Republicans and Democrats, social liberals or social conservatives, can reach across the aisle to solve problems for suffering families. … Right to try” is a huge leap forward to help connect our state’s most terminal patients with some of the nation’s best medical resources, including those here in Chicago, and give them the gift of life.”

I am hopeful that Illinois will join the many other states that are providing their residents access to new medications that provide them a chance to fight to live.

I would like to personally thank the Goldwater Institute and my legislative colleague Greg Harris for their advocacy on this sensitive issue. Additionally, I would like to thank the two dozen legislative allies who have signed on as co-sponsors of this important legislation.

Sen. Michael Connelly, a Republican from Wheaton, was first elected to the Illinois Senate in 2012 after serving two terms as a state representative.

Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwestern Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1092 or tanderson@csg.org.
Bipartisan group of 33 state legislators chosen for regional leadership program

MLC’s BILLD Steering Committee made this year’s selections in early May

Thirty-three legislators from 11 Midwestern states have been selected to attend the 2015 Bowhay Institute for Legislative Leadership Development.

The BILLD Steering Committee, made up of lawmakers from 11 Midwestern states, awarded the fellowships in early May. The bipartisan committee is led by co-chairs Indiana Rep. Ed Clere and Ohio Sen. Cliff Hite.

Since it began in 1994, BILLD has become a well-respected leadership institute and a signature program of the Midwestern Legislative Conference. Many graduates have gone on to serve in the U.S. Congress or as legislative leaders in their states. For example, nearly a quarter of the top leadership posts in the Midwest’s legislatures are held by BILLD graduates.

Below is a list of the Steering Committee’s selections for 2015. (Four Canadian provincial legislators will also take part in this year’s program.)

**Illinois**
- Representative Steven A. Andersson
- Representative Pamela Reaves-Harris
- Representative Ron L. Sandack

**Indiana**
- Senator Michael Crider
- Representative Holli Sullivan
- Representative Melanie M. Wright

**Iowa**
- Representative Timi Brown-Powers
- Senator Kevin J. Kinney
- Representative Zach M. Nunn

**Kansas**
- Representative Nancy Lusk
- Representative Melissa A. Rosker
- Representative Troy L. Waymaster

**Michigan**
- Representative Daniela R. Garcia
- Representative Erika Geiss
- Representative Christine E. Greig

**Minnesota**
- Representative Laurie L. Halverson
- Representative Roz Peterson
- Representative Erik A. Simonson

**Nebraska**
- Senator Mark Kolbergman
- Senator John L. Kuehn
- Senator Matt Williams

**North Dakota**
- Representative Mike LeFer
- Senator Erin L. Oban
- Representative Cynthia K. Schreiber-Beck

**Ohio**
- Representative Hearcel F. Craig
- Representative Rob McColley
- Senator Cecil Thomas

**South Dakota**
- Representative Fred Deutsch
- Senator Terri Haverly
- Representative Jeffrey D. Partridge

**Wisconsin**
- Representative Evan C. Goyke
- Representative Jessie Rodriguez
- Representative Amanda Stuck

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 Midwestern 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.
Forty-four members of the Great Lakes Legislative Caucus have signed on to a letter seeking congressional support of a 6-year-old federal program that has invested nearly $2 billion in projects to protect and restore the largest surface freshwater system in the world.

In the letter, the bipartisan group of legislators praises the Great Lakes Restoration Initiative (GLRI) for enabling “vital work to proceed in cleaning up toxic sites, reducing runoff that contributes to harmful algal blooms, restoring habitat, and preventing and controlling invasive species.”

Lawmakers from across the Great Lakes region signed the letter, which calls for GLRI funding in fiscal year 2016 to be maintained at the FY 2015 level of $300 million. In his proposed budget, President Obama proposed cutting GLRI funding by $50 million, to $250 million.

The initiative began in FY 2010 with an investment of $475 million, but that figure has dropped to $300 million in ensuing years. Obama launched the GLRI soon after becoming president, and he has since included funding for it in each of his proposed budgets.

But Great Lakes advocates say a formal authorization of the GLRI would greatly improve its chances of being funded from one year to the next — especially in light of the coming change in presidential administrations. In their letter, members of the Great Lakes Legislative Caucus voice support for formal GLRI authorization.

Two different bills have been introduced in Congress to fund and formally authorize the initiative. In the House, HR 223 would fund the GLRI at $300 million; in the Senate, S 504 would fund the initiative (and some other Great Lakes programs) at $475 million annually through FY 2020.

The Great Lakes Legislative Caucus is led by Wisconsin Rep. Cory Mason (caucus chair) and Michigan Sen. Darwin Booher (caucus vice chair). CSG Midwest provides staff support to the group. Membership is open to any legislator from the eight Great Lakes states or two Canadian provinces. There currently are about 150 caucus members. The letter can be viewed at www.greatlakeslegislators.org.

**Great Lakes Legislative Caucus**

CSG issues new 50-state study on knowledge economy

The Council of State Governments released a national study in April that aims to help policymakers find state-specific strategies that drive innovation, attract jobs and foster economic growth.

“America’s Knowledge Economy: A State-by-State Review” was done in cooperation with Elsevier, a world-leading provider of scientific, technical and medical information products and services.

In particular, the new study looks at various indicators that show how much research activity is taking place in each state (by government and the private sector).

It also identifies research areas that are especially strong for individual states — for example, Minnesota ranks near the top on measures of medical research, and Nebraska is a leader in genetics and molecular biology. Leveraging these strengths, the study’s authors note, should be a component of any strategy to build a state’s knowledge-based economy.

The full report, available at www.csg.org, also examines the extent to which researchers are collaborating across state lines and the research contributions being made by corporate institutions. (Indiana, for example, ranks high on the latter measure.)

CSG’s Pathways to Prosperity

This new report complements the work of CSG’s ongoing State Pathways to Prosperity initiative. It is focusing on how states can grow their economies through workforce and economic development strategies based on nonpartisan, evidence-based research.

With release of the new study and the comparative state information, CSG hopes to spur and inform discussions about research funding and prioritization, as well as how the policy goals of a state align with the objectives and expertise of its research institutions.

CSG is the nation’s only organization serving all three branches of state government. It currently is led by Nevada Gov. Brian Sandoval, CSG president, and New York Sen. Carl Marcellino, CSG chair.

Nebraska Sen. Beau McCoy is in line to serve as CSG chair in 2016.
Better protections for pregnant workers goal of new Nebraska law

Nebraska legislators unanimously approved a bill this year that clarifies and solidifies state protections for pregnant workers.

Signed into law in April, LB 627 requires employers to provide “reasonable accommodations” for these workers — for example, periodic rest, modified work schedules and workloads, and job restructuring. This “reasonable accommodation standard” is already applied to individuals with disabilities, according to unicameral update, the newsletter of the Nebraska Legislature.

Thirteen U.S. states have now passed versions of the Pregnant Workers Fairness Act, the National Women’s Law Center reports. That list of states includes Nebraska, Illinois (HB 8 of 2014) and Minnesota (HF 2536 of 2014) in the Midwest.

Minnesota’s new protections are part of a larger measure, the Women’s Economic Security Act, that also seeks to close gaps in gender pay. Under the law, for example, a private company with 40 or more employees seeking state contracts of $500,000 or more must certify that it is paying equal wages.

Legislators also doubled the amount of unpaid parental leave guaranteed for workers in Minnesota, from six weeks to 12.

Stricter Indian ethics law includes more help for legislators to comply

Seeking to improve transparency and remove conflicts of interest for elected officials, Indiana lawmakers have revamped their state’s ethics rules.

According to the South Bend Tribune, legislators will be required to report more on their financial-disclosure forms and on their statements of economic interest. They must now report close relatives who are lobbyists, for example, and also disclose any business interest worth at least $500,000.

HB 1002 also creates a new Office of Legislative Ethics. Housed within the state’s nonpartisan Legislative Services Agency, this new office will help lawmakers understand and follow the state’s ethics rules. Indiana’s two legislative chambers must also adopt their own codes of ethics and provide training to members.

Three years ago, the nonpartisan Center for Public Integrity evaluated each state on the laws it had in place to ensure “legislative accountability.” Its grades were based on the strength of state conflict-of-interest rules and public access to records on legislative proceedings and to the asset-disclosure records of elected officials. No state in the Midwest received higher than a C- in the report.

South Dakota creates separate minimum wage for youth workers

A year after voters approved a hike in the state’s minimum wage, South Dakota lawmakers have carved out a separate — and lower — hourly standard for workers under the age of 18.

The state’s new minimum wage for youth workers is $7.50 per hour. That compares to $8.50 for adult workers. Supporters of SB 177 told the Sioux Falls Argus Leader that the separate youth wage will help young people get a first job. The measure may get challenged at the ballot box: SB 177 opponents have said they plan to seek a veto referendum.

Many states in the Midwest already set separate wage requirements for young workers.

Indiana, Michigan, Nebraska and Wisconsin allow employers to pay younger workers (under the age of 18) a lower minimum salary during the first 90 days of employment.

In Illinois, employees under the age of 18 are guaranteed a wage of $7.75 per hour, compared to $8.25 for adult workers. Minnesota’s minimum wage also differs depending on age: $6.50 for under-18 workers vs. $8 for adult workers. Michigan (16- and 17-year-olds) and Ohio (workers under the age of 16) also set lower wage requirements for youth workers.

Michigan voters reject legislative plan to boost road funding

Michigan voters have put the brakes on a $1.2 billion plan to raise taxes in order to invest more in the state’s roads and bridges.

The plan, approved by the Legislature in late 2014 as a constitutional amendment, was soundly defeated at the polls — by a margin of 80 percent to 20 percent. According to the Detroit Free Press, that makes the mostlopsided loss of any proposed amendment to the 52-year-old Michigan Constitution.

The plan would have increased the state’s general sales tax (by 1 cent), raised vehicle-registration fees and established a wholesale gasoline/diesel tax (in place of the per-gallon tax).

As of April, tax increases for roads had been signed into law in two Midwestern states. Iowa’s SF 257 increased the gas and diesel tax by 10 cents (to 31 cents for gas and 22.5 cents for diesel). South Dakota’s SB 1 includes a 6-cent-per-gallon gas and ethyl alcohol increase, a 1 percent increase in the motor vehicle excise tax, and a 20 percent increase in license-plate fees.

Most states still rely heavily on a per-gallon gas tax to pay for roads, though Nebraska does levy a wholesale sales tax as part of its road-funding formula.