Getting to the nonpoint

States pursue new strategies to protect water quality, with an increased emphasis on preventing nutrient runoff from farms

by Tim Anderson (tanderson@csg.org)

Hundreds of miles downstream from the farm fields of Iowa and the municipal water systems of Wisconsin, an enormous toxic “dead zone” continues to plague the Gulf of Mexico.

This year, the zone — unable to support aquatic life due to an overgrowth of algae that sucks up all the oxygen — was measured at 6,474 square miles, bigger than some states.

All of the phosphorus and nitrogen pollution that enters the Mississippi River from its headwaters in Minnesota to its mouth in Louisiana contributes to this environmental, and economic, problem.

What is the solution?

Science-based assessments show that in order to eliminate these dead zones, nitrogen and phosphorus entering the Gulf of Mexico needs to be reduced by 45 percent.

“It’s going to take much more than a tweak here and a tweak there,” Iowa Deputy Secretary of Agriculture Mike Naig says about meeting that goal.

But that is the objective that his state has set under its nutrient-reduction strategy, which came from Iowa’s long-standing involvement in the Hypoxia Task Force: a state-federal partnership working to shrink the size of the Gulf of Mexico’s dead zone.

Other task force members include five other Midwestern states whose water flows into the Mississippi River and down to the Gulf: Illinois, Indiana, Minnesota, Ohio and Wisconsin.

But if the solution is to cut nutrient levels by 45 percent, how does a state reduce its water pollution by that much? Russell Rasmussen, water division administrator for the Wisconsin Department of Natural Resources, says his state has already picked much of the “low-hanging fruit.”

A mix of government policies and technological advances has greatly reduced levels of point-source water pollution (from municipal water systems and industries, for example). Because of those advances, over the past few decades, the amount of phosphorus entering Wisconsin waterways has fallen — a 23 percent decline in the Mississippi River Basin, and a 27 percent drop in nutrient loads for Lake Michigan.

But 45 percent (the phosphorus-reduction goal in Wisconsin as well) is still a long way off.

To get there, Iowa, Wisconsin and other states will have to curb nonpoint sources of water pollution as well, particularly the runoff that comes from agricultural operations.

Farms, farmland in Midwest

<table>
<thead>
<tr>
<th>State</th>
<th># of Farms</th>
<th>Land in farms</th>
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<tbody>
<tr>
<td>Illinois</td>
<td>75,087</td>
<td>26.9 million acres</td>
</tr>
<tr>
<td>Indiana</td>
<td>58,695</td>
<td>14.7 million acres</td>
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<tr>
<td>Iowa</td>
<td>26.0 million acres</td>
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<tr>
<td>Kansas</td>
<td>46,1 million acres</td>
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<td>Minnesota</td>
<td>74,542</td>
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<td>Nebraska</td>
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<td>41.1 million acres</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>69,754</td>
<td>14.6 million acres</td>
</tr>
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Source: U.S. Department of Agriculture, “2012 Census of Agriculture”

Ideas to cut nutrient pollution

In the 11-state Midwest, there are close to 670,000 farms and more than 310 million acres of land devoted to agricultural production.

That is a lot of ground to cover and a lot of farmers to get involved in plans to reduce nutrient runoff and improve water quality.

“What we ultimately need [to reach the 45 percent goal] is to have practices implemented at a large scale across our state,” Naig says.

“There is an awareness about the importance of the issue,” he adds, “and our farmers also come from the perspective that this is a freedom-to-operate issue.

“If we don’t do the things to make less of an impact on the environment, we’re going to then have regulation come down the road.”

The alternative in Iowa, at least for now, is a voluntary, incentive-based approach known as the Water Quality Initiative. State legislators launched the program three years ago and have been putting more money into it ever since — up to $9.6 million in the current fiscal year.

In Wisconsin, meanwhile, the state is getting close to starting a program (based in part on legislation passed last year, SB 547) that will introduce a form...
WTO ruling, potential new tariffs intensify calls for repeal of country-of-origin labeling

In the wake of a recent international ruling against U.S. country-of-origin labeling requirements, federal lawmakers must now decide whether to repeal the law to avoid potentially more than $3 billion in retaliatory tariffs.

Many of the U.S. products that would likely face those tariffs come from the Midwest. According to the COOL Reform Coalition (which supports an end to mandatory labeling) — from car parts in Michigan and furniture in Ohio, to barley beans in North Dakota and beef in Kansas.

Under the current labeling mandate, known as COOL, beef, pork and chicken sold in the United States must be labeled with information indicating where the animal was born, raised and slaughtered.

This requirement was a long-sought policy victory for those who say consumers have the right to know where their food comes from, for safety reasons and for the ability to choose American-made products.

But the World Trade Organization says this U.S. policy (first included in the 2002 farm bill and in effect since 2009) discriminates against foreign meat producers and violates U.S. trade obligations. The WTO’s final ruling came in May; the two governments that brought the complaint against COOL, Canada and Mexico, are now able to establish tariffs in response. (The WTO determines the amount of the levies that can be imposed on U.S. exports.)

Soon after the ruling, the U.S. House of Representatives voted to do away with the COOL requirements. The sponsor of the Senate version, Pat Roberts of Kansas, has said a repeal is “the surest way to avoid $3.2 billion in trade retaliation.”

Two other U.S. senators from the Midwest, Debbie Stabenow of Michigan and John Hoeven of North Dakota, have proposed removing the labeling requirement but also establishing a voluntary “Product of the U.S.” program for various meat products.

In 2012, three years after COOL took effect, U.S. officials tried to rework the program, but those regulatory changes would put COOL in compliance, U.S. Agriculture Secretary Tom Vilsack has said.

The United States, Canada and Mexico have long had a highly integrated system for livestock, with animals crossing the border often in order to be fed and slaughtered. Because of the labeling mandate, meats from Canada and Mexico must be separated during the production and packaging process.

Great Lakes

EPA study: Work in protecting lakes has accelerated, but much more are needed to be done

What can $1.7 billion in federal funding do to help restore an invaluable resource in the Midwest?

Quite a bit, at least according to a recent federal study outlining the progress made during the first five years of the Great Lakes Restoration Initiative, or GLRI.

“It has accelerated the improvement of Great Lakes health more than any other coordinated interagency effort in U.S. history,” says Gina McCarthy, administrator for the U.S. Environmental Protection Agency.

From the start, too, states have been an important partner in the initiative. For example, as of July 2014, states, local governments and tribes were the recipients of about one-third of all GLRI-funded projects. The initiative is mostly investing federal dollars in a handful of “focus areas”:

• removing toxic substances from the basin and delisting Areas of Concern;
• preventing the introduction and spread of invasive species;
• stopping nonpoint source pollution and improving nearshore health; and
• restoring or protecting wetlands and other habitat.

Projects involving Areas of Concern have received the most money, about 35 percent of the total. As the map at right shows, these environmentally degraded areas are located throughout the basin, from the St. Louis River in Minnesota and Wisconsin to part of the St. Lawrence River in far northern New York.

The AOCs were first designated in 1987, but cleanup of these “toxic hotspots” has been slow — over a 25-year period, only one area had been delisted. But a second AOC was delisted in 2013 (Presque Isle Bay in Pennsylvania), and in five other areas, the cleanup is now complete: Deer Lake and White Lake in Michigan, the Sheboygan River in Wisconsin, Winnebago Harbor in Illinois, and the Ashtabula River in Ohio.

The new EPA report also highlights other GLRI achievements. More than 100,000 acres of wetlands have been protected, restored or enhanced, for example, and no new invasive species have been established since 2009.

Under the initiative, too, the amount of farmland enrolled in agricultural conservation programs has increased by more than 70 percent in three “priority watersheds”: the Saginaw River (Michigan), Maumee River (Ohio) and Fox River (Wisconsin). The areas were prioritized because of phosphorus runoff causing high levels of harmful algae.

From the start, supporters of the GLRI have had to help the program through a fiscally turbulent period in Washington, D.C. In its first year, the GLRI received $50 million cut.

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In many parts of the rural Midwest, there are signs of a turnaround in employment

Throughout the summer of 2014, the news about rural employment was not good. While the U.S. economy as a whole was recovering from the recession, the number of people employed in rural areas remained weak, lagging more than 3 percent behind totals for 2007. And between the second quarters of 2010 and 2014, rural employment had grown only by 1.1 percent (compared to 5 percent in urban areas). Though the number of people unemployed in rural areas was decreasing, that was due in part to factors such as outmigration and aging populations. Actual jobs had declined or stayed the same in the majority of non-metropolitan counties from 2000 through most of 2014.

But there has been a turnaround of late, especially in many of the Midwest’s rural counties. Over the past year, the rate of job gains in rural America, 1.2 percent, has come close to meeting those in urban counties, 1.8 percent. The difference is more striking in the Midwest, where rural counties have exceeded urban areas in jobs gained, with a 1.12 percent rise compared to 1.03 percent for urban counties. (In June, the unemployment rate in rural America stood at 5.4 percent. A year ago, it was 6.2 percent.)

This is the first time since 2007 that the rate of job gains in rural America has even come close to meeting the gains in urban counties. (Rural job growth was about 1.2 percent for the last year; the urban rate was 1.8 percent.)

Throughout 2015, most rural areas have been adding jobs above the long-term average. Across the Midwest, growth in the construction and manufacturing sectors is helping add jobs, but every state and county has its own unique economic story to tell.

In South Dakota, home to one of the lowest overall unemployment rates in the country, state Sen. Gary Cammack points to several factors causing a rise in the number of available jobs.

One reason, he believes, is the change occurring in North Dakota: With the number of new jobs in the oil and gas industry slowing in that state, Cammack says, people are coming home and filling what had been a backlog of unfilled jobs in South Dakota.

But there might be another reason for the improvement in rural employment: the livestock sector.

All livestock industries saw strong financial improvements in 2014, and the beef industry expects record receipts for the second straight year. And what’s good for the livestock industry is good for South Dakota, where this sector’s economic impact is estimated at more than $7 billion.

Cammack says there were many lean years for livestock producers in his state, caused by such factors as higher feed prices, lower returns and the winter storm Atlas in 2013.

“Livestock producers with record net returns are eager to invest in the equipment they need,” he adds.

This, in turn, is good news for surrounding manufacturers and the workers they employ. According to Nick Tindall, the director of government affairs for the Association of Equipment Manufacturers, sales of the smaller, 40- to 100-horsepower tractors used by the livestock industry have jumped to 10-year highs.

But sales of machinery for crop production — tractors with 100 horsepower or more, combines and grain equipment — have dropped, as lower crop prices are squeezing many farmers in the Midwest.

Whether the success of the livestock industry can help sustain job growth in rural counties remains to be seen.

New Illinois law ensures students earn college credit for high scores on AP exams

For the past 60 years, high school students across the country have been able to complete college-level coursework through the Advanced Placement (AP) Program. In addition to the academic benefits, students may earn college credit for scoring well on their AP exams, which are graded on a scale of 1 to 5. But the policies on awarding credits can vary from state to state, or even within the same postsecondary system.

This summer, Illinois lawmakers approved a measure that ensures the state’s high-performing AP students will get a head start on their college careers. HB 3428, signed into law in August, requires all public colleges and universities in the state to award course credit for AP exam scores of 3 or higher. (The College Board and the American Council on Education recommend that a score of 3 or higher be the standard for awarding college credit.)

With the new law, which takes effect next fall, Illinois joins six other Midwestern states with similar policies in place (see map). This year, nearly 70,000 students in Illinois scored 3 or higher on an AP exam, according to the College Board — a number that is on the rise in Illinois and across the country. 

Sen. Pat McGuire, who co-sponsored HB 3428, says he was surprised when he heard from Illinois’ public colleges and universities that there was no single method to determine what AP score would be required for a student to earn college credit.

“This law will help students and their families in their college planning and selection, make college more affordable, and help students achieve their degrees in a shorter period of time,” he says.

During committee hearings, some officials representing the state’s public colleges and universities expressed concerns over the over-reliance of the legislation wording, which would have required postsecondary institutions to give general education credits or, if unavailable, elective credits for AP exam scores of 3 or higher. Skipping general-education courses, the officials said, could be detrimental to students.

As a result of these concerns, the final version of the bill allows each institution of higher education to determine the type of credit that will be granted (elective, general-education requirement, or major requirement), as well as what credit an AP score of 3 would earn compared to a score of 4 or 5.

Agriculture & Natural Resources

Brief written by Carolyn Orr, staff liaison to the Midwestern Legislative Conference Agriculture and Natural Resources Committee. She can be reached at corr@arl.us. The committee’s co-chairs are North Dakota Sen. Don Schaible and Iowa Sen. Mary Jo Wilhelm.

Education

States with policies that award college credit, statewide or systemwide, to students who score at least 3 on AP exams

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. Don Schaible and Iowa Sen. Mary Jo Wilhelm.

Policy in place

Source: College Board

MLC Chair’s Initiative: Leveraging the Senior Year

States with policies that award college credit, statewide or systemwide, to students who score at least 3 on AP exams

Source: College Board

% change in number of people employed in rural and urban areas, June 2014-June 2015

Source: Carolyn Orr (using U.S. Bureau of Labor Statistics data)
Most states in Midwest now part of interstate pact on higher education

Over the past year and a half, nearly every state in the Midwest has joined an interstate reciprocity agreement that holds the promise of improving college students’ access to online degree programs while also simplifying the regulatory environment for participating institutions.

In September, only a few months after legislative passage of SB 221, Michigan became the 10th state in the region to become part of the pact. This voluntary agreement establishes common standards and uniform rules for the interstate offering of distance-education courses and programs.

According to the National Council for State Authorization Reciprocity Agreements, Wisconsin is the only state in the Midwest that is not part of the accord. In all, 29 states were members as of early September.

In this region, the agreement is being administered by the Midwestern Higher Education Compact. The Council of State Governments is one of several groups that played a part in developing the agreement. CSG is the home of the National Center for Interstate Compacts, which provides training and technical assistance and helps states review existing interstate compacts or consider creating new ones.

Illinois’ governor has broad veto authority, and more time to use it

In most states, it doesn’t take long for a bill passed by the legislature to be acted on by the governor.

The governors of Iowa, Minnesota and North Dakota have only three days to veto a measure once they’ve received it, and in most other state constitutions, the time frame for gubernatorial action is between five and 10 days.

But in Illinois, weeks can, and often do, go by between legislative passage and the governor’s signing or veto of legislation.

“There is lobbying that goes on with the governor’s office for sure,” Rep. Elaine Nekritz says of the waiting period. “The three governors I have served with have taken their time in evaluating and signing the bills. I believe all three took full advantage of the 60-day time frame.”

No state comes close to the 60-day window allotted to Illinois’ governors, but this unique constitutional provision is consistent with the “extraordinary veto power” granted to the executive branch, says former Illinois state senator Rick Winkel.

 “[There is] greater responsibility that requires careful analysis before a decision is made to sign or veto a bill, especially in regard to amendatory vetoes, since they are an intrusion into the legislative process,” says Winkel, who now serves as the director of the Office of Public Leadership at the University of Illinois’ Institute of Government and Public Affairs.

The amendatory veto allows the governor to essentially “rewrite” legislation and send it back to the General Assembly. This summer, for example, Gov. Bruce Rauner used this power to make changes to legislation modifying the state’s criminal penalties for the possession of small amounts of marijuana.

Illinois, too, is one of only a handful of U.S. states that extends the governor’s item-veto authority (rejecting individual portions of a bill) to all legislation, not just appropriations bills.

But the strong veto powers of the governor are only one of the reasons that the longer, 60-day time frame has become an accepted practice in Illinois. Another factor, Winkel says, is the sheer volume of measures passed by the Illinois General Assembly in a given year. And most of these bills are sent to the governor’s office at around the same time — the end of spring session.

“The governor’s staff, the governor’s Office of Management and Budget, and agency managers face the task of reviewing the thousand or so bills passed by the legislature,” he explains.

That extra time, then, allows for a careful review to make sure legislative procedures were followed and that each bill meets constitutional muster.

Theoretically, Winkel says, a governor could use the 60 days as leverage in negotiations with the legislature over pending or future legislation. But in practice, Nekritz says, that has not been the case.

“In my experience, the long time frame has had little or no impact on the balance of power between the legislature and the governor,” she says. “Most of the bills pass in May, the General Assembly takes the full 30 days it has to send bills to the governor’s desk, and we are out of session by that time.”
QUESTION: What laws and regulations do states have in place regarding schools’ use of restrictive procedures such as “seclusion” and “restraint”? Over the past decade and a half, via legislation and/or administrative rules, many states in the Midwest have established new standards, training requirements and limits on the use of these procedures, which are typically used in response to serious behavioral problems exhibited by students.

This trend continued in 2015 with actions taken by the Kansas Legislature. Under HB 2170, signed into law in May, physical restraint or seclusion can only be used on students when they present a “reasonable and immediate danger of physical harm” to themselves or others.

By March of next year, the Kansas Board of Education must adopt rules and regulations on the use of “emergency safety interventions.” In August, the board gave initial approval to the new statewide parameters.

HB 2170 also has some of the same provisions included in many other recently adopted state laws: for example, parents must be notified when seclusion or restraint has been used on their child, and local schools and the state Department of Education must report the incidents and compile data on them.

The U.S. Department of Education defines physical restraint as “a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs or head freely,” and seclusion as “the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.”

These restrictive procedures are disproportionately employed on students with disabilities — 70 percent of all restraint incidents during the 2009-10 school year, the U.S. Department of Education reports. In 2009, the U.S. Government Accountability Office identified several hundred cases of alleged abuse, including deaths, related to the use of restraint or seclusion in the nation’s schools. The GAO report’s findings have been one of the factors driving the recent push for new state and federal laws.

HR 927, introduced earlier this year in the U.S. Congress, would limit restraint and seclusion to emergency situations in schools across the country. The legislation would also require parental notification, data collection and training.

But absent a new federal law, policy decisions are left to state legislatures, state boards of education, and/or local school administrators and officials. The Autism National Committee lists Illinois, Indiana, Iowa, Kansas, Ohio and Wisconsin among the 25 U.S. states with “meaningful protections” to protect all children from seclusion and restraint. (According to the group’s July 2015 study, Minnesota’s “meaningful protections” extend only to children with disabilities.)

These states, for example, have legally binding restrictions limiting the use of these procedures to emergency situations and/or requiring that less-restrictive measures be tried first. Some state laws outright ban certain types of restraints — prone restraint (placing a student in a face-down position) is prohibited in Iowa and Ohio, and Indiana and Wisconsin forbid any restraint that impairs breathing.

More states are also requiring that school personnel receive training in how to de-escalate conflicts (Illinois, Indiana, Minnesota, Ohio and Wisconsin) or how to safely and appropriately use seclusion and physical restraint (Illinois, Indiana, Iowa and Minnesota).

Article written by Tim Anderson (tanderson@csg.org), CSG Midwest publications manager. CSG Midwest regularly provides research assistance to legislators and legislative staff. If you have a question, please contact us at csqm@csg.org or 630.925.1922.
States have set goals to reduce nutrient loads in waterways by as much as 45 percent

Examples of state legislation, programs and funds in the Midwest to improve water quality

Three years ago, Kansas lawmakers passed a bill (HB 5519) that dedicates a portion of the state’s fertilizer fee to a newly formed Nutrient Research and Education Council. With participation from the agriculture and fertilizer industries, environmental groups and scientists, this council helps farmers (through educational initiatives, cost-share programs and demonstration projects) adopt management practices that protect water resources by limiting nitrogen and phosphorus runoff. Through their inspections of the municipal and industrial facilities with permits to discharge pollution into the nation’s waterways, states play a critical role in ensuring compliance with the U.S. Clean Water Act. But how well are states performing these duties? The answer varies significantly from one jurisdiction to the next, according to a national analysis done in 2014 by the Gannett newspaper group. In some states, a majority of wastewater plants regulated by the Clean Water Act had not been inspected within the past five years. In contrast, Kansas led the nation in its inspection rate — only 17% of the state’s nearly 2,600 permitted facilities had not been monitored.

Iowa has set a goal of reducing phosphorus and nitrogen runoff by 45 percent, and to meet this objective, the Legislature established and began funding a new Water Quality Initiative in 2013. For this fiscal year, legislatures appropriated $9.6 million for the program. These state dollars are used to fund cost-share programs that help agriculture producers adopt nutrient-reduction practices: the use of cover crops, nitrification inhibitors, and no-till or strip-till farming. The new initiative is also putting state dollars into demonstration projects for high-priority watersheds and helping cities better treat and manage stormwater runoff.

Earlier this year, the Kansas Department of Health and the Environment announced that the state was among the nation’s leaders in reducing the amount of sediment, nitrogen and phosphorus runoff. Part of the state’s success is the result of its Watershed Restoration and Protection Strategy, which brings together a diverse group of stakeholders (urban and rural residents, industry and municipalities, for example) to improve the health of a particular watershed. The state helps finance these local projects through its WaterPlan Fund. Money for this fund comes from a mix of sources, including industrial and municipal water fees, pollution fees, and fertilizer and pesticide fees.

In 2011, Michigan lawmakers codified a voluntary, incentive-based program that encourages farmers to prevent pollution from these operations. Under the Agricultural Environmental Assurance Program, farmers go through a three-step process to be “environmentally verified” and recognized by the state: 1) take part in educational programs, 2) conduct an on-farm risk assessment, and 3) allow for third-party audit inspections of their operations. (On-farm inspections must then be conducted every three years.) As of August, more than 2,500 farms in Michigan had been verified under the program.

The Minnesota Legislature approved a bill this year (SF 5) that requires water-quality buffer strips on an estimated 110,000 acres of land that is adjacent to the state’s lakes, rivers, streams and public ditches. It will take time, and water monitoring and assessments, to tell if these new state investments and policies are making a difference.

“We’re spending significant dollars on this in Iowa,” Naig says about the Water Quality Initiative. “So you want to make sure they’re being deployed in a way that actually improves water quality.” Other states will be watching as well, in some cases all the way down to the Gulf of Mexico.

A look at Iowa’s new voluntary approach

Iowa’s involvement in the Hypoxia Task Force helped lay the groundwork for its Water Quality Initiative. But a dispute among some of Iowa’s own local governments is a reminder that pollution isn’t just affecting the water hundreds of miles downstream. Earlier this year, the water utility for the state’s largest city filed a federal lawsuit against three nearby rural counties that manage water drainage districts. Des Moines Water Works says these districts are responsible for high nitrate levels in the Raccoon River, which provides drinking water to Des Moines-area residents.

The utility wants government regulations to deal with the nonpoint source pollution from agricultural operations, just as federal Clean Water Act rules already control point sources. (Nonpoint runoff has been exempted because of the difficulty in determining where contaminants come from as water moves over or through the ground.) “This has ramifications all across the country,” Iowa Sen. David Johnson said about the lawsuit during a presentation this summer to fellow lawmakers at the Midwestern Legislative Conference Annual Meeting.

The lawsuit pits rural areas against urban communities, and raises the possibility of future regulations on farmers.

“We want to [protect water quality] with voluntary efforts,” Johnson said. The Water Quality Initiative reflects that approach, but it does require some buy-in from the state’s agricultural producers.

This year, 1,800 farmers (whose operations cover 187,000 acres) have submitted applications to take part in Iowa’s cost-share program. In turn, the state will provide $3.5 million to help these producers start or continue one of four practices to prevent nutrient runoff: the use of cover crops, nitrification inhibitors, and no-till or strip-till farming.

Through this initiative, too, the state is funding demonstration projects in targeted watersheds. Iowa’s local soil and water conservation districts run these projects, with involvement from multiple farmers and other stakeholders.

“The idea is to work intensively in that geographic area, for more rapid adoption and to
New buffer requirement in Minnesota

While Iowa invests in different strategies to prevent nitrogen and phosphorus from leaving the land and reaching waterways, a new law in Minnesota focuses on one specific practice: the use of vegetation buffers. These buffers are a proven way to filter out nutrients and keep them from reaching a water body. And in Minnesota, they will now be required along all of the state’s lakes, rivers, streams and surrounding body. The size of the buffer will have to be an average of 50 feet in width.

Farmers already have some built-in incentives to join the state’s voluntary initiative — wanting to protect local water resources, avoiding future regulations and controlling costs. "Farm inputs are expensive," he adds, "so they don’t want to apply a pound more [of nutrients] than they need to grow that crop."

Still, obstacles can stand in the way of participation, whether they be up-front costs (even with the state’s cost-share) or the unknowns associated with trying a new nutrient-reduction strategy. "The most credible messenger for talking about these practices is a farmer, a farmer who has experiences with them," Naig says. "And that is why we are trying to get that farmer-to-farmer interaction."

In Wisconsin, a possible ‘win-win’

For lakes, rivers and streams, the size of the buffer must offer the same level of protection to the surrounding water body. Minnesota’s soil and water conservation districts will implement the new buffer requirement, provide technical assistance to landowners and track progress under the new law.

As a result, the state allows for other practices in lieu of installing a buffer, but those alternatives must offer the same level of protection to the surrounding water body.

The state and its Clean Water Fund, which was created in lieu of installing a buffer, must offer the same level of protection to the surrounding water body.

Status of new EPA Clean Water Act rule

Some states in Midwest at center of legal battle over new EPA rule on “waters of the United States”

A legal dispute between the U.S. Environmental Protection Agency and some states over federal regulations to protect wetlands and streams took an interesting turn in August. Thirteen states, including three in the Midwest, won a preliminary injunction to stop enforcement of the so-called "waters of the United States" rule.

This dispute arises from a separate lawsuit heard by a U.S. District Court judge in Georgia; in that case, the judge denied the states’ request for a preliminary injunction.

The EPA’s new rule seeks to clarify and define “waters of the United States” under the Clean Water Act. Previous U.S. Supreme Court decisions had raised questions and uncertainty about federal authority to regulate wetlands, streams and certain other surface waters.

Through its lawsuit, the 13-state coalition continues to raise those questions, saying the EPA’s actions unduly expand federal authority. In explaining why his state is helping lead legal opposition to the new rule, North Dakota Gov. Jack Dalrymple has said it “creates a great deal of risk and uncertainty for agriculture and other businesses.”

"Any attempt to expand federal authority over small wetlands, potholes and other isolated water bodies is unworkable," he said in June. Some state officials, for example, say the EPA has opened the possibility of regulating ditches or ponds that may only flow during or after heavy rains.

According to the EPA, groundwater, shallow subsurface flows, tile drains and most ditches will not be regulated. However, ditches constructed out of streams or that function like a stream and can carry pollution downstream are covered under the rule.

"For the water in the rivers and lakes in our communities, that flow to our drinking water to be clean, the streams and wetlands that feed them need to be clean too," EPA Administrator Gina McCarthy says.

She adds that the rule does not create any new permitting requirements for agriculture and maintains all previous exemptions and exclusions.

Some criteria expected to be in place

* The goal of setting numeric criteria is to assist with the monitoring of different types of water bodies by 2016*

- States in Midwest expected to have numeric nutrient criteria for one or more types of water bodies by 2016*

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- Thirteen states, including three in the Midwest, won a preliminary injunction to stop enforcement of the so-called "waters of the United States" rule.

- As a result of this recent U.S. District Court ruling, some states are now subject to the EPA’s new rule, and others are not.

- Nebraska, North Dakota and South Dakota are among the 13 U.S. states that successfully sought the preliminary injunction and where the EPA rule — at least for now — does not apply. In the region’s eight other states, the new rule has taken effect.

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- Status of new EPA Clean Water Act rule on wetlands, streams and certain other waterways.
Iowa Rep. Joel Fry

Respected voice on health, human services issues in state will take on new legislative leadership role during 2016 session

by Ilene Grossman (igrossman@csg.org)

T o Iowa Rep. Joel Fry, faith and politics are closely linked, and he traces the personal connection back to a very young age and the frequent discussions that his family had around the dinner table.

"Two topics that are often avoided in our culture," he recalls, "were very open in conversation in our home life."

Faith has always been fundamental to Fry's life, and politics became a much bigger part of it when he decided to seek a seat in the Iowa House in 2010.

A mix of economic and social issues convinced Fry to run, and once elected, he emerged as a leader on issues related to Iowa's health and human services systems. He helped with a reform of the mental health system, for example, and sponsored a bipartisan bill to improve the state's response to reports of child abuse.

Fry's leadership on health and human services is a natural fit considering his life and career outside the Legislature. A social worker, Fry lectures across the country on topics related to end-of-life decisions and marriage, teaches college courses, and is a member of the faculty for the National Hospice and Palliative Care Association's manager-development program.

For 10 years, too, through their TEAM Restoration Ministries, he and his wife, Heather, have partnered with local churches to provide therapy services to couples and families. They also have nine children between the ages of 4 and 19, five of whom were adopted from Ethiopia.

"I don't have to live in Des Moines during session," Fry says, "and because I am able to be at home, I get to be a daddy first and foremost."

"This coming session, he will have even more legislative duties. In August, the Iowa House Republican Caucus elected Fry to be its majority whip. He previously served as assistant majority leader. Fry recently talked about his views on leadership and his priorities for the coming year with CSG Midwest. Here are excerpts from the interview.

Q: After joining the Iowa House, you pursued a career in leadership. What recommendations would you make to other legislators who want to pursue a similar path?

A: As I have shared with some of our newer members, they have to decide if policy and budget is their forte, or if the leadership skill set of the caucus is where they are gifted and talented. My skill set lies more in the side of being able to bring people along, create consensus and find common ground. As a trained social worker, one of the skill sets that is driven into our heads is to listen, and to communicate and to hear what the other person is saying. I believe that is important in any leader- ship position but, most importantly, in political leadership. If we are not listening, if we are not in touch with our constituency base, including the caucus, then more leaders fail than rise.

So I would encourage new members to figure out if they have the desire to bring along a team, to rally them, and to decide if they can withstand the pressure in those moments when they do things wrong. Every leader will fail, so do you have the humility and ability to be able to take the tough knocks and come back?

Q: How would you describe your legislative leadership style?

A: There are three pieces to my legislative leadership style: listen, learn and lead.

I've already talked about listening, and learning means that I am willing to find out things that I don't know, and I may even be willing to shift my perspective as I learn from a conversation. And then, we can begin to lead, but only after having gained the perspective of those who are following. If we miss that perspective, we can't lead effectively.

The other piece is what I call servant leadership — I am here to lead, but also that I am there to provide whatever you may need.

So one of the areas I am excited to focus on in our caucus in my new whip position is to think about how the gifts and talents of each individual member can be brought in and allow them to participate, rather than keeping it a closed, only-leadership experience.

Q: What are some of the qualities and characteristics to be an effective legislative leader?

A: One of the greatest things that I have learned and heard from our current speaker, Kraig Paulsen, is that "I am going to make this decision for the sake of the institution, or for the protection of the institution for those who will come after me."

I believe it is incredibly important for us as legislators to, yes, get caught up in the here and now, but to remember that there are generations coming after us.

If we compromise the institution, if we compromise the civility and the discourse, the opportunity to publicly discuss and disagree, we've lost some of our foundational principles.

You bring a varied set of experiences to the Legislature — as a social worker, as someone who has spent years working in hospice settings, as someone who has worked in a group home for juveniles, as an end-of-life counselor and teacher, and as an adoptive and foster parent. How have all of these experiences informed your work in the Capitol?

A: I believe that all of those experiences allow me to come in and better understand what constituents are expressing when they connect with the Department of Human Services system.

Through my work in health care, I have an understanding of the health care system and the changes of the last several years, and I have a perspective on what that patient feels like, waiting in a doctor's office or at the end of life. In all aspects of my life, I am required to listen. My experience allows me to sit with legislators and have them confront, be angry, be passionate or excited. They will ask me to be that person whom they can bounce something off of and get an objective opinion.

Q: What are your legislative priorities for 2016 and beyond?

A: Managed care has now taken over our state Medicaid population, and it will be important to me to be monitoring and watching to make sure our managed-care contracts are going as expected and that those who receive services are getting the services they would expect out of our Medicaid system.

Mental health reform will continue to be important because we are just seeing those changes roll out and become regionalized, so we will be looking for any holes we need to deal with so that mental health equity is provided across the state. As for our House leadership, we will continue to maintain our budget principles — we won't spend more than we take in, we won't balance the budget using one-time money, and we won't start a program that we can't sustain over time.

We will also have a conversation about education [the governor vetoed $55 million in additional education funding for the 2015-2016 school year passed by the Legislature], and we will come back to look at what schools are needing.

"If we compromise the institution, if we compromise the civility and the discourse, the opportunity to publicly discuss and disagree, we've lost some of our foundational principles."
When ‘safety’ poses a threat
Citing risk to firefighters from carcinogenic fumes, Minnesota legislators pass bill banning four common fire-retardant chemicals

by Minnesota Rep. Jeff Howe (rep.jeff.howe@house.mn)

Some 25 years ago, I joined fellow firefighters who advocated applying flame-retardant chemicals to furniture and other household products to help slow the spread of fire. We strongly believed we could limit the damage caused by fires and protect people by reducing the speed by which household items burned, thus giving occupants more egress time and providing firefighters more time to arrive at a site before the fire went to flashover. But we have learned over time an unintended consequence—the chemicals designed to suppress flames create smoke with dangerously highly carcinogenic toxins.

Fast forward to this year when, as a member of the Minnesota House of Representatives, I was honored to carry legislation that bans some of those chemicals in our state. SF 1215/HF 1100, signed into law in May, prohibits four flame-retardant chemicals in upholstered furniture and children’s products manufactured after July 2018. It is one of the most proactive laws in the nation.

Despite our best intentions back in the 1980s, scientists simply didn’t know what they know today about the toxicity of flame-retardant chemicals. We now know that the same flame retardants being used in an attempt to save lives often have had detrimental effects—especially among children and firefighters—by creating a poisonous environment. And the actual benefits of flame-retardant materials slowing the spread of fire have proved not to be worth the risks.

When flame retardants burn, studies show, they create 10 times as much carbon monoxide gas as non-treated items, and 80 to 100 times as much carcinogen-laded soot.

These carcinogens are readily absorbed by people in the vicinity. This makes firefighters particularly susceptible since their pores tend to open up when exposed to the high temperatures that they encounter on the job. They become sponges for carcinogens.

Rates for multiple types of cancer are higher in firefighters across the country, experts say, including cancer of the blood, liver, lungs, stomach, colon and prostate as well as non-Hodgkin’s lymphoma.

This really hit home for me. I spent 27 years as a firefighter, lost colleagues to cancer and even took out a cancer insurance policy of my own.

It was extremely difficult to watch some of my service friends contract cancer and die far too young. As a member of the House, it didn’t me take long to agree to carry the legislation on flame retardants.

The original bill would have prohibited 10 flame-retardant chemicals but, through the process of passage, the list was reduced to four.

We focused on banning the chemicals deemed the most dangerous and/or still in use. Under the new law, a report on the other six chemicals is due to the Legislature this coming January. I will consider authoring another bill to expand the list of banned chemicals if further action is warranted.

Along the way, we have helped increase nationwide awareness about children’s health risks and the disproportionate cancer rates among firefighters. Studies, in fact, show that these rates for some cancers are more than twice as high compared to the general population.

Firefighting is dangerous work, and that will never change. We all understand the risks when we sign up to do the job. That said, it is important to learn from our actions and eliminate unnecessary threats to health.

The bill I authored to ban four flame-retardant chemicals is not the final answer, but it gets us pointed in the right direction. Eradicating these pervasive chemicals from homes is going to be a long process that will take a great deal of dialogue. I am grateful to all the people who worked so hard to make this new law a reality, and I look forward to continuing this very important discussion.

Rep. Jeff Howe, a Republican from Rockville, was first elected to the Minnesota 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 603.925.1092 or tanderson@csg.org.

The application of flame-retardant chemicals to furniture and other household items was once seen as a way to limit damage caused by fires and even save lives in the process. But with studies increasingly showing that when burned, these chemicals emit carcinogenic fumes which endanger the lives of firefighters, efforts are underway worldwide—including a recently enacted law in Minnesota—to limit their use.

Once thought beneficial, flame retardants increasingly seen as dangerous
Decades ago, it was thought that applying flame-retardant chemicals to household items such as upholstered furniture and children’s bedding products could reduce the speed at which a fire could spread, limiting damage and saving lives. But studies increasingly show that not only are these substances not as effective as first thought in reducing fire risks, they can also endanger the health of consumers who use the chemically treated products—including carpets, baby strollers, plastic TV casings, computers and foam insulation—in their homes.

According to Susan Shaw, a professor of public health at the State University of New York, flame retardants are “associated with a wide range of well-documented, serious health effects in people and animals.” And the wider use of these chemicals in the United States, she says, means that Americans have 10 to 40 times higher levels of them in their bodies than do Europeans or Asians.

In addition, studies have shown that when burned, these products emit highly toxic and even carcinogenic gases and soot that can endanger the lives of firefighters who battle home blazes.

The various dangers posed by flame retardants have generated efforts worldwide to ban or limit their use. In Minnesota, SF 1215/HF 1100 (signed into law in May) bans four of the most common of these chemicals:

- TDCPP (tris(1,3-dichloro-2-propyl)phosphate), often used in foam contained in upholstered furniture;
- decabromodiphenyl ether, widely used in many materials, including carpets and fabrics;
- hexabromocyclododecane, used in applications such as insulating foams, textile coatings and office equipment; and
- TCEP (tris(1-chloro-2-propyl)phosphate), used in upholstery, baby furniture and many other household items.

The original version of the bill would have banned six other flame-retardant chemicals. However, some opponents say there is insufficient proof of the chemicals’ danger to firefighters, and representatives of the chemical industry and the state Chamber of Commerce opposed such a wide ban, saying the chemicals are effective in fire prevention. The chemicals not banned by the final bill were tetra bromobisphenol A; antimony; tetrabromophthalate (TBP); tetrabromobenzene; chlorinated paraffins; and tris(1-chloro-2-propyl)phosphate (TCPP).

The wider use of flame retardants is not the final answer, but it gets us pointed in the right direction. Eradicating these pervasive chemicals from homes is going to be a long process that will take a great deal of dialogue. I am grateful to all the people who worked so hard to make this new law a reality, and I look forward to continuing this very important discussion.

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Congratulations to Midwest’s new class of BILLD Fellows

Five-day program develops leadership skills among new state legislators

Thirty-five state and provincial lawmakers are the most recent graduates of the premier legislative leadership program in the Midwest.

Now in its 21st year, the Bowhay Institute for Legislative Leadership Development, or BILLD, is conducted by CSG MIDWEST in cooperation with the Robert M. La Follette School of Public Affairs at the University of Wisconsin.

This year’s program was held in Madison, Wis. It included sessions on conflict resolution, negotiation, consensus building, priority management and media training.

In addition, a group of current legislative leaders from the Midwest led a roundtable discussion on how to become an effective lawmaker, and political scientist Gary Moncrief discussed the importance of promoting and protecting legislative institutions. Throughout the five days, too, BILLD Fellows took part in expert-led policy sessions on issues such as the future of the Midwest’s economy, juvenile justice reform and the Affordable Care Act.

BILLD Fellows are selected every year through a competitive application process. The Midwestern Legislative Conference’s BILLD Steering Committee oversees the process and makes the selections.


Next year’s BILLD program will be held Aug. 12-16; applications will be available later this year.

For more information, visit www.csgmidwest.org or contact Laura Tomaka at ltomaka@csg.org.

This year’s BILLD Fellows, by state and province

- Illinois — Reps. Steven A. Andersson, Pamela Reaves-Harris and Ron L. Sandack
- Kansas — Reps. Nancy Lusk, Melissa A. Roeker and Troy L. Waymaster
- Michigan — Reps. Daniela Garcia, Erika Geiss and Christine Greig
- Minnesota — Reps. Laurie L. Halverson, Roz Peterson and Erik A. Simonson
- Nebraska — Sens. Mark Kolterman, John L. Kuehn and Matt Williams
- Ohio — Reps. Hearcel F. Craig and Rob McCollery and Sen. Cecil Thomas
- South Dakota — Reps. Fred Deutsch and Jeffrey D. Partridge and Sen. Terri Haverly
- Wisconsin — Reps. Evan G. Goyke, Jessie Rodriguez and Amanda Stuck
- Manitoba — MPP Sarah Campbell
- Ontario — MLA Amanda Lathlin
- Nebraska — Sens. Mark Kolterman, John L. Kuehn and Matt Williams
- Ohio — Reps. Hearcel F. Craig and Rob McCollery and Sen. Cecil Thomas
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Group of Great Lakes legislators opposes federal bill on ballast water

For the second straight year, dozens of members of the Great Lakes Legislative Caucus are voicing their concerns over federal legislation that would curtail the role of states in regulating ballast water discharges from oceangoing ships.

Under the Vessel Incidental Discharge Act (S. 373), states would effectively be prohibited from setting a standard that exceeds the one set at the federal level.

The language of S. 373 would establish an insufficient federal standard for ballast water discharges, legislators say in a letter sent to the entire Great Lakes delegation in the U.S. Senate.

It was signed by 35 legislators from seven states.

Ballast water discharges have long been a concern of states because of their role in introducing and spreading invasive species in the Great Lakes and other waterways. Zebra mussels and round gobies are among the notable examples of invasive species that believe have reached this region via ballast water from oceangoing vessels — with high ecological and economic costs.

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 MCC affiliate members.
Regional leaders to meet Dec. 12 as part of CSG National Conference

Executive Committee guides the work of Midwestern Legislative Conference

Leaders of the nonpartisan Midwestern Legislative Conference will meet this December in Nashville during a four-day meeting of The Council of State Governments. CSG’s National Conference brings together hundreds of state legislators and other officials from across the country. On the third day of the conference, Dec. 12, the MLC Executive Committee will convene from 2-5:30 p.m. for its second in-person meeting of the calendar year.

The MLC fosters collaboration and information sharing among the Midwest's legislators. Its Executive Committee is made up of lawmakers from 11 Midwestern states (selected by the appointing authorities in each legislative chamber) as well as four affiliate provinces.

CSG Midwest provides staff support to the MLC. At the Dec. 12 meeting, Wisconsin Rep. Joan Ballweg will officially be installed as the new MLC chair. (The current chair is North Dakota Sen. Tim Flakoll.)

The Executive Committee will also hear from Lisa Soronen, executive director of the State and Local Legal Center. She will review the impact of the recent U.S. Supreme Court term on states.

For information on the MLC Executive Committee and its upcoming meeting, please contact Mike McCabe at 630.925.1922 or mmccabe@csg.org. To register for the CSG National Conference, visit www.csg.org.

In Nebraska, a new approach to criminal justice policy

The problem of prison overcrowding will ease and more people leaving prison will be supervised under a series of reforms adopted this year by the state of Nebraska.

The signing of LB 605 into law culminated months of intensive work by all three branches of government in Nebraska. The Council of State Governments’ Justice Center has provided technical assistance to the state as it pursues a new data-driven approach to corrections policy. The goal is to reduce spending and then reinvest a portion of these savings into strategies that reduce recidivism and increase public safety.

LB 605’s provisions include:

- using probation rather than incarceration for people convicted of low-level offenses;
- updating state statutes to revise the penalty thresholds for property offenses;
- ensuring post-release supervision for most people released from prison; and
- adopting evidence-based practices in parole supervision.

By 2020, LB 605 is projected to reduce Nebraska’s prison population by 1,000 people and save $302 million in construction and operating costs. LB 605 was sponsored by Sen. Heath Mello and co-sponsored by Sens. Les Seiler and Bob Krist, all of whom served on a working group last year that analyzed Nebraska’s criminal justice system.

The CSG Justice Center’s “justice reinvestment” approach has been employed in states across the country.

Justice reinvestment initiatives in Midwestern states

![](Justice reinvestment initiatives in Midwestern states.png)

- Has received assistance from CSG Justice Center

### MLC Executive Committee members

- **Illinois** — Reps. Robyn Gabel and Elaine Nekritz and Sens. Terry Link and Donne Trotter
- **Iowa** — Rep. Linda Upmeyer and Sens. Wally Horn, Janet Petersen and Mary Jo Wilhelm
- **Kansas** — Rep. Susan Concannon and Speaker Ray Merrick
- **Minnesota** — Rep. Alice Hausman, Speaker Kurt Daudt and Sen. Thomas Bakke
- **Nebraska** — Sens. Beau McCoy, Heath Mello and Kate Sullivan
- **Ohio** — Speaker Cliff Rosenberger and Sens. Keith Faber and Cliff Hite
- **Alberta** — To be determined
- **Manitoba** — Speaker Daryl Reid
- **Ontario** — Speaker Dave Levac
- **Saskatchewan** — Speaker Dan D’Autremont and MLA Wayne Elhard

### CSG National Conference

**December 10-13, 2015**
Nashville, Tennessee

Contact: Kelley Arnold (karnold@csg.org)
800.800.1910
www.csg.org

### Great Lakes Legislative Caucus Meeting

**July 15-16, 2016**
Milwaukee, Wisconsin

Contact: Lisa Janairo (Janairo@csg.org)
920.458.5910
www.greatlakeslegislators.org

### 71st Annual Meeting of the Midwestern Legislative Conference

**July 17-20, 2016**
Milwaukee, Wisconsin

Contact: Gail Meyer (gmeyer@csg.org)
630.925.1922
www.csgmidwest.org

### 22nd Annual Bowhay Institute for Legislative Leadership Development (BLLD)

**August 12-16, 2016**
Madison, Wisconsin

Contact: Laura Tomaka (ltomaka@csg.org)
630.925.1922
www.csgmidwest.org

### CSG Henry Toll Fellowship Program

**August 26-31, 2016**
Lexington, Kentucky

Contact: Kelley Arnold (karnold@csg.org)
800.800.1910
www.csg.org/LeadershipCenter/tollfellows.aspx
Iowa becomes first state to test use of digital driver’s license

If all goes well with a pilot program launched this summer, Iowa may soon be the nation’s first state to offer digital driver’s licenses to residents.

“This is an important first step in creating a one-person, one-identity, one-credential opportunity for our customers,” state Department of Transportation director Paul Trombino says.

He adds that Iowa’s experience could help other states launch similar programs.

The software, created by MorphoTrust USA, creates a driver’s license that people can access via their smartphones. It also allows for digital updates of DDOT information about a driver — for example, change of address, age, license restrictions and organ-donor status.

Makers of the new software say it “carries the same level of trust as its physical counterpart, with visible and covert security features that are linked and layered in the digital image seen on screen.

For now, Iowa’s Mobile Identity Application program is being used by a group of DDOT employees, who are testing use of the digital driver’s license in situations when a physical license is typically presented.

States tighten rules on vaccinations to bolster immunization rates

New policies in three Midwestern states have the goals of boosting immunization rates among young people and preventing the spread of disease.

In Illinois, a health care provider will have to sign a “certificate of exemption” in order for children not to be vaccinated on religious grounds. SB 1410 was signed into law in August.

Before signing the certificate, a health care provider must provide education to parents about the benefits of immunizations and the health risks of not vaccinating students.

Every state in the Midwest allows for religious and medical exemptions to the vaccine mandate. Some states (Michigan, Minnesota, North Dakota, Ohio and Wisconsin (in this region) also allow opt-outs based on philosophical beliefs, according to the U.S. Centers for Disease Control and Prevention.

Michigan, though, has tightened some of its rules this year, mlive.com reports. Prior to opting out, parents must be educated by a local health worker and sign a form acknowledging that they may be putting their children and others at risk. A new law in Ohio, meanwhile, requires children attending day care or preschool to be vaccinated (with exemptions). According to The Columbus Dispatch, Ohio had been the only state without this vaccine-coverage law.

Wisconsin is latest state to assist pro sports team with new stadium

Faced with the choice of helping finance a new stadium or losing its NBA franchise to another state, Wisconsin lawmakers approved a plan this year to invest a mix of state and local tax dollars into the project. LB 209 was signed into law in August.

The Milwaukee Bucks’ new stadium will cost $500 million, with public dollars accounting for half of that total. Revenue sources will include the state’s general fund, a reduction in municipal aid to Milwaukee, a food and beverage tax, and a ticket surcharge. Supporters of LB 209 say the new stadium will yield a $3 return for every $1 invested by taxpayers. They also note that Wisconsin receives $6.5 million a year in income taxes due to the Bucks’ presence in the state.

Recent academic studies have questioned the economic value of publicly financed sports facilities, but that hasn’t stopped states from moving ahead with these plans. In 2012, the Minnesota Legislature agreed to partially fund a new NFL stadium for the Vikings. The total state investment was $348 million. Other publicly financed stadium projects over the past 20 years have included the construction of Ford Field (Michigan), Lucas Oil Stadium (Indiana), and Paul Brown Field and Great American Ballpark (Ohio).

Minnesota leads way on measure of college, career readiness

On an important measure of college and career readiness, high school students in most Midwestern states continue to outperform their peers from across the country.

For the 10th year in a row, Minnesota had the highest average score in the nation, 22.7 for the graduating class of 2015, among states where at least 50 percent of high school juniors took the test.

The national average ACT score was 21.0. Only three states in the Midwest — Illinois (20.7), Michigan (20.1) and North Dakota (20.6) — fell below this mark. They are among the 13 U.S. states where all high school juniors take the ACT. Minnesota and Wisconsin recently joined this group under graduation requirements established by their legislatures. As a result, these two states’ average ACT scores for the graduating class of 2016 will likely drop due to the participation of all students.

Other scores for the 2015 graduating class were as follows: Indiana, 22.3; Iowa, 22.2; Kansas, 21.9; Nebraska, 21.5; Ohio, 22.0; South Dakota, 21.9; and Wisconsin, 22.2.

Makers of the ACT say the average national score is too low and indicates that many students are not prepared for postsecondary success.