States once again revisit immigration policies

In-state tuition, driver’s licenses and E-Verify among hot topics; shape of future federal policy still unknown

by Laura Kiewer (Kkiewer@csg.org)

In Michigan, home to the second-highest number of foreign-born residents of any Midwest state, the state’s governor wants to attract more immigrants — and more state policies to make it happen.

“People think they’re taking jobs, but the reality is that they create jobs,” Snyder said in a speech earlier this year.

As evidence, he cites the role of foreign-born residents in launching new businesses, building the high-tech sector, and bringing world-class talent to Michigan.

And Snyder may soon have the opportunity to weigh in on legislation that reflects his pro-immigrant outlook.

In April, a group of legislators introduced a package of five bills and one resolution dubbed the “New American Opportunity and Fairness Act.” It includes the creation of a new Office of Immigration Integration, a state-level DREAM Act to provide in-state tuition for some undocumented Michigan students, and new options for students in the federal Deferred Action for Childhood Arrivals program to obtain driver’s licenses and state ID cards.

Much has been made nationally about a shift in the political landscape regarding immigration policy, and how it might lead to the passage of new federal legislation. (See sidebar articles on page 6 for details on how a new federal immigration law might affect states.)

But at the state level, that shift appears to have already made a difference in this year’s legislative activity in the Midwest.

Illinois lawmakers passed a bill permitting undocumented residents to obtain a driver’s license, and Indiana and Minnesota will begin providing in-state tuition to certain students who previously didn’t qualify because of their immigration status.

For states, a changing political and legal landscape

Before this year, inside and outside the region, state efforts to crack down on illegal immigration and the businesses that hire undocumented workers captured most of the news headlines and the attention of legislators. Arizona’s SB 1070 was the most far-reaching and controversial state action of all. Passed in 2010, it made working a crime for undocumented immigrants, required immigrants to obtain and carry their immigration documents at all times; allowed police to arrest suspected non-citizens without a warrant; required police officers to check the immigration status of anyone whom they detain and suspect to be in the country illegally; and imposed penalties on the sheltering, hiring and transporting of undocumented immigrants.

Four other states, including Indiana, subsequently passed comprehensive bills seeking to crack down on illegal immigration. Indiana’s 2011 law, SB 590, included new penalties for employers who hire undocumented workers, required state employers to use E-Verify (the federal work-verification authorization database), barred undocumented immigrants from accessing in-state tuition or public benefits, outlawed sanctuary cities, permitted warrantless arrests of non-citizens, and prohibited the use of consular IDs as identification forms.

Those last two provisions of the Indiana

In Table 1, the Midwest states are ordered by total foreign-born population. Illinois has the largest foreign-born population — 1,791,249 (13.9% of total population) — followed by Ohio (1,047,849), Michigan (906,990), and Minnesota (786,512). The three states also have the highest percentage of their population that is foreign-born (see table). Illinois leads in that category (13.9%), followed by Ohio (12.6%), Michigan (11.8%), and Minnesota (11.1%).

Agriculture: Iowa strengthens landowner protections under recreational-use statute

**Table 1**: Midwest foreign-born population, 2011

<table>
<thead>
<tr>
<th>State</th>
<th>Total foreign-born residents</th>
<th>% of state population that is foreign-born</th>
<th>% change in foreign-born population, 2000-2011</th>
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<td>1,040,489</td>
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<td>United States</td>
<td>40,381,574</td>
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<td>+29.7%</td>
</tr>
</tbody>
</table>

Between 40% and 56%

Between 30% and 38%

Between 21% and 28%

20% or under

* The percentage for the U.S. was estimated to be 28% in 2010 and 27% in 2011

Source: Pew Hispanic Center
States experiment with using Medicaid funds to help people buy private health coverage

Earlier this year, policymakers in Arkansas gained national attention when they sought clearance from the federal government to buy private insurance plans for Medicaid enrollees. Under a “premium assistance” plan, Arkansas would use federal Medicaid funds to help beneficiaries purchase coverage through a soon-to-be-established insurance exchange. The state has received preliminary federal approval, and lawmakers have passed enacting legislation. This concept of using public funds to purchase private coverage has garnered interest in a number of other states, including Ohio.

One advantage of such an arrangement is to address the issue of “churn”: people joining and leaving the Medicaid program as their income changes. If enrollees have private coverage, their plan could stay the same whether or not they are eligible for public insurance. Critics note, however, that such programs could actually cost more than Medicaid, which typically pays providers less than private plans. Others question the administrative burden of handling many different plans.

The premium-assistance model is gaining traction among policymakers who oppose expansion of traditional Medicaid under the Affordable Care Act.

One such legislator is Ohio Rep. Barbara Sears, who has proposed legislation to expand Medicaid in her state — but only when tied to reforms to the program. “It’s not right to give someone a Medicaid card and say, ‘Go forth and incur costs,’” Sears says. Federal Medicaid law allows states to pay for premiums in private health plans, either through employers or in the individual market, if they are “comparable” in cost to a traditional Medicaid program. Because Medicaid beneficiaries are entitled to a minimum set of benefits, states must provide “wrap-around” coverage for services that private plans don’t cover. And since Medicaid limits cost sharing, out-of-pocket expenses (such as co-pays) imposed by plans might have to be changed, too.

Oregon has previously used Medicaid funding to enroll individuals in private coverage. The state subsidized 95 percent of the private premiums for the poorest residents and 50 percent for recipients with higher incomes. The program will be phased out once the health exchange is up and running next year.

Many health policy experts say that the ideal population to test the premium-assistance model would be people between 100 percent and 138 percent of the federal poverty level, because they are most likely to bounce from Medicaid to private coverage and have less-stringent cost-sharing limits than the very poor.

That population is the one being targeted in Ohio’s HB 176, which would put some Medicaid enrollees into private health plans. The goal of the legislation is to integrate several different kinds of social services (such as housing support and workforce training) for people in need, according to Sears, the bill’s sponsor.

After a year on traditional Medicaid, enrollees would “graduate” to a premium-assistance program in which they would receive help purchasing a state-approved health plan in the insurance exchange.

“This helps people take on that new responsibility of determining which plan is right for them,” Sears says. Not every Medicaid enrollee would be eligible; some recipients with special needs, such as addiction, will not be able to participate, she says. And the program will only be offered to people earning between 100 percent and 138 percent of the federal poverty level.

“If you believe in helping people getting up and out of poverty, premium assistance can increase opportunities for the working poor to unlink from Medicaid,” she says. Sears says 70 percent of the state’s Medicaid population is already enrolled in managed care, exclusively through private plans. She credits this structure for reining in growth in state Medicaid costs, from 30 percent in recent years to 3 percent last year.

Across Midwest, lawmakers and college leaders warming up to idea of tuition freezes

Improved state budget conditions and continuing concerns about the cost of higher education have resulted in plans across the Midwest to freeze tuition.

In Iowa, in-state tuition at the three public universities will remain unchanged next school year, the first time that has occurred in more than 30 years, according to The Des Moines Register. Last fall, the Iowa Board of Regents agreed to adopt a tuition freeze if state funding for the university system rose by at least 2.6 percent. Lawmakers met this funding level under a budget bill approved near the end of the 2013 session.

The increased state expenditures are welcome news to Iowa’s three public universities, which absorbed $125 million in permanent budget cuts during the recent economic downturn. During that same time period, in-state tuition and mandatory fees increased by an average of 4.4 percent per year. But under the biennial budget passed this year in Nebraska, lawmakers agreed to boost funding for higher education, paving the way for a two-year tuition freeze at the state’s public universities and colleges. Earlier in the year, Gov. David Heineman and university leaders had reached agreement on a so-called “Affordability Compact”: an increase in state funding of at least 4.2 percent per year in exchange for no tuition increases over the next biennium.

In late May, Minnesota lawmakers boosted higher-education funding by $250 million under a biennial budget bill that also freezes in-state tuition for two years. Over the past five budget years, state fiscal support for higher education has fallen by 10.6 percent, according to the State Higher Education Executive Officers Association. Decreases in the Midwest have ranged from 4.4 percent in South Dakota to 21.5 percent in Michigan. (Four Midwestern states — Illinois, Indiana, Nebraska and North Dakota — reported increases in support.)

This trend, in turn, caused public higher-education institutions to rely more on tuition. Between fiscal years 2008 and 2012, tuition — as a share of total revenue for general operating expenses at higher-education institutions — rose from 61.6 percent to 42.4 percent. But thanks in part to improving state fiscal conditions, many in-state students in the Midwest will be spared tuition increases this fall.

In Wisconsin, lawmakers were moving in late May to lock tuition to attend state universities at current levels. At Purdue University, where tuition has risen every year since 1976, school leaders have agreed to forgo tuition hikes for the next two years. The Ohio State University’s president has also proposed a tuition freeze at his school, which has the largest total student enrollment in the Midwest.
Great Lakes

Low water levels lead to new funding for dredging in Michigan, help advance federal legislation

The year began in Michigan, a new legislative caucus was emerging inside the Capitol with at least one clear priority for 2013 — improve the condition of the state’s recreational and commercial harbors.

Michigan Sen. Geoff Hansen, co-chair of the newly formed Legislative Waterways Caucus, describes the current situation at some of his state’s public harbors and recreational marinas as an “emergency.”

“For some of our small villages and communities, these waterways are a lifeline,” he told fellow state legislators during a webinar hosted earlier this year by the Great Lakes Legislative Caucus.

So far this year, the Legislature has approved a $21 million appropriation for 58 different harbors, established a low-interest loan program for dredging projects, and added dredging as a permitted use of funding under local tax-increment-financing authorities.

Record low water levels in parts of the Great Lakes, Hansen notes, have led in large part to the emergency situation. But he said another factor is a lack of federal investment in harbor dredging and maintenance.

Questions about federal funding have been a perennial concern for the nation’s shipping industry, particularly how revenue generated from the 27-year-old Harbor Maintenance Tax is being used.

But this year, due in part to the impact of low water levels, proposals to address this concern appear to be gaining traction inside the U.S. Congress.

The federal tax imposes a fee on shippers who use coastal and Great Lakes ports. The revenue is used to maintain the nation’s ports and waterways, including the more than 100 ports in the Great Lakes and St. Lawrence Seaway.

In the mid-1990s, however, a gap began to develop between the money collected from the tax and the money actually spent on dredging projects.

The Great Lakes Maritime Task Force, the “surplus” in the Harbor Maintenance Trust Fund is now approaching $7 billion. But it is a surplus in name only, because the money has been spent on federal activities not associated with harbor maintenance.

“Plunging water levels are beyond anyone’s control,” James Weakley, first vice president of the task force, said earlier this year, “but the dredging crisis is man-made.”

The result, he said, is that ships using Great Lakes ports and harbors must significantly reduce cargo loads, with large vessels losing more than 10,000 tons of cargo each trip. According to the U.S. Army Corps of Engineers, the backlog of dredging projects on Great Lakes channels and commercial harbors is an estimated $200 million.

Several bills proposed this year in the U.S. Congress would increase spending on harbor maintenance. Under a version of the Water Resources Development Act passed by the Senate in May, a minimum amount from the Harbor Maintenance Trust Fund would have to be spent on dredging or related projects — $1 billion in 2014 (compared to the $850 million spent in 2012) and gradually rising by $100 million in each subsequent year.

In 2020 and beyond, all revenue generated by the Harbor Maintenance Tax would have to go toward harbor maintenance, which largely entails keeping channels at federally authorized depths and widths.

The Senate version of the Water Resources Development Act would phase in such a funding guarantee. It also includes another promise for this region — a provision that at least 20 percent of any dollars exceeding expenditures from fiscal year 2012 be allocated for Great Lakes dredging projects.

Commercial shippers use the Great Lakes to move commodities such as iron ore, coal, limestone and grain. In addition, more than 4 million recreational boats are registered in the eight Great Lakes states, according to the Great Lakes Commission.

Achilles或parent gets hurt — as a result of no chaperone or parent serving as a tour guide — could be held liable for the chaperone’s injuries. The high court remanded the case to a lower court to decide the liability issue. Under the court’s ruling, immunity only applies if guests on the property engaged in one of the activities specifically listed in the state’s recreational-use statute.

The decision left many farmers across the state questioning whether they should continue to allow hunters, schoolchildren and hikers on their property.

It also left legislators with a decision on whether to alter the statute’s wording and, if so, how.

“Unfortunately, the Supreme Court decision raised several questions about the entire statute, opening it to future litigation,” notes Rep. Chip Baltimore, chair of the Iowa House Judiciary Committee. “[We] spent much of the session trying to find compromise language on what is appropriate recreational use.”

As the 2013 session neared a close, the House and Senate voted unanimously to support HF 649.

The bill, in part, adds language to the recreation-use statute: “The provisions of this chapter shall be construed liberally and broadly in favor of private holders of land to accomplish the purposes of this chapter.” It also expands limited liability by covering more types of land under the statute (such as the interior of farm buildings), including “educational activities” as a recreational purpose, and specifying that such activities “as a recreational purpose, and specifying that such activities would serve as a tour guide is a recreational purpose.

Sen. Rob Hogg, one of many Iowa lawmakers who worked long hours on a compromise, recommends that legislators in other states take the proactive step of re-examining their own recreational-use statutes.

“Make decisions about what you want protected ... before you are faced with what Iowa has faced,” he says.

Iowa Agriculture & Natural Resources

Iowa bill adds liability protection for recreational-use landowners

Do your state’s recreational liability statute protect landowners?

Picture a group of schoolchildren visiting a farm. They ride horses, play games, climb tractors. A chaperone or parent gets hurt — as a result of no chaperone or parent serving as a tour guide, could be held liable for the chaperone’s injuries. The high court remanded the case to a lower court to decide the liability issue.

Before adjourning this year, Iowa lawmakers revamped the state’s recreational-liability statute to provide more clarity and protections for landowners.

Every state provides liability protection in statute for landowners who open their property for recreational use — for instance, hunting, fishing or horseback riding on the grounds of a farm.

Iowa’s statute had specified a limited number of activities for which an owner of land “owes no duty of care to keep the premises safe for entry or use by others for recreational purposes” and does not “assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.”

“This spring, the Iowa Supreme Court, in Salee v. Stewart, found that agricultural tours are not a "recreational use" and that the landowners, because they served as tour guides, could be held liable for the chaperone’s injuries. The high court remanded the case to a lower court to decide the liability issue.

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Performance-based funding for higher ed continues to spread

Ever since he joined the legislature more than a decade ago, North Dakota Sen. Tim Flakoll says, lawmakers have been looking to change how the state funds its higher-education system. This year, he says, “We were finally able to crack the code.”

The result: Two-year colleges, regional campuses and research universities will no longer receive dollars based on enrollment or historical funding levels, but instead on the credit hours earned by students.

With the passage of SB 2200, North Dakota joins the growing number of Midwestern states that have moved to some type of performance-based funding model — tying state dollars to output-based measures such as credit hours earned, degree completion, and/or the graduation of low-income or minority students.

This year in Ohio, for example, lawmakers have been considering a budget proposal to base 50 percent of university funding on degree completion.

In Indiana, a mix of performance metrics has been used now for a decade. The metrics, which vary depending on each school’s mission, include on-time degree completion, the number of STEM (science, technology, engineering and math) graduates and student progress toward degrees. In Michigan, this year’s state budget is tying increases in university funding to measures such as graduation rates and degree completion in STEM fields.

Performance-based funding

T he Midwest’s carbon footprint got smaller over the past decade, a period of time in which the region’s mix of sources for electric power also changed significantly.

According to federal data released in May, total energy-related emissions of carbon dioxide declined in all but four Midwestern states between 2000 and 2010: Iowa, Nebraska, North Dakota and South Dakota. On a per-capita basis, South Dakota’s carbon footprint was smaller as well (see chart).

The majority of these CO₂ emissions come from two sectors: electric power and transportation.

Several factors contribute to state-by-state variations in emissions as well as changes over time. For example, economic growth leads to greater overall energy use, and vice versa. Over the past decade, Michigan — the state with the smallest gains in per capita GDP — had the sharpest reduction in carbon emissions in the Midwest. In contrast, the four Midwestern states with rising levels of CO₂ emissions had the strongest GDP growth during the last decade.

Other factors include population density (the denser the population, the less vehicle miles traveled) and the state’s climate (moderate climates require less heating and cooling needs). New York has the nation’s smallest per-capita carbon footprint thanks to the wide use of public transportation in that state as well as how electricity is generated — coal accounts for only about 7 percent of generation.

Most states in the Midwest, on the other hand, continue to have relatively large per-capita footprints, and one reason is the reliance on coal as a power source.

With the exception of South Dakota (one of the nation’s leaders in hydroelectric power), every state in the region uses coal at a rate higher than the national average. However, it is becoming a smaller part of the power mix, with natural gas and renewable sources such as wind becoming a larger part of the mix (see below).

In Ohio, for example, the share of power generated by natural gas more than doubled between 2000 and 2010. In Iowa, coal’s share of power generation fell by nearly 31 percent, and by the end of the decade, renewable sources accounted for nearly one-quarter of total electric power generation in that state.

Every Midwestern state except Nebraska now has renewable-energy portfolio goals or standards (most adopted since 2000); they are mandatory in Illinois, Iowa, Kansas, Michigan, Minnesota, Ohio and Wisconsin.

Midwest’s carbon footprint: Per capita energy-related CO₂ emissions, 2010

<table>
<thead>
<tr>
<th>State</th>
<th>Metric tons per person</th>
<th>U.S. rank</th>
<th>Change in per capita emissions, 2000-2010</th>
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<tr>
<td>Illinois</td>
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<td>Indiana</td>
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<tr>
<td>United States</td>
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<td>—</td>
<td>-12%</td>
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</tbody>
</table>

Source: U.S. Energy Information Administration

Most Midwestern states’ carbon footprints declined over past decade

Nearly all of North Dakota’s base funding for higher education will now be linked to students finishing courses with passing grades. Flakoll points to two key factors in getting SB 2200 passed. First, the state was able to increase state funding for all schools. Second, the state’s policymakers and higher-education officials agreed on a formula to determine the actual cost of delivering different types of courses. (The formula is based on CIP, or Categories for Instructional Programs, codes). Each course is assigned a “cost factor” that determines the amount of state funding per credit hour earned by students — ranging from a low of 1.0 for lower-level courses in core subject areas to a high of 38.0 for medical-school courses.

“It’s an output-based, transparent funding mechanism,” Flakoll says.

And by encouraging the state’s postsecondary schools to graduate more students at a time, he notes, the new funding formula should help strengthen North Dakota’s workforce and reduce college costs for young people.

Trends in Midwest’s energy mix: Major changes between 2000 and 2010

In power sources used by electric industry

AROUND THE REGION
QUESTION OF THE MONTH

QUESTION: Do states in the Midwest provide property tax exemptions or credits to disabled veterans?

Every Midwestern state offers property tax breaks to certain disabled veterans, though the scope and amount of these credits and exemptions vary.

In two Midwestern states, the exemption is not specific to veterans with a disability. Indiana reduces the assessed value of a home (for property tax purposes) by $1,852 for all veterans. In Ohio, an exemption is available for all permanently and totally disabled homeowners; it applies to the first $25,000 of a home's market value. Legislation introduced this year in Ohio (SB 27) would provide a total tax exemption for properties owned by veterans who are 100 percent disabled due to an injury or illness that was incurred or aggravated during active military service. This disability rating is determined by the U.S. Department of Veterans Affairs.

Disabled veterans in Michigan qualify for the state’s Homestead Property Tax Credit. Also, homes that have been adapted to meet the needs of a veteran with a 100 percent service-connected disability are totally exempt from property taxes. Illinois, Indiana, and Minnesota offer broader exemptions, giving veterans tax breaks on a sliding scale based on their level of service-connected disability. An Illinois veteran with a disability of between 50 percent and 69 percent qualifies for a $2,500 reduction in equalized assessed valuation. The reduction is $5,000 for someone with a disability of 70 percent or higher.

A century ago, Wisconsin adopted a new kind of revenue source: the income tax; its decision has had a lasting impact on state governments.

When Wisconsin voters went to the polls in 1908, they had tax reform on their minds. The existing state revenue system was perceived by many as being unfair, and reformers, including former Gov. Robert “Fighting Bob” La Follette, had been calling for change for years. And so, by a margin of better than two-to-one, voters overwhelmingly approved a constitutional amendment that paved the way for the nation’s first modern state income tax.

A century later, the Wisconsin income tax stands out as a landmark in the evolution of state revenue systems, but the idea of taxing earnings was not new at the time. As early as 1643, the Puritans in Massachusetts imposed taxes on income, and as many as 16 states had experimented with similar levies. For various reasons, all of these efforts had failed. Non-compliance was common, enforcement tended to be lax, and income was hard to verify. By the early 20th century, most state revenue systems relied principally on locally administered property taxes, but Progressive-era dissatisfaction with inequities in these systems inspired reformers in the Badger State to take another pass at taxing income. By most accounts, the primary goal of the reform movement was not to raise more money for the state, but rather to distribute tax burdens more fairly.

The first step was to amend the Constitution, which had limited the state’s taxing authority to property. To do so, the legislature had to pass a joint resolution in each of two successive legislative sessions and then submit the proposed amendment to the electorate by referendum. An initial proposal passed the legislature in 1903 but was later nullified on a technicality, so the process began again in 1905. The joint resolution adopted that year received the required second approval in 1907 (with just one dissenting vote), thus setting the stage for the voter referendum that followed in 1908. Voter approval then triggered an increase in tax rates. The 1912 legislature enacted the income tax, which established a centralized administrative system and a graduated income tax featuring 13 brackets and rates ranging from 1 percent to 6 percent.

The new tax was collected for the first time in 1912, a year before the 16th Amendment to the U.S. Constitution authorized the establishment of a federal income tax. In the decades that followed, the Wisconsin legislation served as a model for others; currently, 43 states (including every Midwestern state except South Dakota) impose taxes on earnings. Nationwide, individual income taxes account for 35.3 percent of total tax collections, making them the largest single source of state tax revenue. The success of the Wisconsin model compared to previous attempts at taxing income is commonly attributed to several factors. Most importantly, the progressive scaling of the levy at relatively reasonable rates contributed to a widely shared perception that the tax was fair. Second, the enabling legislation provided for the administration of the tax by commissioners who were appointed rather than elected. It also made income verification easier and called for most of the new revenue to be returned to local units of government.

Over the years, lawmakers in Wisconsin have repeatedly tinkered with their state’s creation, first expanding and later contracting the number of brackets while the corresponding rates gradually rose and then declined. Today, the Wisconsin income tax features five brackets, with rates ranging from 4.6 percent to 7.75 percent. Competing proposals now pending before the legislature could result in additional adjustments.

According to Ronald Alt, senior manager of economic and policy research at the Federation of Tax Administrators, the principal appeal of the income tax is that “revenues tend to grow with economic activity in the state.” The flip side, however, is that economic downturns can lead to declines, whereas sales taxes are somewhat less susceptible to such fluctuations.

Source: U.S. Department of Veterans Affairs

Veteran populations in Midwest

% of U.S. veterans with a service-connected disability

Male 16.0%
Female 18.9%

Source: U.S. Census Bureau

Outdoor Research

mmccabe@csg.org

Question of the Month highlights an inquiry received by CSG Midwest through its Information Help Line, a research service for lawmakers, legislative staff and other state officials. We can be reached at csgrmcg.org or 630-925-1922.
Immigration law remains high priority in states, but policy focus has shifted

Many provisions in federal immigration bill would impact states

The much-anticipated federal immigration reform bill has started to take shape in Washington, D.C., and states are now getting a better idea of what to expect. Here are some provisions of particular importance to states, and that The Council of State Governments will be following closely through its office in Washington, D.C.

- The State Criminal Alien Assistance Program, known as SCAAP, has been the primary way states are reimbursed for the cost of detaining criminal illegal immigrants, but funding for the program has been in flux for the past several years. Under the immigration bill introduced earlier this year, SCAAP would be funded through 2015.
- The immigration bill would also fund upgrades to the transportation infrastructure at border crossings on the northern and southern borders.
- As introduced, the legislation would require all businesses to use E-Verify, an electronic means of validating that a prospective worker is in the United States legally. States would not be required to use the system, but the initial draft of the immigration bill contained a $250 million grant program for states that volunteer to upload driver’s license information to the E-Verify database.
- The DREAM Act was federal legislation designed to make the pathway to citizenship easier for young adults brought to the United States illegally, but who are upstanding residents and want to remain in the country. While the U.S. Congress never passed this legislation, several components of it have been included in the larger immigration overhaul. Ministers who were brought to the U.S. illegally before turning 16 and who subsequently completed high school would be eligible for federal benefits after five years under the bill. This would include benefits under programs such as Medicaid, Temporary Assistance for Needy Families, the Supplemental Nutrition Assistance Program and other federal programs with a small cost-share.
- The cost of the immigration overhaul is estimated to be $17 billion over the next 10 years, primarily due to new border-security measures. While the legislation requires an upfront payment of $6.5 billion, the full cost would be offset by creation of a Comprehensive Immigration Reform Trust Fund, which is where several new visa and other fees would be deposited.

As of May, the Border Security, Economic Opportunity and Immigration Modernization Act was changing every day, with senators in the process of debating 300 proposed amendments to the bill.

As of May, 16 U.S. states — including Illinois, Kansas, Minnesota, Nebraska and Wisconsin — had laws on the books extending in-state college tuition rates to these students.

Kansas’ law (in place since 2004) extends in-state tuition to students who have lived in the state for at least three years and graduated from Kansas high schools (or have obtained a GED), regardless of their immigration status.

These qualifying undocumented immigrant students must also pledge to become U.S. citizens when eligible to do so. In 2012, 630 undocumented students in Kansas were paying the in-state tuition rate at Kansas community colleges or universities.

Legislative efforts (HB 2192) to repeal this in-state tuition break were unsuccessful this year.

Meanwhile, Minnesota lawmakers approved a measure in 2013 (part of SF 1236) that will, for the first time, allow some undocumented students who went to high school in the state to pay the in-state rate at higher-education institutions. Its requirements are similar to those in place in Kansas; eligible students will also have the chance to apply for state grants and private scholarships.

Minnesota’s changes came only a few months after Indiana lawmakers revisited a part of their comprehensive 2011 law on immigration.

As part of that law, the legislature specifically barred “an individual who is not lawfully present in the United States” from qualifying for in-state tuition. (Prior to 2011, state universities did not check students’ citizenship status as long as they met the state’s other residency requirements.)

This year, legislatures partially rolled back that ban with the passage of SB 207, which allows students who were already in college when the 2011 law went into effect to qualify for in-state tuition.

Strengthening security and immigration enforcement

Recent studies by two leading national think tanks come to very different conclusions on economic effects of immigration reform

If the nation’s estimated 11 million undocumented immigrants are granted amnesty and a path to citizenship, what kind of impact would it have on state economies and budgets?

Recent studies by two leading national think tanks come to very different conclusions. In May, the Heritage Foundation pegged the cost at $6.3 trillion. That estimate, based on the full life of an immigrant given amnesty, was based on estimates of the costs of providing public benefits and services (including education and Medicaid) vs. the amount of new tax revenue that would be generated. One key factor, the Heritage researchers say, is the low level of educational attainment among the group that would be granted amnesty.

In contrast, the Center for American Progress has released studies detailing the economic benefits of giving the nation’s 11 million undocumented immigrants a pathway to citizenship. These gains, researchers at the center say, would result from this population being able to “produce and earn significantly more than they do when they are on the economic sidelines.” This, in turn, would have a ripple effect on regional and state economies. The center estimates a 10-year cumulative increase in U.S. gross domestic product of $832 billion.

The studies are available at www.heritage.org and www.americanprogress.org.

One perennial policy debate in the Midwest’s capitols has been whether to extend in-state tuition to the children of undocumented immigrants.

States reconsider in-state tuition policies for undocumented students

As of May, 16 U.S. states — including Illinois, Kansas, Minnesota, Nebraska and Wisconsin — had laws on the books extending in-state college tuition rates to these students. The much-anticipated federal immigration reform bill has started to take shape in Washington, D.C., and states are now getting a better idea of what to expect. Here are some provisions of particular importance to states, and that The Council of State Governments will be following closely through its office in Washington, D.C. Many provisions in federal immigration bill would impact states

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- The State Criminal Alien Assistance Program, known as SCAAP, has been the primary way states are reimbursed for the cost of detaining criminal illegal immigrants, but funding for the program has been in flux for the past several years. Under the immigration bill introduced earlier this year, SCAAP would be funded through 2015.
- The immigration bill would also fund upgrades to the transportation infrastructure at border crossings on the northern and southern borders.
- As introduced, the legislation would require all businesses to use E-Verify, an electronic means of validating that a prospective worker is in the United States legally. States would not be required to use the system, but the initial draft of the immigration bill contained a $250 million grant program for states that volunteer to upload driver’s license information to the E-Verify database.
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“They were doing well in school, they had every intention of completing their degree, and then, all of a sudden, they found out they weren’t going to have the money to do so,” says Indiana Sen. Jean Leising, the bill’s sponsor, noting that out-of-state tuition can be as much as three times the rate paid by state residents.

Ideally, Leising says, federal legislation would have already been passed to reform the nation’s immigration policy and clarify the pathway to citizenship for undocumented immigrants.

That hasn’t happened, and as a result, the legislature decided it had to do something, Leising says — at least for those undocumented students in Indiana who were in college in 2011. “If they are going to be allowed to live in the United States from here forward, then I would assume that we would want them to be as productive as possible … and generate a decent living for their families,” she says.

**Illinois OKs new driver’s license for undocumented workers**

Several years ago, 10 states allowed undocumented immigrants to obtain driver’s licenses, but as states tightened their laws in the wake of the 9/11 terrorist attacks, that number dwindled. By 2011, only three states (none in the Midwest) still issued these licenses.

However, that number has begun to rise. In Illinois, a new law (the result of SB 957, passed in January) that takes effect later this year will allow undocumented immigrants to obtain a temporary three-year driver’s license.

These temporary licenses will have a different visual background than traditional licenses and will be marked “not valid for identification.”

Supporters of the law say it will improve road safety in Illinois, a state with the sixth-largest population of immigrants. Applicants will have to pass the same vision, written and road tests as other drivers, and they will be required to obtain insurance.

Similar legislation has been passed over the past few months in three states outside the region; a bill in Minnesota (HF 348/SF 271) passed the Senate but then stalled in the House. In most other states, individuals who qualify for the federal Deferred Action for Childhood Arrivals program will have the chance to obtain a driver’s license.

The federal program is for individuals who arrived in this country before the age of 16 and who meet other requirements — age, education, criminal history and continuous presence in this country, for example. People in the deferred-action program can remain in the United States for a renewable two-year period and apply for work authorization.

As of the end of April, more than 41,000 deferred-action applications from students in the 11-state Midwest had been approved.

According to the National Immigration Law Center, only two U.S. states — including Nebraska in the Midwest — have announced their intent to deny driver’s licenses to this deferred-action population. (In North Dakota and South Dakota, individuals must obtain work authorization before applying for a driver’s license.)

**Three states in the Midwest now have limited E-Verify mandates**

A third area of immigration policy that has received increased attention by state policymakers involves E-Verify — a federal database free to employers that allows them to check the legal immigration status of new hires.

In 2011, the U.S. Supreme Court upheld a 2007 Arizona law requiring all businesses, public and private, to begin using E-Verify by April 2012. Noncomplying businesses can have their state licenses revoked.

Twenty states have passed legislation making E-Verify mandatory in some way.

Laws in Indiana and Nebraska (enacted in 2011 and 2009, respectively) require state and local government and their contractors to use E-Verify. In both states, too, private employers only qualify for certain tax credits and incentives if they use E-Verify.

Michigan’s mandate (established with the passage of HB 5365 in 2012) applies to state Department of Transportation contractors and subcontractors — a reflection of concerns that the state was conducting business with firms that hire undocumented immigrants. Now, each bid packet to Michigan’s DOT contractors contains a notice that they are subject to an audit on their use of E-Verify.

In contrast, Illinois lawmakers have passed laws reflecting concerns about E-Verify — in particular, the reliability and accuracy of the database. In 2007, they prohibited the use of E-Verify until issues of accuracy and timeliness could be resolved. That measure was subsequently found to be in violation of the U.S. Constitution’s Supremacy Clause.

Two years later, the Illinois General Assembly passed SB 1133, which prohibits the state and its localities from requiring employers to use an employment-eligibility verification system. A second bill enacted into law that year, HB 1743, protects workers whose employers participate in E-Verify and do not follow proper procedures.

**Eligibility for public benefits varies depending on state policies**

A fourth immigration-related issue has also emerged in state capitols in recent years — the extent to which various public benefits should be extended to a state immigrant population.

Since the U.S. Personal Responsibility and Work Opportunity Act became law in 1996, most legal immigrants generally must wait five years to qualify for any federal public benefits. However, states often can choose to extend cash and food assistance, as well as health coverage, to certain groups of immigrants.

Undocumented workers are generally not eligible for any state or federal benefits. However, one exception is the so-called “unborn child option,” a federal rule that gives states the option of covering pregnant women regardless of their immigration status.

Last year, the Nebraska Legislature overrode a gubernatorial veto to provide prenatal care for undocumented immigrants. With enactment of LB 599, Nebraska became the 15th state to provide that option, joining Illinois, Michigan, Minnesota and Wisconsin in the Midwest.

A similar bill was introduced in South Dakota. HB 1214 had the support of Gov. Dennis Daugaard and passed the House, but did not make it through the Senate.

“These babies will be American citizens with their first breath, and once born they are covered under Medicaid,” notes Rep. Bernie Hunhoff, the bill’s sponsor.

He plans to reintroduce the legislation in 2014. Across the Midwest, too, immigration measures are sure to be debated again, so long as new arrivals come to the Midwest and lawmakers are unsatisfied with the policies in place at the federal level.
Ohio Rep. Anne Gonzales

Former mayor takes a ‘hands-on’ approach to lawmaking; priorities include supporting veterans and enhancing health care

by Kate Tormey

Ohio Rep. Anne Gonzales, public service began on a very local level: volunteering in her hometown, serving as a Girl Scout troop leader and working with a program that teaches schoolchildren about democracy.

Gonzales eventually sold her business and entered public life — it was a fundraising effort to build a playground in her town, Westerville. Gonzales and some other parents raised $300,000 over six months, and then the community banded together to build the playground.

Her neighbors soon took notice of her commitment to the community, and in 2000, Gonzales was encouraged to run for a seat on the city council. “Politics wasn’t really something I was interested in, but I liked the idea of being able to help more people,” she says. “I really love to help people. That is my passion.”

During her 10 years on the council, she served as mayor and vice mayor — all while raising three children with her husband, John, and completing her college degree at Otterbein University.

Gonzales was eventually tapped to help her community in another way: by serving in the legislature. “I have to be honest, I was very nervous about taking on that responsibility,” says the Republican. “Taking that jump from the local government to the state level can be intimidating.”

But she found that she had a tremendous support system from around the district, and is now serving her second term in the House.

Policy work reflects needs of district

Gonzales strongly believes in being a “hands-on” representative. She publishes her personal cell phone number on virtually every piece of literature she passes out, including her business card. “People are shocked that I give it out so freely, but people have to be able to get a hold of me,” she says. “My role as a legislator is to ask, ‘What can I do to help you?’”

She cites the recent example of a constituent, Barry, who is a quadriplegic, receiving Medicaid and needed a motorized scooter. For two months, Gonzales called Medicaid officials and the scooter store virtually every day trying to sort out the paperwork. Barry eventually got the scooter and is no longer bedridden, Gonzales says.

People are shocked that I give it out so freely, but people have to be able to get a hold of me,” she says. “My role as a legislator is to ask, ‘What can I do to help you?’”

Gonzales receives many ideas for legislation from her regular interaction with constituents. She has worked on bills related to telemedicine and help for veterans based on feedback from her constituents.

Gonzales represents a district that includes five hospitals, and health policy is a passion of hers, she says. She currently serves on the Finance and Appropriations Committee and as chair of its Health and Human Services Subcommittee.

Her top policy goal for this legislative session has been to develop and pass reforms to the state’s Medicaid system aimed at helping address recipients’ needs, such as drug addiction, and preparing them to transition off of public assistance. She is chair of the Healthier Ohio Working Group, which is discussing reforms to the state Medicaid system.

Last month, CSG Midwest talked with Gonzales about her background and legislative priorities. Here are some excerpts from the interview.

Q: You’re particularly proud of legislation, HB 532, you passed in your first term to help the families of fallen soldiers. What did the bill do?

A: In Ohio, we have what is called a Medal of Distinction that is given to families (of soldiers killed in combat) in a ceremony. But the family only gets one medal and it usually goes to the spouse. So [my constituent], who lost her son, couldn’t get a medal. She called me and said, “This law needs to be changed. It was my son, why can’t I get a Medal of Distinction?”

We introduced legislation, and got it passed and signed, that allows different family members — such as brothers, sisters, grandparents, aunts or uncles — to have an additional Medal of Distinction. … That was very moving for me, to help that mom acquire a medal after losing her son.

Q: Last year you also worked on legislation (HB 327) aimed at providing incentives for companies hiring home-based employees. What did the legislation do?

A: This was at a time when unemployment was high, and there were several companies — such as call centers — that wanted to hire people to work from home instead of building a brick-and-mortar facility. These were companies taking incoming calls only. … It allowed for companies who employ over 200 individuals to get a tax credit.

It ended up passing unanimously through the House and the Senate, and the governor signed it. It’s a great piece of legislation because it helps people get back to work. It helps people like stay-at-home moms and those who are disabled; it allows them to have a job and be productive in society.

The companies also had to provide tuition reimbursement as part of the package. We are trying to get individuals access to education to earn college degrees.

Q: You’ve said your favorite bill you are working on this session is aimed at making it easier for veterans to get jobs. How would it help?

A: I love this bill, and I got so excited when I talked about it. This bill came out of my district. We had a physician assistant (PA) who returned home from the military and had been a PA in the military for over 20 years. To get a license, it was going to have to go through all of the education and other requirements.

I introduced [and the General Assembly passed] a bill last year (HB 284) that allows that PA to receive his license. The licensing board can take into consideration his education and his training and was able to give him his license.

This year’s bill, which I am co-sponsoring with Rep. Wes Rutherford, would expand that to other categories. It allows any licensing agencies or boards to create rules that would allow them to grant licenses to military veterans who have been mobilized [and waive] their education or training requirements. [This provision would apply to] professions like registered nurses and commercial drivers.

For a lot of soldiers that have been mobilized, they have been driving large trucks. There is no reason why, if they have those years of training in driving large trucks, that they can’t come back and receive a commercial driver’s license. We actually have a shortage of those in Ohio …

[The bill has] been passed through the House and now it’s going to the Senate, and it is something I really want to get done.

Q: One of your top priorities this session is passing HB 123, a bill related to telemedicine. What does it entail?

A: It allows for insurance reimbursement when a diagnosis is made using telecommunications devices.

For example, this could be through the use of Skype or the use of “health spots,” which are new in Ohio. … They are cubicles where you go in and have a 15-minute conversation. This will be very important in the prison system: the ability to have a doctor in another location. This is also going to be very helpful in rural areas where access to care is sometimes challenging. You can have a patient in a rural area and a doctor up at Cleveland Clinic, and the doctor is able to make a diagnosis remotely. The bill allows for reimbursement by Medicaid and managed-care organizations.

Overall, the goal is not only better access to care, but reducing the cost of care in some areas.
Throughout my 13 years in public office, I have always believed that ensuring the safety of the public we serve is a critical priority for government.

As Kansas’ chief law enforcement official for more than two years now, I often meet with citizens who are quick to tell me about their concerns, their worries and their fears. This process has shown me that while crime—a menace—has many faces, gang activity is clearly one of the most serious threats to law and order in our communities.

The National Gang Intelligence Center has reported that nationwide, 48 percent of violent crime has a gang connection. That is a staggering statistic demonstrating just how much work needs to be done. We must do a better job of identifying and reporting gang activity, prosecuting violent gang criminals, and educating youth about the dangers of becoming involved with criminal street gangs.

Not just an urban problem

It may not seem obvious that Kansas has much of a gang presence, given that gangs are most often associated with metropolitan areas and Kansas is a mostly rural state. However, as some of our larger cities have cracked down on gang activity, we found that gang members were often establishing outposts in smaller communities where law enforcement resources are more limited.

Recognizing that criminal street gangs are a statewide problem, last year I worked with other state authorities, local leaders, law enforcement agencies and concerned citizens to implement a program called Gang Free Kansas.

The initiative includes education, outreach and communication to make our communities aware of gang activity and to offer alternatives to young people who might otherwise join gangs. I also appointed a Gang Free Kansas task force to advise and guide our efforts.

The idea for this initiative came from an established local program, Gang Free Wichita, which was established several years ago by the Wichita Crime Commission.

Organizers behind that effort have worked successfully in Wichita to inform the public about how to recognize and report gang activity and educate children on the dangers of becoming involved in gangs. The group has also sought to help gang members who wish to get out of the gang lifestyle, sponsoring efforts such as a gang-tattoo removal program.

We Kick Off Gang Free Kansas with a tour through seven Kansas communities. At each stop, we stressed the power of grass-roots coalitions communicating with each other to reduce— even eliminate—gang influence around the state.

The first step was to offer information about street gangs and their impact on society, as well as what parents and grandparents should look for in a child’s behavior that might indicate he or she is either in a gang or being recruited by gang members. This education and advocacy effort must be constant and must evolve to reflect each community’s needs.

The primary conduit for our statewide information campaign has been the launch of a new website, www.GangFreeKansas.org. Through this site, the task force has provided a number of resources aimed at educating the public about gang activity.

The site includes information for parents in English, Spanish and Vietnamese about how to prevent children from becoming involved in gangs. We also offer resources on how to spot the signs of gang activity — and how to report that activity to law enforcement officers. Our partners in the media have assisted by donating billboard space and airing public service announcements to promote the program.

While education and prevention are key components to reducing gang activity, the task force also recognized that police and prosecutors needed more tools and a new way of thinking to get more gang members off the streets.

Historically, violent street gang criminals have taken advantage of a “revolving door” in the criminal justice system. Multiple arrests for lower-level crimes often resulted in light sentences or probation, with the net result being a criminal back on the streets.

During the 2013 Kansas legislative session, the Gang Free Kansas task force presented lawmakers with a proposal to increase the penalties and consequences for those who participate in violent street gang activity. Thanks to strong bipartisan support, the Kansas Racketeer Influenced and Corrupt Organization Act (SB 16), or Kansas RICO Act, was enacted into law in April of this year.

Racketeering laws are based on the notion that with some criminal enterprises, the whole is greater than the sum of the parts — and therefore should be subject to greater penalties. A criminal street gang, for example, may commit numerous low-level crimes, but the pattern of criminal activity has a much greater negative effect on the community and on innocent residents than does any individual crime taken by itself.

RICO law a powerful tool

The federal government has successfully used the federal RICO statute to combat criminal street gangs, including those in Kansas. Giving law enforcement officials in Kansas access to this tool at the state level is a powerful step forward in our anti-gang efforts.

It has truly taken a broad based, statewide effort to bring this program to life. But this is just the beginning of the coordinated efforts to reduce gang influence in Kansas. The task force continues to solicit and generate new ideas — including social media campaigns and involving additional community volunteers.

We look forward to adding further content to our website, and using our new ability to prosecute gang members under the Kansas RICO Act.

I grew up here in Kansas, and my wife and I are now raising our two daughters here. It’s a great place to raise a family — and we intend to keep it that way.

Keeping our communities safe is essential to that effort and is the primary goal of the Gang Free Kansas initiative. We look forward to seeing the fruits of these efforts in a safe, secure future for Kansas kids.

Kansas Attorney General Derek Schmidt, left, unveils Gang Free Kansas, an initiative to combat gang activity in the state, at a news conference in Wichita last August. The initiative was modeled after a Wichita Crime Commission anti-gang program.
Lawmakers tapped to lead policy groups that promote interstate cooperation

State legislators from around the region have been selected to lead the Midwestern Legislative Conference’s policy committees. Chairs and vice chairs of the five committees were appointed earlier this year to two-year terms by the MLC’s chair, Minnesota Rep. Alice Hausman. The goal of these committees — made up of lawmakers appointed by legislative leaders in the MLC’s 11 states and four Canadian provinces — is to promote interstate cooperation and collaborative problem-solving. Each committee will meet in July in conjunction with the upcoming MLC Annual Meeting (see story at right for details).

In addition to holding in-person meetings, the committees often pass policy resolutions, offer webinars on select topics, contribute to Stateline Midwest (see pages 2 and 3) and publish electronic newsletters. Committee members will develop and approve work plans at this summer’s meeting. Appointing authorities in Midwestern legislative chambers can choose up to three members to participate in MLC policy committees. CSG Midwest provides staff support for these groups. Below are photos of the committee chairs, along with contact information for the CSG Midwest staff liaisons.

MLC committees will meet in July at Annual Meeting

Next month’s Midwestern Legislative Conference Annual Meeting in St. Paul, Minn., will provide a variety of opportunities for the region’s state legislators to share ideas in nonpartisan, small-group settings. For example, the MLC’s five policy committees will gather on July 14, the first day of the conference. Open to all attendees, these committee meetings will explore a wide range of issues of importance to Midwestern states and provinces. (See story at left for more information about MLC committees.) Here is a list of the planned agenda topics.

Agriculture & Natural Resources

- The role of agricultural research
- Invasive species
- The impact of biofuels

Economic Development

- Update on an MLC initiative to promote a regional economic growth network
- A look at the Midwest’s economic climate

Education

- Trends in K-12 education funding
- Career and college readiness
- Digital education

Health & Human Services

- Health care cost drivers
- Improving mental health services
- State strategies to address autism

Midwest-Canada Relations

- The importance of cross-border trade
- Border infrastructure and operations
- Management of shared resources

This year’s MLC Annual Meeting

Premier event for Midwest’s state and provincial legislators
Will be held July 14-17 in St. Paul, Minn.; register at www.csgmidwest.org
Featured speakers include historian Jon Meacham, moral political psychologist Jonathan Haidt and polar explorer Ann Bancroft
Sessions on state workforces, fiscal and energy policy, legislative civility, higher education reform and transportation finance
Professional development workshop on “The Art of Public Speaking”
Family-friendly event with numerous activities for children, spouses and guests

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.
C  

The region’s premier training institute for state lawmakers now has two new leaders to guide its work.


BILLD is a leadership-development program designed for lawmakers from the Midwest in their first four years of service. CSG Midwest operates the program under a partnership with the University of Wisconsin’s La Follette School of Public Affairs.

The bipartisan BILLD Steering Committee, made up of state legislators from the Midwest, awards fellowships for the institute. It also oversees development of the BILLD program, which includes a mix of policy workshops and professional-development sessions.

This year’s institute will be held Aug. 9-13 in Madison, Wis. To learn more about BILLD or for a listing of the 2013 class, visit www.csgmidwest.org.

Midwestern leadership-development program welcomes two new leaders to steering committee

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Radioactive waste from the nation’s former nuclear weapons plants arrives at the Waste Isolation Pilot Plant in Carlsbad, N.M.

St. Paul, Minnesota

Contact: Lisa Janairo (ljanairo@csg.org)
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630.925.1922
www.csgmidwest.org
In Iowa, license renewal now less frequent, and more convenient

Two changes in Iowa’s driver’s license laws will be welcome news to many of the state’s motorists: Renew your license less frequently, and from the comfort of your home.

HF 355, signed into law in May, allows eligible drivers to renew their licenses online. Eligibility will be determined by the Iowa Department of Transportation.

In the Midwest, Illinois, Indiana, Iowa, Nebraska and Michigan already offer electronic renewal. In South Dakota, as the result of legislation passed earlier this year (SB 435), drivers will have one of two options starting next year: renewals by mail or via the Internet. States that provide the online option still require in-person renewals — typically every other renewal period.

Along with the convenience factor for motorists, Iowa lawmakers say, electronic renewals will save the state an estimated $1.2 million a year. A second bill signed into law, SF 224, will make driver’s licenses valid for eight years instead of four years. In most other Midwestern states, the renewal period is between four and six years, according to the Insurance Institute for Highway Safety. The lone exception is Wisconsin, which had already made licenses valid for eight years.

Kansas law, Michigan bill bring drug tests to public welfare system

Beginning next year, individuals receiving welfare or unemployment benefits in Kansas could be subject to a state-run drug test.

Under SB 149, signed into law in April, screenings will be administered for cases involving a “reasonable suspicion” of drug use. The criteria include the individual’s demeanor, employment background and arrest record. According to the Lawrence Journal-World, anyone who tests positive for drugs must complete a state-funded drug treatment and job-skills program. Failure to take part in the program will result in the cancellation of benefits. Individuals who fail another drug test would have to complete another treatment and job-skills program. A third failed drug test would make individuals ineligible for unemployment benefits. For cases in which a parent becomes ineligible for Temporary Assistance for Needy Families benefits, a “protective payee” will be designated by the state so that a child can still receive payments.

In May, the Michigan House passed a similar drug-testing bill, HB 4118. Supporters of these measures say they ensure the wise use of taxpayer dollars and will help break the cycle of poverty. Opponents argue that drug-testing bills unfairly target a state’s most vulnerable citizens, are unconstitutional, and don’t address the complicated causes of poverty.

Illinois legislature OKs ban on drivers’ use of hand-held cell phones

Illinois lawmakers passed a bill in late May to make their state the first in the Midwest to ban the use of hand-held cell phones while driving. Chicago and some other municipalities have already outlawed the use of cell phones without a hands-free device. Illinois’ ban, though, has only applied to school and construction zones. According to the Springfield State-Journal Register, a $75 fine would be levied for a first offense. Some lawmakers objected to singling out one type of distracted driving, while leaving other types untouched under state law. However, HB 1247 passed the House and Senate with comfortable margins of support.

According to the Governors Highway Safety Administration, 11 states already have general bans on drivers’ use of hand-held cell phones. In the Midwest, though, these restrictions have only applied to young or inexperienced drivers.

Every state in the region except South Dakota has a text-messaging ban that applies to all drivers. In Iowa, Nebraska and Ohio, the violation is a secondary offense — officers may cite a driver for text messaging only if another traffic offense occurred. Text messaging is a primary offense in seven Midwestern states. When states have banned the use of hand-held cell phones, they have made it a primary offense.

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Minnesota will be first state in region to fund all-day kindergarten

Next year, families in Minnesota will for the first time have access to free all-day kindergarten, thanks to an education bill approved by lawmakers last month. The measure was part of the state’s omnibus K-12 education budget, which includes $134 million in state funding for optional all-day kindergarten.

Like most other Midwestern states, Minnesota currently requires schools to offer only half-day kindergarten. Minnesota school districts, though, have been permitted to offer a full-day program and charge tuition. According to the Minnesota Department of Education, 11 districts have access to this extended-day option — and about half of them offer a full-day program.

In Minnesota, about 75 percent of students had access to this extended-day option and about 10,000 families paid for the additional half day, the Minneapolis Star Tribune reports. But with the passage of HF 630/SF 453, the state will now pick up the costs.

According to the Education Commission of the States, Minnesota will be the only state in the Midwest to offer state-funded full-day kindergarten.

Nationwide, 11 other states already do so.