States hitting the legislative road to automated vehicles

Michigan leads the Midwest, but other states are starting to look at how ‘driverless’ cars can fit into traffic flow, laws

by Jon Davis (jndavis@csg.org)

ABOVE BOOMERS will think of “The Jetsons” while Gen-Xers may remember the creepy “Johnny Cab” from Arnold Schwarzenegger’s “Total Recall.” Millennials and their children will probably take automated vehicles as a matter of course.

Legislators must think about them with, and without, that dash of Hollywood. Automated vehicles are coming, so how will they merge into states’ traffic flows? What can the technology do today, what changes will it make tomorrow, and how to draft laws taking all that into account?

Perhaps not surprisingly, Michigan paces the Midwest.

According to The Center for Internet and Society at Stanford University’s law school, it’s one of four states plus the District of Columbia — and the only one in the Midwest — that have enacted laws regulating the use of automated vehicles. Michigan’s 2013 laws (Public Acts 231 and 251) allowing for testing of automated vehicles included lifting liability for manufacturers “unless the defect from which the damages resulted was present in the vehicle when it was manufactured” were among the first in the nation.

Now the Michigan Legislature is poised to go further with measures that would clear the way for additional road testing; networking of sensors on vehicles, bridges and roadway fixtures; and making any attempt to hack and take over an automated vehicle the criminal felony equivalent of carjacking — punishable by up to life in prison.

“We want everybody to know just how serious we are about this,” says Michigan Sen. Mike Kowall, author of SB 927. A companion bill, SB 928, would add the punishment for “Access Electronic Systems of Motor Vehicle to Obtain Data or Control of the Vehicle” to Michigan’s criminal code.

The idea behind the new proposals is to set requirements for different levels of vehicle automation — from partly automated systems like anti-lock brakes to fully autonomous vehicles that don’t require input from a driver (see below) — along with guides for automakers to know what benchmarks they’ll have to meet for certification at each level, Kowall says.

“It lets the manufacturer set their own timelines … and gets government out of the way,” he adds.

“We’ve led the world in auto tech for a hundred and some-odd years, and I’d like us to lead for another hundred some-odd years.”

At the other end of Lake Superior, Minnesota legislators are considering HF 3325 and SF 2569, which would create a task force on how automated vehicles could be designed for use by, and serve the needs of, people with disabilities.

The task force’s findings, which would be reported to the Minnesota Legislature by early next year, would include recommendations for a pilot program.

At press time, this legislation (along with $25,000 to get the task force started) was an item in the supplemental transportation budget in conference committee, says Minnesota Sen. Matt Schmit.

While the technology presents interesting issues in and of itself, it can also address public policy changes and challenges, Schmit says.

By examining how automated vehicles could increase mobility for the elderly and people with disabilities, Minnesota can add to, rather than repeat, the national conversation about them, he adds.

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Illinois aiming to ‘make every pregnancy planned’ by increasing access to improved contraception

Illinois is leading the way in adopting Medicaid payment reforms to increase access to long-acting reversible contraception, known as LARCs.

LARCs — intrauterine devices, or IUDs, and subdermal contraceptive implants — are highly effective forms of birth control, with a pregnancy rate of less than 1 percent within the first year, according to the Centers for Disease Control and Prevention. In comparison, oral contraceptive pills have a pregnancy rate of 9 percent and male condoms have a pregnancy rate of 18 percent in the first year.

The LARC devices are effective for three to 10 years.

Two years ago, Illinois began implementation of a Family Planning Action Plan. It, in part, increased provider rates and required health plans in the state to submit their family planning policies (including referral policies) with the state.

"[We] wanted to ensure that all Medicaid providers delivered quality, comprehensive family planning services," Linda Wheal, maternal health program manager for the Illinois Department of Healthcare and Family Services, says of that 2014 change.

More changes (the result of Medicaid state plan amendments and revised state policies) began to take effect last year.

These changes:
• allow providers to bill for both a family planning office visit and LARC insertion;
• increase payment rates for LARC insertions;
• permit federally qualified health centers to bill for the LARC insertion in addition to the regular office visit; and
• allow hospitals that inserted a LARC immediately after a mother gives birth to bill for the cost of the device outside of the set fee paid for births (clinicians can also bill separately for the LARC insertion).

As part of its efforts to increase same-day LARC insertion by outpatient providers, Illinois is working with pharmaceutical companies to address a financial disincentive that can sometimes stand in the way.

LARC devices can cost up to $700, so maintaining an inventory in a physician’s office requires a financial outlay. But without an office inventory, a woman who wants a LARC is required to return to the office a second time — after the provider issues a prescription and orders and receives a single device.

Teva, a pharmaceutical manufacturer of IUDs, has come up with a solution. It provides a unit stocked with multiple IUDs; once a device is removed, electronic scanning technology sends a signal to the distributor to bill the physician.

"My biggest challenge is meeting the demand; every office is looking for one of these units to help their cash flow," says Nick Penetta, Teva’s director of market access for the public sector.

According to Penetta, his company is now looking to see if these units are in settings where the need is the greatest — for instance, sites where many Medicaid-eligible women seek care.

When Illinois announced its new Family Planning Action Plan, its stated goal was to make "every pregnancy a planned pregnancy.”

Right now, the unintended-pregnancy rate is near 50 percent. To lower that rate, the state is trying to better ensure access to the most-effective forms of contraception.

"I expect we will see a huge impact five years down the road,” Wheal says.

According to Wheal, Illinois Medicaid pays $350 per year for contraceptive costs compared to an average of $12,000 per birth.

Great Lakes

Regional decision near on plan to divert Lake Michigan water

The end of a years-long journey by a Wisconsin town to use the Great Lakes for its supply of drinking water appears near, and the entire process has helped mark the beginning of a new era in regionwide management of this invaluable resource.

The precedent-setting nature of the decision on this proposed diversion was clearly on the minds of state and provincial officials when they met this spring for meetings in Chicago. The Great Lakes-St. Lawrence River Basin Water Resources Compact.

This historic agreement, established eight years ago, bans most new diversions of Great Lakes water outside the basin. However, exceptions can be made for communities that either “straddle” the basin or that are located in straddling counties. (Waukesha meets the latter description.)

Under the compact, diversion proposals must ensure maximum return flow to the basin, uphold water quality standards, include water conservation measures, and show that no reasonable alternative water supply exists.

In March, close to 100 members of the Great Lakes Legislative Caucus signed a letter opposing the Waukesha proposal, saying it fails to meet the compact's standards.

According to the letter, Waukesha has not made a "good-faith effort" to treat its current water supplies, and its plans for returning wastewater to Lake Michigan could degrade the Root River. The letter also raised concerns about the proposed “water service area,” a subject that became a focal point of much of the discussion among the Regional Body. Waukesha’s original plan called for an average diversion of 10.1 million gallons per day to serve an area that included parts of neighboring communities.

According to the Milwaukee Journal Sentinel, the Regional Body reached a preliminary agreement in May to reduce this service area as well as the amount of the diversion (to 8.2 million gallons of the day.)

During discussions in April, Grant Trigger, Michigan's designee to the Regional Body, noted that Waukesha is already diverting water — because about 30 percent of its groundwater comes from the Great Lakes basin and is then discharged to the Mississippi River Basin.

That fact, he said, might make regional approval of Waukesha less precedent-setting, as it instead could be construed as a “clearer, narrower exception” to the compact’s ban on diversions.

Brieﬂwritten by Debra Miller, CSG director of health policy. She can be reached at dmiller@csg.org. The co-chairs of the Midwestern Legislative Conference Health & Human Services Committee are Kansas Rep. Susan Concaenon and Illinois Rep. Robyn Gabel.

Health & Human Services

Illinois aiming to ‘make every pregnancy planned’ by increasing access to improved contraception

Illinois is the leading way in adopting Medicaid payment reforms to increase access to long-acting reversible contraception, known as LARCs.

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Indiana initiative looks to attract adults back to college to finish earning their degree

A new initiative in Indiana is looking beyond the state’s K-12 population as a means to increase the percentage of Hoosiers with education beyond high school.

The goal of the “You Can. Go Back.” program is to encourage the 750,000 Indiana adults who completed some college, but left before earning a degree, to come back and finish what they started. Through a mix of strategic marketing and financial aid, the campaign hopes to attract 200,000 adults back to college by 2020, and help them complete an associate’s or bachelor’s degree, or a workforce credential.

“You Can. Go Back.” is administered by the Indiana Commission of Higher Education in partnership with the state’s public university system, but has also gained the support of nearly two dozen private institutions and a variety of businesses.

In February, thousands of former college students received information about the benefits of completing a postsecondary degree, and the resources available to help them do so. The state focused this first wave of outreach on Indiana residents who had earned at least 15 credit hours at a community college or 30 credit hours at a four-year institution and had been out of school for less than 10 years. To ease the financial burden on returning students, the state is offering $1,000 need-based scholarships from a pool of $7.5 million in financial aid funds.

Incentives such as tuition discounts and debt forgiveness are being provided by participating postsecondary institutions, and employer partners such as Subaru, Toyota and Comcast are assisting their employees with tuition reimbursement and flexible scheduling.

The program’s initial progress is being measured by traffic to the YouCanGoBack.org website — where prospective returning adults answer a series of questions and are matched with schools that would most likely meet their needs.

“In less than two months, we’ve had over 9,000 people visit the website, and over 4,000 requested more information. That’s a pretty significant number,” explains Teresa Lubbers, Indiana’s commissioner for higher education.

“You Can. Go Back.” is part of a larger statewide goal to increase the percentage of residents with education beyond high school to 60 percent by 2025.

A Lumina Foundation study found that in 2014, just under half of Indiana’s working-age population (25-64) had earned a postsecondary degree, certificate or workforce credential.

In the Midwest, three other states (Michigan, Ohio and South Dakota) were also below the national average for the number of residents with a two-year degree or higher.

According to Lubbers, highly skilled workers are especially needed in Indiana’s advanced manufacturing and health care sectors, which have replaced many of the state’s traditional middle-class jobs that often did not require education beyond high school.

In 2015, Indiana’s biennial budget bill (HB 1001) included a requirement that the state reach out to residents who earned credits in the public university systems and encourage them to complete their degree.

Brief written by Katelyn Tye, staff liaison to the Midwestern Legislative Conference Education Committee. She can be reached at ktye@csg.org. The committee’s co-chairs are North Dakota Sen. Kyle Davison and South Dakota Rep. Jacqueline Sly.
Proposed rail line would add freight alternative in Midwest, but has run into local opposition

If the plans of a group of investors called Great Lakes Basin Transportation get the go-ahead, the Midwest could soon be home to the nation’s largest new railroad project in more than a century. The idea behind this proposed 278-mile rail line is to allow some freight traffic to bypass the Chicago rail yards, where congestion caused by the greatest density of rail lines in the world can tie up freight for 30 hours. Current projections show traffic in this rail hub only growing and congestion worsening in the years ahead.

According to Great Lakes Basin Transportation, between 15 percent and 25 percent of Chicago’s current freight traffic does not originate or end in the city. Its solution: Build a privately owned line that runs around the Midwest’s biggest city. The route resembles a giant C as it runs through 11 counties in Indiana, Illinois and Wisconsin (see map below). But the proposal faces many hurdles, including concerns being raised by some local communities and their state legislators.

“This project cuts right through Wisconsin’s Rock Prairie: well-drained soil that is some of the best farmland in the world,” says state Rep. Amy Loudenbeck, who represents a district at the northern edge of the line. “Our farmers are worried about losing their land and their livelihoods.”

On the eastern edge of the proposed route, Indiana Sen. Ed Charbonneau is hearing from skeptical constituents as well. For example, commissioners in one of his home counties (Porter) unanimously approved a resolution opposing the project, citing concerns about its impact on drainage, property values, public safety and road closures.

According to Charbonneau, some of the affected counties have been investing millions of tax dollars in drainage plans and water quality projects for years. The rail project, he says, would impact wetlands, surface water and rivers.

In the Illinois county of Grundy, officials have said the Great Lakes Basin Railroad would sever 104 farms, with at least 33 of these divisions leaving small remnants that could not be farmed. But the project has its local supporters as well, some of whom have cited the influx of new jobs from production, distribution and warehousing centers.

“Frank Patton, founder and managing partner of Great Lakes Basin Transportation, said at a hearing on the project earlier this year. The U.S. Surface Transportation Board is reviewing the project’s March application and has initiated a study of its environmental impact. The entire review process could take up to 36 months. With federal approval, Great Lakes Basin Transportation would then be able to begin land acquisition and construction, perhaps as early as 2018. The project’s estimated cost is $6 billion.

Project raises questions about eminent domain laws — old and new

For now, the fate of Great Lakes Basin Transportation’s plans for a new 278-mile rail line rests with the U.S. Surface Transportation Board. But another step would be land acquisition — at least 7,500 acres of it in parts of Indiana, Illinois and Wisconsin.

The company has said it would pay approximately $20,000 per acre for land and provide free electricity for homes on acquired property; in addition, every property would have local rail access if requested. But there are sure to be holdouts who don’t want to sell their land, and questions have already arisen about state eminent domain laws and how they might apply to this project.

Historically, railroads have had the power of eminent domain: the right to seize private land for public use.

“Without eminent domain, there would be no roads, there would be no highways, there would be no forest preserves, there would be no federally protected natural habitats,” says Frank Patton, founder and managing partner of Great Lakes Basin Transportation.

“That’s just the fiber of our government.”

In Indiana, Sen. Ed Charbonneau says, the proposed new rail project may cause lawmakers in his state to revisit decades-old statutory language. For now, though, Indiana law gives railroads “the right to acquire title.”

Great Lakes Basin Transportation has also cited language in Wisconsin and Illinois statutes on “railroad eminent domain rights.”

“GLB should be able to take advantage of ‘quick take’ eminent domain procedures in each of its states to keep recalcitrant landowners from holding the entire project hostage,” the group told local officials in Illinois.

The proposed rail line would be privately owned and funded, and in a 2005 U.S. Supreme Court decision (Kelo v. City of New London), justices agreed that eminent domain could be used to transfer land from one private owner to another to promote economic development.

But backlash against this ruling led states across the country to pass laws that restrict eminent domain for private use.

Wisconsin, for example, began prohibiting the transfer of “non-blighted” property from one private entity to another. Indiana legislators, meanwhile, passed a law more clearly defining when eminent domain may or may not be used; they also required that certain condemned property be compensated at 150 percent of fair market value.

Illinois law now prohibits the use of eminent domain to confer a benefit on a particular private entity. It also limits the use of eminent domain for private development unless the area is blighted and the state or local government has entered into a development agreement with a private entity.

Because of this law, Dave Helm, senior legal counsel to Illinois House Republicans, disagrees with Great Lakes Basin Transportation’s assertion about the use of quick-take eminent domain for this project. Helm instead believes a legislative change to current Illinois law would be required.

Article written by Carolyn Orr, staff liaison to the Midwestern Legislative Conference Agriculture and Natural Resources Committee. She can be reached at corr@sarl.us.
Earlier this year, to coincide with an open-government initiative known as Sunshine Week, reporters from the Associated Press sent requests for the records of legislative leaders in all 50 states. They asked for lawmakers’ daily schedules as well as emails from their government accounts. In most cases, AP reported in March, its reporters came away empty-handed, as they ran into more denials for the requests than approvals.

This right to deny access to certain records is a long-standing, widespread prerogative of legislators in states across the country — the result of a mix of constitutional language and principles, statutory language, and legal opinions.

This year, for example, Indiana Supreme Court justices ruled that while the state’s Access to Public Records Act applies to the legislature, they could not intervene in a dispute over public records because of “Indiana’s express constitutional separation of powers.” In the specific case, a clean-energy think tank sought copies of correspondence between a legislator, legislative staff and various business organizations. That request was denied by the legislature.

Under Indiana statute, the “work product of the General Assembly and its staff” does not have to be disclosed, and the state’s highest court ruled that the legislature has the constitutional right to determine for itself what falls under “work product.”

Distinct rules for state legislators

There are other reasons for keeping the records of individual lawmakers private. One is that while legislatures themselves may be “public bodies” covered under open meeting and records laws, individual legislators are not. Furthermore, these legislators need some relief from the sunshine statutes in order to openly and frankly discuss policy proposals among themselves and with constituents.

State statutes or internal legislative rules often reflect this view, with language that exempts records of communication among lawmakers and legislative staff about proposed bills.

But at the same time, there is clamor among the press (and, at times, the public) for state legislators and their members to be more open.

In Michigan, for instance, the Detroit Free Press has called for ending the current exemption extended to the Legislature and governor under the state’s Freedom of Information Act. The latest legislative attempt in that state to address concerns about public access and open government is a 10-bill package introduced in March.

“We’ve worked for a year on this, and what we’ve tried to do is come up with a solution to transparency, but with legislation that also withstands scrutiny,” explains Rep. Ed McBroom, a sponsor of one of the measures.

The new proposal would create a new Legislative Open Records Act (LORA). Under the law, McBroom says, legislators would have to make available their daily calendars, as well as communication between a legislator’s office and state executive agencies about a constituent. (Personal information about the constituent, though, would not have to be disclosed.)

Language in the new proposal mirrors much of that in the state’s existing Freedom of Information Act. However, important exemptions are made for lawmakers and the work they do — for example, “communications, including any related records or information, between a legislator’s office and a constituent … other than a person required to be a registered lobbyist” would not have to be released.

Exemptions are also extended to the records of party caucuses and internal legislative investigations, while rules adopted by the House or Senate could keep certain information from being disclosed.

And disputes over legislative disclosure would not be subject to judicial review. Instead, final determinations would be made by the administrator of the nonpartisan Legislative Council.

For LORA to become law, enough Michigan legislators will have to be convinced that it strikes the right balance between open government and protection of the lawmaking process.

In his discussion with legislative colleagues, McBroom has found that they want to be transparent, most concerns about LORA instead tend to center on saddling legislative staff with the task of tracking and responding to more requests for open records.

The number of SNAP recipients in that state has since dropped by 75 percent.

By fiscal year 2015, six states in the Midwest (Iowa, Kansas, Minnesota, Nebraska, North Dakota and South Dakota) had lost eligibility to seek a state-wide SNAP waiver from the federal government. The reason: improved economic and employment conditions meant the state no longer met federal guidelines to forgo the work requirement.

As of April, Illinois and Michigan were two of only seven U.S. states with a statewide waiver. All other states have the work requirement in place — because the state chose to eliminate the waiver, the waiver expired, or the state no longer qualifies for it. Another option is to seek a partial waiver for parts of a state that have jobless rates of 10 percent or that demonstrate a “lack of sufficient jobs.” For example, Ohio successfully sought waivers for 18 counties in the southeastern and southern areas of the state. Minnesota, North Dakota and South Dakota also currently have partial waivers.

One policy consequence of the Great Recession was a rise across the country in the use of these waivers, which lift limits on the amount of time that able-bodied adults without Dependents can receive payments under the Supplemental Nutrition Assistance Program, or SNAP, if a state does not seek and receive such a federal waiver, its able-bodied recipients can receive food stamps for only three months over any three-year period.

The federal American Recovery and Reinvestment Act of 2009 temporarily suspended these time limits across the country, thus simplifying the process for states to secure a waiver.

More recently, though, with jobless rates falling in many parts of the country, federal policy has reverted to pre-recession rules under the Personal Responsibility and Work Opportunity Reconciliation Act.

Under this 1996 law, SNAP recipients who are able-bodied and not raising minor children must be working, seeking work, or participating in a job training or “workfare” program. The three-month time limit is imposed on individuals not meeting this requirement.

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Automated vehicles: States starting to ask how much tech, how soon, how to prepare?

“We don’t want to have a [task force] that looks at something that’s been done before,” Schmit says. “Time is of the essence now because we’re seeing this emerging technology develop, and if we want Minnesota to contribute to the national discussion, we have to act now.”

Rep. Rod Hamilton, chief sponsor of HF 3325, says the task force would also examine how automated vehicles would fit into the everyday flow of traffic.

It’s an issue that’s personal — and bipartisian — for him: Hamilton has multiple sclerosis and occasionally uses a wheelchair.

So when a Democratic-colleague referred constituents to him regarding automated vehicles helping their son, because Republicans control the House and a majority member could advance the idea, he was ready.

“I sat down with them and asked, ‘Is the technology here yet?’ and they said, ‘Rod, did you know that over a million miles have already been logged on automated vehicles?’ They’re educating me on this.”

Hamilton says that talking in town halls with constituents who are disabled or elderly further prompted him to request that his colleagues submit bills allowing for testing of automated vehicles and lifting liability unless the defect was present from the time of manufacture.

“I’m not one of the techies, but I’m interested in learning,” Hamilton says. “That’s where it will be very useful to have all stakeholders come to the table and help us get familiar and comfortable with the issue.”

What is automation?

Technically speaking, if you have anti-lock brakes or an auto-warning backup system, then you’re already driving an automated vehicle. It’s the degree of automation that matters.

The National Highway Traffic Safety Administration has set a five-level definition:

- Level 0 — No automation: “The driver is in complete or sole control of the primary vehicle controls — brake, steering, throttle, and motive power — at all times.”
- Level 1 — Function-specific automation; i.e., electronic stability or anti-lock brakes.
- Level 2 — Combined function automation of two or more primary control systems “designed to work in unison to relieve the driver of those functions.”
- Level 3 — Limited self-driving automation; the driver can “cede full control of all safety-critical functions” under certain conditions, but is “expected to be available for occasional control” with enough transition time.
- Level 4 — Full self-driving automation; the vehicle is in full control of all systems and monitors roadway conditions for the entire trip. Passengers provide origin and destination information, but are not expected to take control during the trip.

This five-level system is part of the federal government’s approach to automated vehicles, outlined by Transportation Secretary Anthony Foxx in January 2016 at the North American International Auto Show.

That program includes $3.9 billion over 10 years to fund pilot projects; update federal policies; and review current regulations, best practices guidelines and even model legislation for states to consider.

That makes sense to Sharon Feigon, executive director of the Chicago-based Shared Use Mobility Center and member of the Illinois Governor’s Electric Vehicle Advisory Council, who says a regulatory framework will be needed to encourage shared use of automated vehicles.

“A lot of the regulatory stuff will have to come from roads to transportation funding: What states in the Midwest are doing

Legislators are mulling Illinois Gov. Bruce Rauner’s proposal for a public-private partnership (P3) to let a private company build new toll lanes on 25 miles of the Stevenson Expressway (I-55) between its interchanges with the Dan Ryan Expressway (I-90/94) and I-355. A legislative resolution is needed to allow the Department of Transportation to proceed with a feasibility study of potential P3 deals.

* Illinois: Legislators directed the Legislature’s interim study committee to review Tesla Motors’ direct sales model. Current state law bans automakers from direct sales if they have existing franchise dealers.

In February 2015, Iowa raised its gasoline and diesel fuel taxes for the first time since 1989, by 10 cents, to 31 cents per gallon. (The tax was readjusted on July 1 of that year to 30.8 cents per gallon.)

Kansas Department of Transportation officials say many road projects will be delayed by 18 to 24 months after legislators approved the 2016 and 2017 budgets, which take $185 million in state sales tax revenue earmarked for highway programs to help plug a near-$300 million deficit. Since 2010, 0.4 percent of the state’s sales tax has been earmarked for highway programs.

Hacking an electronic or automated vehicle would be equivalent to carjacking, and punished as such in Minnesota under SB 927, which was introduced on April 28. In 2013, legislators were the first in the Midwest to approve bills allowing for testing of automated vehicles and lifting liability unless the defect was present from the time of manufacture.

In February 2016, Indiana lawmakers approved a bill allowing the “introduction or testing” of automated vehicles, but are not expected to take control during the trip. This five-level system is part of the federal government’s approach to automated vehicles, outlined by Transportation Secretary Anthony Foxx in January 2016 at the North American International Auto Show.

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In February 2015, a lawsuit seeking to undo that hike as an “illegal tax” was sent back to state courts by a federal district court.

In February 2016, Indiana lawmakers approved a bill allowing the “introduction or testing” of automated vehicles, but are not expected to take control during the trip. This five-level system is part of the federal government’s approach to automated vehicles, outlined by Transportation Secretary Anthony Foxx in January 2016 at the North American International Auto Show.

That program includes $3.9 billion over 10 years to fund pilot projects; update federal policies; and review current regulations, best practices guidelines and even model legislation for states to consider.

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at the federal level because it’s managing the autos,” Feigon says, “and the safety stuff really needs to be consistent.

“A car goes from one state to another, so you have to think about the whole.”

Devilish policy details

Bryant Walker Smith, who researches and writes extensively about the intersection between governments and automated vehicle technology, offers advice for any state government in a paper published on March 17, “How Governments Can Promote Automated Driving.”

Among the myriad suggestions:

- First, designate a “point person” with the authority to coordinate between state agencies, between the governor and legislature, and between state and federal governments, and be a liaison between the public and private sectors.
- This position would be the “go to” person whom anyone could contact about automated vehicle policy.
- Next, at both the state and local levels, “government actors should advance understanding of the relevant technologies, applications and activities.” Governments should also “cultivate broader expertise with respect to complex technical and social systems” — demonstrating through policies an understanding of questions, problems and solutions associated with technological revolutions.
- Moreover, “governments should ensure their planning processes begin to account for automated driving. Long-term assumptions should be revised for land-use plans, infrastructure projects, building codes, bonds, and budgets.” For example, a fully automated highway might need less right-of-way because networked computer systems controlling traffic flows and vehicle intervals might be able to pack more traffic into less space. A mostly or fully automated traffic flow would also affect building and zoning code parking requirements and public transit usage, among other effects.
- Finally, governments should develop break-the-glass plans for responding to automated driving incidents.
- “Who will respond, and how? What evidence will need to be preserved, and how?” asks Smith, who is an assistant law professor at the University of South Carolina and an affiliate scholar at The Center for Internet and Society.
- Also, he adds, how would officials at any level of government address the public’s concern and/or anger once a high-profile crash occurs?
- “A government that addresses these issues proactively and ultimately positively signals its credibility as a potential technological partner,” Smith says.
- Other than Michigan and Minnesota, not much has been done yet legislatively in the Midwest on issues surrounding automated vehicles.
- South Dakota in 2014 tabled SB 139, which would have authorized testing of automated vehicles.
- In March 2015, North Dakota approved HB 1065, which authorized a legislative management study of automated vehicle testing. That study, though, ultimately was not among those funded for the state’s current interim.
- Wisconsin senators in 2014 failed to pass SB 80, which proposed to allow automated vehicles if a properly licensed human driver were present and had motor vehicle liability coverage of at least $5 million.
- Under that legislative proposal, too, an automated vehicle would need to have an indicator that it was in automated mode and would automatically record data at least 30 seconds before a collision.
- Not everyone is convinced that automated vehicles will have quite the impact their proponents claim.
- Steve Schlickman, president of the transportation consultancy Schlickman Associates, and former director of both the Urban Transportation Center at the University of Illinois-Chicago and the Regional Transportation Authority, says he detects no concern about automated vehicles in most Midwestern states.
- “I think everyone’s wondering whether this is going to explode into a huge share of the market, and most people feel not, [that] it’s not going to,” Schlickman says.

## Automation also open door to alternative revenue source: tax on vehicle miles traveled

A mix of new technology and new laws might change not only the cars we drive, but how we pay to maintain our roads. While some states — including Iowa, Michigan, Nebraska and South Dakota — have raised their fuel taxes, the U.S. Congress has not raised the federal gas tax since 1993 and signaled during passage of the FAST Act that it won’t for the foreseeable future.

So how about a mileage, or “VMT” (Vehicle Miles Traveled), tax instead?

Millions of drivers already use electronic tolling, so the technology isn’t that big a conceptual leap; and by taxing actual miles driven, advocates say it’s an accurate, flexible “user fee” that has the potential to change driving habits and create more efficient use of roads and highways.

As Illinois legislators learned last month, however, propose a mileage/VMT tax without proper preparation and the first, last and only cry you’re likely to hear from voters and in news coverage is “Big Brother”!

SB 3279, which would have created a VMT tax, was introduced on Feb. 19. By April 22, after public and editorial uproar, the bill was returned to the state Senate’s Committee on Assignments, effectively killing it.

That doesn’t surprise Jim Whitty, a partner at D’Artagnan Consulting who joined the firm this year after overseeing Oregon’s Road User Fee Task Force and helping launch the state’s year-old milestone fee pilot program.

“For us, it took 15 years of public discussion to build knowledge and comfort with the concept, and then a task force to focus on how a pilot program would work, Whitty says. “It’s a methodical, step-by-step process. If you don’t do that, you never have the knowledge. I think people can’t move that quickly.”

Oregon’s pilot program, OrGet (www.myorego.com), is administered by the Oregon Department of Transportation. It seeks to enroll 5,000 drivers of cars and light-duty vehicles for a mileage-based fee of 1.5 cents per mile, for which they get a credit on fuel taxes paid at the pump.

Drivers create an online account by choosing an account manager and mileage data must be collected with consent, and mileage data must be allowed without dissemination.

Currently two providers along with ODOT serve as administrators, each offering different features such as GPS enabling and differentiation between in-state and out-of-state mileage, among others.

California’s four-year pilot program is looking for 5,000 volunteers to test the technology and mechanics of mileage fee models — ranging from actual miles driven to a flat fee allowing unlimited mileage for a month or year, to automated reporting with or without GPS (GPS could differentiate between in-state and out-of-state driving, but give constant location information).

Whitty says Oregon’s law is designed to limit what information is collected and what can be done with that information. No dissemination is allowed without consent, and mileage data must be destroyed after 30 days.

“Legally this kind of calms the issue down,” he says, adding that the American Civil Liberties Union was supportive of what legislators ultimately approved.

“That really helps with a lot of people.”

Oregon and California are also among 11 states — including North Dakota — that joined this year the Western Road Usage Charge Consortium to jointly study mileage/VMT fees. (South Dakota has been invited, but hasn’t joined yet.)

“I haven’t seen that kind of joining together or sharing together in the Midwest at all,” Whitty says.

### Changes in vehicle miles traveled, U.S. consumption of gasoline (barrels), 1990-2015

<table>
<thead>
<tr>
<th>Year</th>
<th>% change from 2010</th>
<th>% change from 2005</th>
<th>% change from 2000</th>
<th>% change from 1990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle miles traveled</td>
<td>3 trillion miles</td>
<td>+1.6%</td>
<td>+1.1%</td>
<td>+11.1%</td>
</tr>
<tr>
<td>U.S. gasoline consumption</td>
<td>3.3 billion barrels*</td>
<td>+1.9%</td>
<td>0.0%</td>
<td>+7.8%</td>
</tr>
</tbody>
</table>

* One barrel = 42 gallons

Sources: U.S. Energy Information Administration, Dept. of Energy Alternative Fuels Data Center

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**Minnesota Sen. Matt Schmit**
South Dakota Sen. Billie Sutton

Since life-changing rodeo accident, he has made the most of all opportunities, including improving state policy as minority leader

by Laura Kliewer (lkliewer@csg.org)

A s a young man, Billie Sutton had ambition, talent and a plan for success. None of his aspirations included running for elected office in his home state of South Dakota.

He grew up on his family's ranch near the Nebraska border, riding horses and roping calves from a young age. His father had been a saddle bronc rider, and the young Sutton wanted to be one too.

Awarded a full-ride rodeo scholarship at the University of Wyoming, he not only qualified for the national college rodeo finals all four years, but ended his college career as the university's all-time leader in individual rodeo points.

"Rodeo meant everything to me," Sutton recalls.

But then his life abruptly changed forever — at a competition in October 2007, when he was just a few months away from graduating with a degree in business finance and beginning a career on the rodeo circuit.

Settling himself on a horse that he knew and had won with in a previous competition, and waiting for the chute to open like he had done in countless competitions before, Sutton was thrown backward. It was an ordinary enough occurrence (minor injuries from getting thrown by a horse aren't uncommon).

But on that day, the horse threw him into the back of the bucking chute, at a spot where a board had been kicked out by another bronco earlier in the day. Sutton's lower spine was wedged into the hole, crushing two vertebrae and causing spinal cord damage due to the impact and angle. He was paralyzed from the waist down.

"After my accident, I kind of adopted the philosophy of trying to take advantage of every opportunity that I was given," Sutton says, "because you never know when you are going to lose something that means a lot to you."

After graduating in May, and then spending an additional year in Wyoming going through rehabilitation and serving as an assistant rodeo coach at his alma mater, Sutton came home — to a place and way of life he still loved.

"The original plan was for me to probably come home and run our family ranch," he says. "But after that accident, that kind of limited things as far as the physical labor."

Sutton took a job buying and selling hay (he now works as an investment consultant), and was soon asked by his district's state senator (who was running for state auditor) if he would consider running for the open Senate seat.

"It was something I really hadn't thought that much in depth about until I was asked," Sutton says. "But after the accident, that kind of limited things as far as the physical labor.""

Not that you have to have a college degree, but it helped to give you credibility and a knowledge base, he says. "I work, and being able to serve in the Legislature."

He won that 2010 election, and has been a member of the state Senate ever since. Sutton is serving as the Democratic minority leader, gearing up for the legislative elections this fall (though he is unopposed), and planning to make the most of his third and final term in the state’s upper chamber.

In a recent interview with CSG Midwest, Sutton reflected on his legislative career to date.

Q: Since you joined the Legislature, you’ve made education and state school funding a top priority. Have you seen some successes in that area since you were first elected?

A: This year was kind of an epic year in South Dakota. I was a member of what was called the Blue Ribbon Task Force on Education, and we just invested right around $70 million into K-12 education and put together a whole new funding formula. This formula is based on a target teacher-student ratio, and it targets [better] teacher pay — because, as everyone is aware, we’re last in the nation on teacher pay in South Dakota.

This is something that I have been pushing since I came into the Legislature: to get more funding for education and to get our teacher pay out of last place. And I think this plan will do that. There is still more to do, but this is a pretty epic step in the right direction. Our general fund budget is just $1.3 or $1.4 billion in South Dakota, so $70 million is a significant increase.

Q: How has your personal background contributed to your work in the Legislature?

A: After my injury, I think more clearly than ever I saw the value of education. I look back and think, Where would I be had I not gone to college, had I not had a good high school experience with education? Where would I be? Because the injury was traumatic and I’m not able to do a lot of things that I maybe used to do in the past, although there are a lot of ways to figure out how to do things differently — but where would I be?

I don’t know I can answer that very well, except to say that I would not at all be in the position I am in — an investment consultant at the bank where I work, and being able to serve in the Legislature. Not that you have to have a college degree, but it helps to give you credibility and a knowledge base when you have a good education. I think sometimes we take it for granted how important education is; it’s the future of our country.

A great public education is the solution to so many things; whether you want people off welfare rolls or you want people to be successful in business, you need an educated public. The benefits are overwhelming. That added to my passion for the Legislature and passion for politics, and led me to want to take a leadership role and forge ahead a path for South Dakota.

Q: So would you consider this new education funding plan your biggest success so far in the Legislature?

A: We’ve had some pretty incredible successes in the last few years. We reformed our adult correction system and our juvenile correction system, so that we keep nonviolent criminals out of jail. And we’ve put more focus on rehabilitation and programs so that we don’t have to build more jails.

It has been a change in philosophy that has been completely bipartisan: to reform our system so that we are getting people the help they need rather than just throw them in jail and hope for the best.

Then, we’ve had a huge investment of dollars into our infrastructure system. [In 2015] we invested around $80 million in our infrastructure through an increase in our gas tax and some other taxes. And then, on the horizon, something we can look at as a victory before not too long is Medicaid expansion.

We really have had some pretty incredible accomplishments. … I think that goes back to hard work by a lot of our legislative cohorts never giving up on an idea that they really cared about.

Q: After my injury, I think more clearly than ever I saw the value of public education. I look back and think, Where would I be had I not gone to college, had I not had a good high school experience?”
Battling the scourge of meth

Indiana law aims to reduce drug’s toll on public health, sets new pharmacy rules on accessing its cold-medicine precursor

Indiana, unfortunately, is the meth lab capital of the country.

The Hoosier state has led the nation in meth lab seizures for three consecutive years, with more than 1,500 incidents in 2015 alone. In the same year, 323 children were found and removed from residences where meth labs were present. While the manufacturing, selling and use of pseudoephedrine weighs heavy on the public safety system, as a father, it’s the toll that it takes on innocent children whose lives are affected by meth that continues to inspire me to eradicate this highly addictive drug in Indiana.

I’ve heard stories of Hoosier children being rescued from meth lab homes. It’s a heartbreaking scene. At risk of contamination, they are often forced from their homes without clothing, toys or other personal items. They are taken to a medical facility where they go through a decontamination process, and then are placed in the care of people they do not know.

Due to chemical exposure, a child living at a meth lab may inhale toxic substances, or absorb meth through his or her skin following contact with contaminated clothing or food.

**Stopping meth at its source**

In order to curb meth production, it is critical that we find ways to restrict meth cooks’ access to pseudoephedrine, or PSE, the key ingredient used in the manufacturing process.

In addition to being a precursor needed to make meth, PSE is often found in a small number of cold, flu and allergy medications. The state has worked to control access to PSE by putting these types of medications behind the counter, limiting the total amount an individual can purchase, and requiring consumers to sign a logbook each time they purchase medications containing PSE.

An electronic monitoring system known as NPLEx is currently used in every pharmacy in Indiana to track PSE purchases. Despite these efforts, criminals are still finding ways to circumvent state laws, and meth lab incidents continue to occur.

At the beginning of Indiana’s legislative session in January, I introduced legislation that would make PSE a prescription drug, which I have done for multiple years as a state representative. Indiana, like many other states, is grappling with the pros and cons of enacting a full PSE prescription requirement.

Many argue that it would be an inconvenience for consumers, or that it might increase health-care costs or lines at the doctor’s office. In trying to determine the best action to take in Indiana, I’ve looked at other states that have made PSE available only by prescription.

In Oregon, within the first 35 weeks of enacting a law making PSE a prescription drug, meth lab incidents declined 96 percent and meth-related emergency room visits decreased by 35 percent. In Mississippi, meth lab incidents dropped from 692 in 2009 to only eight in 2013.

Although I believe this is the right step for Indiana, I also understand how others believe enacting restrictions on law-abiding citizens is unfavorable. To strike a compromise, I worked with pharmacists, physicians and different organizations from across Indiana to craft a proposal balancing the rights of lawful citizens with the need to keep PSE away from meth cooks.

Under our new law, Hoosiers who have established a patient relationship with a pharmacy may be able to purchase and take home a prescription containing PSE for the purpose of making meth or selling it to meth cooks. It also requires the Indiana Board of Pharmacy to adopt rules concerning professional determinations and conduct, and what constitutes a patient relationship with a pharmacy.

This would hold pharmacists accountable by requiring the board to review their determinations and discipline those who violate any rules. Moreover, Indiana’s Prescription Drug Monitoring Program, known as INSPECT, will be used to track and collect information regarding PSE prescriptions.

**An emotional moment as bill passes**

Standing up in front of my House colleagues, I told one of the many stories I’ve heard in my community about children rescued from meth lab homes and the devastating effects of living in that environment.

Lawmakers representing different areas of the state and both sides of the aisle stood in support; it was a warm reception that I did not expect to receive. As I waited at the side of the House chamber, it was a humbling experience to watch as the legislation for which I worked so hard to gain support passed with a standing ovation.

In the Senate, similar legislation would have required pharmacists to conduct a brief consultation with consumers, but the bill did not stress the importance of an existing patient relationship.

Although my House bill (HB 1390) did not receive a hearing in the Senate, I worked with the author and we agreed to insert the language of my bill into SB 80. After continued discussions with lawmakers, organizations and state agencies, we worked out a final proposal to send to the governor’s desk, where he signed it into law on March 21.

Reflecting upon all those who helped draft this piece of legislation, I cannot help but think it is a perfect example of how the legislative process should work. We started out with an idea, received input from various organizations, legislators and the public, and eventually worked out a compromise that was widely agreed upon.

Many communities, particularly ours in northeast Indiana, have felt the scourge of meth among our families, friends and youth, and will hopefully benefit from this law deterring meth cooks in Indiana.

Rep. Ben Smaltz, a Republican from Auburn, was first elected to the Indiana House of Representatives in 2012.

**Submissions welcome**

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of the Council of State Governments or the Midwestern Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.

[The goal was] to craft a proposal balancing the rights of lawful citizens with the need to keep pseudoephedrine away from meth cooks.
Thirty-five legislators selected to take part in 2016 leadership program

BILLD provides unique educational experience for Midwest’s newer lawmakers

A bipartisan group of state legislators from the Midwest has been selected to take part in a one-of-a-kind leadership program.

This year’s Bowhay Institute for Legislative Leadership Development will be held Aug. 12-16 in Madison, Wis.

It will mark the 22nd straight year in which CSG Midwest’s Midwestern Legislative Conference has offered leadership training to its members: legislators from 11 states in this region as well as from the MLC’s four affiliate provinces.

BILLD is designed for legislators in their first four years of service. Photos of the state and provincial legislators selected to take part in this year’s institute can be found below.

In all, more than 60 lawmakers applied for a BILLD fellowship. Selections were made in April by the BILLD Steering Committee, a bipartisan group of legislators from all 11 Midwestern states. This committee oversees the entire application process; it also provides guidance on fundraising and development of the BILLD curriculum. Indiana Rep. Ed Clere and Ohio Sen. Cliff Hite serve as the committee’s co-chairs; Minnesota Sen. Roger Reinert and Nebraska Sen. Kate Sullivan are the co-chairs.

The five-day institute includes sessions led by the Midwest’s current legislative leaders; policy experts at the University of Wisconsin-Madison’s La Follette School of Public Affairs; and some of the nation’s foremost thinkers on media relations, negotiation, conflict resolution and consensus building.

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.
June 10 is deadline to register for meeting of Midwest’s state, provincial legislators

At nonpartisan event, attendees learn from colleagues and leading policy experts

Over the course of four days in July, state and provincial legislators from the Midwest will have the chance to learn from colleagues and national policy experts while experiencing one of the region’s great cities.

The 71st Annual Meeting of the Midwestern Legislative Conference will be held July 17-20 in downtown Milwaukee. It is the premier event for state and provincial legislators from the Midwest.

The registration deadline is June 10. Registration for attendees and their guests can be completed at www.csgmidwest.org.

In addition to featuring several highly renowned speakers (see below), this year’s agenda includes topics ranging from state budgets and water policy, to strategies for investing in families and young children.

The meeting will begin with a series of sessions hosted by the MLC’s five policy committees: Agriculture & Natural Resources, Economic Development, Education, Health & Human Services, and Midwest-Canada Relations. The conference will conclude with two professional development workshops: how to work with different generations, and how to make the most of social media.

Activities for guests of all ages

The family-friendly conference will also offer numerous daytime activities for guests of all ages. For children, there will be trips to the Milwaukee County Zoo, a nature center, and an age-appropriate comedy show. The adult guests of attendees, meanwhile, will go on a boat tour, visit local breweries and explore the Milwaukee Art Museum.

Evening events (for attendees and their guests) will be held at the Milwaukee Public Museum, Discovery World and the historic Mackie Building.

Featured speakers and topics at this year’s MLC Annual Meeting in Milwaukee

Former NPR political editor Ken Rudin previews the 2016 elections

Author Charles Fishman examines the Midwest’s water future

Factcheck.org co-founder Kathleen Hall Jamieson offers tips on political communication

Professor Stephen Lucas looks back at speeches that changed U.S. history

Technology expert Ayesta Khanna ponders the future of work in the “Non-Machine Age”

MLC Midwest-Canada Relations Committee holds meeting of state, provincial legislative leaders

Legislative leaders whose jurisdictions are part of the world’s largest trading partnership met in Toronto in May to discuss the future of U.S.-Canada relations.

This two-day event was organized by the Midwestern Legislative Conference Midwest-Canada Relations Committee. (CSG Midwest provides staff support to this group.) Ontario Legislative Assembly Speaker Dave Levac, co-chair of the committee, hosted the meeting.

In all, 10 state and provincial jurisdictions were represented. Attendees explored a wide range of issues, from regional energy interconnectedness and agriculture trade, to border security and binational supply chains.

Economic activity between Canada and the United States represents the largest trading partnership in the world. Canada also is the top export destination for goods from all 11 Midwestern states.

Value of Midwest states’ exports to Canada in 2014

- $2.7 billion
- $2.4 billion
- $2.1 billion
- $1.8 billion
- $1.5 billion
- $1.2 billion
- $0.9 billion

Net exporter (exports more goods than it imports)

Net importer (imports more goods than it exports)

Source: Government of Canada
Michigan considering tougher copper, lead pipe regulations

Michigan Gov. Rick Snyder has proposed tightening the state’s lead level guidelines to 10 parts per billion by 2020, stricter than the current federal mark of 15 ppb.

The proposed change, announced at a meeting of the Flint Water Interagency Coordinating Committee, is part of a package of proposals that also includes annual water testing at day care centers and schools as well as a requirement that local governments create inventories of lead water pipes and then develop plans to replace them.

Critics of both Snyder’s plan and the federal Lead and Copper Rule say neither addresses the true lead danger level of 5 ppb.

The U.S. Environmental Protection Agency is in the process of updating the Lead and Copper Rule, a process that began in 2010. Proposed changes are expected to be submitted to the U.S. Congress in 2017. The rule applies to about 68,000 water utilities nationwide.

Kansas to rely more on community-based options for juveniles

Kansas will cut by three-fifths the number of juvenile offenders sent to out-of-state facilities, under legislation (SB 367) signed into law in April by Gov. Sam Brownback.

The law resulted from recommendations issued in November 2015 by a bipartisan working group that included members from the legislative, executive and judicial branches. (The group also got assistance from The Pew Charitable Trusts and the Crime and Justice Institute at Community Resources for Justice.)

The panel found that while Kansas’ crime rate among young people had dropped during the past decade, its juvenile justice system was keeping more lower-level offenders in out-of-state facilities and for longer terms. Moreover, that trend was partly due to a lack of community-based alternatives in many areas of the state.

Kansas’ planned reduction in the number of juvenile offenders being sent out of state is expected to save the state about $72 million through FY 2022. That money will be reinvested in community- and evidence-based alternatives, according to the governor’s office.

Kansas joins several other states that are investing more in community-based options as an alternative to incarceration — for example, South Dakota’s passage of SB 73 in 2015.

Ballot measures seek redistricting changes in Illinois, South Dakota

Voters in two Midwestern states may soon have the chance to take the power of drawing legislative districts out of the hands of their legislators. In South Dakota, a proposed constitutional amendment has already been certified and will appear on the fall ballot. It calls for a nine-member, independent commission to handle the state’s redistricting process. No commissioners could have served in state political office or a political party’s office within the last three years. In addition, no more than three people from the same political party could be named to the commission.

Similarly, rules for the proposed 11-member commission in Illinois would ensure that no single party controls the redistricting process. Enough petition signatures have been submitted to get this constitutional change on the fall ballot; however, legal challenges are likely. In Illinois, amendments typically have to be approved by the General Assembly — with the exception of certain subjects related to the legislative article of the state Constitution.

The South Dakota and Illinois proposals would not apply to congressional districts. In April, Nebraska Gov. Pete Ricketts vetoed LB 580. Under this proposal, an independent commission would have adopted redistricting maps (including for congressional districts) and submitted them to the Legislature for approval.

Iowa reworks overseas voting rules to help members of military

Under a new law that received unanimous approval in the state Legislature, Iowa is making it easier for members of the military and other overseas residents to vote.

HF 2417 gives overseas voters an extra 30 days to request and return special absentee ballots. (The period of time was extended from 90 days to 120.) Statutory language also was changed to prevent overseas ballots from being rejected by county auditors.

Across the country, through a four-year partnership with the U.S. Department of Defense, The Council of State Governments has been working to improve the voting process for members of the military and other citizens living overseas. Late last year, a working group of state officials (brought together by CSG) made recommendations for improving the absentee voting process, including:

- Designating a portion of election websites and social media/online platforms to content for citizens living overseas;
- Providing notice for both the acceptance and the rejection of an overseas absentee ballot; and
- Providing information to an overseas voter detailing why a ballot was rejected and how to correct the problem.

Ballot measures seek redistricting changes in Illinois, South Dakota

Voters in two Midwestern states may soon have the chance to take the power of drawing legislative districts out of the hands of their legislators. In South Dakota, a proposed constitutional amendment has already been certified and will appear on the fall ballot. It calls for a nine-member, independent commission to handle the state’s redistricting process. No commissioners could have served in state political office or a political party’s office within the last three years. In addition, no more than three people from the same political party could be named to the commission.

Similarly, rules for the proposed 11-member commission in Illinois would ensure that no single party controls the redistricting process. Enough petition signatures have been submitted to get this constitutional change on the fall ballot; however, legal challenges are likely. In Illinois, amendments typically have to be approved by the General Assembly — with the exception of certain subjects related to the legislative article of the state Constitution.

The South Dakota and Illinois proposals would not apply to congressional districts. In April, Nebraska Gov. Pete Ricketts vetoed LB 580. Under this proposal, an independent commission would have adopted redistricting maps (including for congressional districts) and submitted them to the Legislature for approval.

Iowa reworks overseas voting rules to help members of military

Under a new law that received unanimous approval in the state Legislature, Iowa is making it easier for members of the military and other overseas residents to vote.

HF 2417 gives overseas voters an extra 30 days to request and return special absentee ballots. (The period of time was extended from 90 days to 120.) Statutory language also was changed to prevent overseas ballots from being rejected by county auditors.

Across the country, through a four-year partnership with the U.S. Department of Defense, The Council of State Governments has been working to improve the voting process for members of the military and other citizens living overseas. Late last year, a working group of state officials (brought together by CSG) made recommendations for improving the absentee voting process, including:

- Designating a portion of election websites and social media/online platforms to content for citizens living overseas;
- Providing notice for both the acceptance and the rejection of an overseas absentee ballot; and
- Providing information to an overseas voter detailing why a ballot was rejected and how to correct the problem.