Nebraska Sen. Scott Lautenbaugh didn’t mince words two years ago when asked about the demise of his state’s 20-year-old law on campaign finance. “Good riddance,” he said after the state Supreme Court overturned the law.

His problems with the old law, then and now, were twofold. First, he says, it had the practical effect of driving money to third parties and away from the candidates themselves.

“But the candidate, there is at least some responsibility for what is being said, you can’t say that so much with third parties,” notes Lautenbaugh, a seven-year veteran of the unicameral legislature who will leave office after this year due to term limits.

His second concern was that the law — which provided a public subsidy to Nebraska candidates who agreed to a campaign spending limit and whose opponent exceeded it — violated free-speech protections as well. This same constitutional argument is behind a series of recent U.S. Supreme Court rulings that have reshaped election systems not only in Nebraska, but several other Midwestern states.

As Ian Vandewalker of the Brennan Center for Justice puts it, the nation’s highest court has been on a “deregulatory tear.”

Not all legislators, like Lautenbaugh, are saying “good riddance” to old rules that had sought “to level the playing field” in campaigns or limit spending and contributions.

But nearly everyone can agree that a new era in campaign finance began with the U.S. Supreme Court’s landmark 2010 Citizens United decision. It has continued with rulings such as one earlier this year in McCutcheon v. Federal Election Commission.

“It’s become pretty universally accepted across the country that states can’t limit independent political spending,” notes Paul Sherman, a senior attorney for the Institute for Justice, a firm that has supported plaintiffs in lawsuits against state campaign-finance laws.

Prior to Citizens United, Iowa, Michigan, Minnesota, Ohio, South Dakota and Wisconsin were among the states that banned independent spending by corporations and unions on behalf of or against candidates for state office. The court’s 2010 ruling made those bans unenforceable.

Nebraska’s Campaign Finance Limitation

Average total contributions to candidates in races for legislature* (House, 2012 (full 2014 data not available) Senate, 2012 (full 2014 data not available)

<table>
<thead>
<tr>
<th>State</th>
<th>Year</th>
<th>Legislature (# of candidates)</th>
<th>Governor (# of candidates)</th>
<th>Other statewide offices (# of candidates)</th>
<th>Supreme court (# of candidates)</th>
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</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>2010</td>
<td>$71.9 million (306)</td>
<td>$71.9 million (32)</td>
<td>$55.0 million (21)</td>
<td>$2.8 million (3)</td>
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<tr>
<td>Indiana</td>
<td>2012</td>
<td>$22.5 million (298)</td>
<td>$22.2 million (8)</td>
<td>$1.4 million (4)</td>
<td>$0 (1)</td>
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<tr>
<td>Iowa</td>
<td>2010</td>
<td>$19.0 million (256)</td>
<td>$18.8 million (8)</td>
<td>$4.1 million (14)</td>
<td>$0 (1)</td>
</tr>
<tr>
<td>Kansas</td>
<td>2010</td>
<td>$5.7 million (255)</td>
<td>$3.9 million (6)</td>
<td>$3.6 million (25)</td>
<td>$0 (4)</td>
</tr>
<tr>
<td>Michigan</td>
<td>2012</td>
<td>$34.3 million (731)</td>
<td>$26.4 million (15)</td>
<td>$5.4 million (26)</td>
<td>$2.3 million (5)</td>
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<tr>
<td>Minnesota</td>
<td>2010</td>
<td>$12.2 million (453)</td>
<td>$17.6 million (17)</td>
<td>$1.7 million (14)</td>
<td>$152,803 (5)</td>
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<tr>
<td>Nebraska</td>
<td>2010</td>
<td>$2.1 million (51)</td>
<td>$2.8 million (5)</td>
<td>$2.0 million (28)</td>
<td>$0 (4)</td>
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<tr>
<td>North Dakota</td>
<td>2012</td>
<td>$385,516 (147)</td>
<td>$4.3 million (4)</td>
<td>$384,873 (12)</td>
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<tr>
<td>Ohio</td>
<td>2010</td>
<td>$48.5 million (334)</td>
<td>$37.6 million (4)</td>
<td>$28.6 million (27)</td>
<td>$3.0 million (5)</td>
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<td>South Dakota</td>
<td>2010</td>
<td>$2.8 million (197)</td>
<td>$5.7 million (8)</td>
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<tr>
<td>Wisconsin</td>
<td>2010</td>
<td>$32.4 million (314)</td>
<td>$22.2 million (18)</td>
<td>$1.6 million (9)</td>
<td>No candidates</td>
</tr>
</tbody>
</table>

Source: National Institute on Money in State Politics

* Average is calculated by dividing total contributions for House and Senate races by total number of House and Senate races. Data for the Michigan Senate are for 2012 because there were no state Senate races in 2014.
Economic Development

Agricultural areas looking to bioscience, research as seeds of a brighter economic future

With its cluster of farming, industry leaders such as DuPont Pioneer and John Deere, and a large land-grant university, central Iowa is already a hub of economic activity centered on agriculture and bioscience.

But state, local, business and university leaders believe the region still has much untapped potential. Their response: Join together on a new Cultivation Corridor initiative, which creates new partnerships among regional leaders in economic development, public universities and states are trying to capitalize on and better market traditional strengths in agriculture.

“Look at your strengths and find out what your region or state has a natural advantage in,” George Goodno, communications director for the Biotechnology Industry Organization, says about effective development strategies. “For example, in the Plains states, it might have something to do with wheat or animal research.”

Bioscience is not only a natural fit for the Midwest, it’s an economic sector that has been faring better than many others in recent years. “Certainly the bioscience industry as a whole has seen an increase in the number of bioscience students earning degrees and entrepreneurs starting companies,” Goodno says. “We typically say that the industry took less of a hit in terms of jobs than the overall economy, and it bounced back faster. The companies that did lay off workers tended to rehire faster.”

In central Iowa, the region’s long, prosperous history of agricultural production complements more recent areas of economic strength — for example, advances in bioscience, agbiosciences and biorenewables.

One goal of the Cultivation Corridor is to better link the business and research activity already going on in the region. In placing Iowa State University at its center, too, the initiative is part of another economic development trend — the rise in university-led development. “Over the last decade,” Goodno says, “universities, and particularly agricultural-focused research institutions, such as land-grant schools, have become very engaged in early-stage R&D.”

Goodno says state legislators can play a pivotal role in forging better ties between industry and the research community. A recent report by his organization outlines some of the ways they can do so:

• Expanding access to capital (such as through R&D tax credits, seed funds and angel-investment funds);
• Aiding commercialization and transfer of research to the private sector for development of new products;
• Investing in research facilities and infrastructure development; and
• Formulating initiatives to develop and retain workforce talent related to biosciences.

Great Lakes

Legislators in region protest proposed U.S. law limiting state regulation of ballast water

Close to 50 state lawmakers from the Great Lakes region have signed a letter expressing “strong opposition” to federal legislation that would greatly limit the role of states in regulating the discharge of ballast water from transoceanic vessels.

Those 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 in the region. Zebra mussels and round gobies are among the notable, or notorious, examples of such species thought to have reached this region via oceangoing vessels — with high ecological and economic costs.

“As state and provincial legislators, we also have a responsibility to protect the Great Lakes and the citizens who rely upon them,” legislators say in the letter, which was sent to U.S. senators representing the Great Lakes states and a large land-grant university, central Iowa is already a hub of economic activity centered on agriculture and bioscience.

“The cultivation corridor is one of several examples in the Midwest where communities, public universities and states are trying to capitalize on and better market traditional strengths in agriculture.”

As part of the goal of eliminating the current “patchwork” of rules, S. 2094 would put regulatory oversight in the hands of a single federal agency — the U.S. Coast Guard.

The EPAs role would be eliminated, and the Clean Water Act preempted. Under current law, the Coast Guard and the EPA both have regulatory authority. The two agencies now have a rule (Coast Guard) or permitting standard (EPA) in place that, starting in 2016, will require ocean-going vessels to treat ballast water in a way that meets a “numeric discharge standard” (based on the concentration of organisms in water discharges). Mirroring concerns raised by some advocacy groups, the legislators letter calls that standard inadequate.”

S. 2094 adds insult to injury by taking away the right of various jurisdictions to protect the waters of their states while simultaneously putting a weak standard in place,” legislators say in the letter.

Brief written by Laura Tomaka, staff liaison to the Midwestern Legislative Conference Economic Development Committee. She can be reached at ltomaka@csg.org. The committees co-chairs are Michigan Rep. Eileen Korwill and Nebraska Sen. Heath Mello.

Great Lakes states

| State regulates water discharges through 401 certification* | its own permitting program
|------------------------|------------------------|
| State regulates water discharges through 401 certification only* | State regulates water discharges through 401 certification* and its own permitting program

* Certification refers to the conditions that states set for the U.S. Environmental Protection Agency’s issuance of a general vessel permit under the Clean Water Act.
Citizen-initiated law ends chance that referenda could ban wolf (or other) hunting in Michigan

Eight years ago, a statewide ballot initiative ended the hunting of mourning doves in Michigan. Ever since then, Matt Evans of the Michigan United Conservation Clubs notes, sportsmen in the state have been concerned about what animal hunts might be banned next.

They turned those concerns into action this year, resulting in legislative enactment this summer of a citizen-initiated statute. The law requires future decisions on hunting, fishing and trapping of different species to be controlled by the seven-member, governor-appointed Natural Resources Commission.

The statute takes effect next year. It calls on the commission to “use principles of sound scientific and fish management” in the decision-making process and to rely on experts (inside and outside of government) as well as scientific literature and data. The Natural Resources Commission (created by voters in 1922) is now the only public body in Michigan required to use sound science in making its decisions.

The new law applies to a broad range of species; however, it was a continuing controversy over the state’s management of a single species — the gray wolf — that led a coalition of conservation, hunting and fishing groups to push for the citizen-initiated statute.

Earlier this year, the coalition collected 374,000 signatures for a measure in support of wolf hunting. Under the state Constitution, the Legislature then had a choice: Pass the statute within 40 days or send it to a statewide vote. Lawmakers chose the former.

The new law is the latest twist in an ongoing policy clash over wolf management in Michigan. The state first declared the gray wolf an endangered species in 1965. In ensuing decades, the population of gray wolves rebounded, and in 2008, the Legislature passed laws allowing wolves to be killed if they were attacking livestock or dogs. One year later, after the Michigan Department of Natural Resources determined there were more than 500 wolves in the state, the gray wolf was removed from the endangered-species list and classified as a protected non-game species.

The wolf population kept growing, and in 2012, lawmakers passed SB 1350, which named wolves as a game species and authorized a wolf hunting season. A year later, the Legislature gave the Natural Resources Commission the authority to designate a species as game.

The commission used this authority to approve the first-ever wolf hunt in Michigan. The hunt took place last fall, and 22 wolves were killed. (The commission had placed a hunting limit of 43 wolves out of the 658 living in the Upper Peninsula of Michigan.)

But the future of such hunts seemed in doubt because of two ballot measures that sought to veto the 2012 and 2013 legislation and prevent wolf hunting. The measures will appear on the November ballot, but the outcome won’t matter nearly as much — if at all — because of the citizen-initiated statute approved earlier this year.

“It settles the wolf hunt issue,” notes Michigan Sen. Darwin Booker, who voted in favor of the statute. The issue is settled, at least for now, because of another constitutional provision: Any legislative act that includes an appropriation is “referendum proof,” meaning it cannot be overturned by voters.

In this case, the citizen-initiated statute on wolf hunting included $1 million for activities to control or eliminate aquatic invasive species such as Asian carp.

Midwest-Canada Relations

With rise in rail transport of crude oil through region, new calls for tougher safety standards

On an average day in Minnesota, seven oil-carrying trains cross the state, usually through the heavily populated Twin Cities area. Each train has an average of 110 cars containing 3.3 million gallons of oil, for a total of 23 million gallons of crude oil crossing through the state each day.

The oil mostly comes from North Dakota’s Bakken oil fields, on the way to refineries as far away as 1,000 miles or more.

The increased activity in Minnesota reflects a national trend: huge growth in the shipment of crude oil by rail, from 9,500 rail carloads in 2008 to 415,000 in 2013. And the safety of these shipments has become a greater concern in the Midwest, in part because of recent serious rail accidents and explosions involving oil tanker cars in the United States and Canada.

The rise in production of Bakken oil, a light crude, also poses special safety challenges. Though easier to transport, it has a higher degree of volatility than most other crude oils and is more flammable, according to the U.S. Department of Transportation.

In late September, Minnesota Gov. Mark Dayton wrote to North Dakota Gov. Jack Dalrymple expressing safety concerns and encouraging North Dakota to “establish conditioning standards that will decrease the volatility of Bakken oil being exported from North Dakota.” (Light crude from some other U.S. oil fields undergoes a conditioning process before being shipped.)

Meanwhile, new rules proposed this summer by the U.S. DOT also aim to tighten safety standards and ensure the safe movement of oil by train. They would apply to trains with 20 or more tank cars carrying flammable liquids, including crude oil and ethanol.

Older tanker cars would have to be either retrofitted or replaced, and beginning in October 2015, new cars would need to be equipped with thicker steel to provide greater protection during crashes and derailments. The DOT also wants these trains to have better braking systems.

But implementation of these standards will depend on the availability of new or upgraded tanker cars, notes Jennifer Macdonald, assistant vice president of government affairs for the Association of American Railroads. The association supports the new standards, she says, but adds that “it will be up to the tank-car manufacturing and supply industry to address their readiness.”

The federal proposal also calls for a new classification and testing program for mixed gases and liquids, including crude oil, to ensure that they are being shipped in the appropriate container. Such a program would help first-responders follow the correct protocol when responding to a spill.

State emergency-management agencies, too, would have to be notified by the railroads of any train shipments carrying at least 1 million barrels of Bakken crude oil; this provision would codify an emergency order instituted in May.

Across the border in Canada, the country’s Transportation Safety Board has been working on new rules as well. But whether the U.S. and Canadian governments develop “consistent, harmonized standards” (which the rail industry says are needed to ensure the efficient flow of energy products between the two countries) remains to be seen.

Wolf populations in Midwestern states

- Totals: Minnesota 2,211; Wisconsin 809; Michigan (Upper Peninsula) 658; North Dakota and South Dakota, wolves occasionally seen but breeding populations unknown.

Source: International Wolf Center

Agriculture & Natural Resources

Brief written by Ilene Grossman, staff liaison to the Midwestern Legislative Conference Agriculture & Natural Resources Committee. She can be reached at igrossman@csg.org. The committee’s co-chairs are Kansas House Speaker Ray Merrick and Saskatchewan MLA Wayne Elhard.
New bills, Minnesota law seek to address gender gap in pay

In the United States, women earn roughly three-fourths of what men are paid, according to an assessment of the wage gap between men and women.

The American Association of University Women does the assessment, and it also seeks to find answers to why the wage gap exists. It notes, for example, that there tends to be a difference in pay between male-dominated fields of employment and those areas commonly chosen by women (such as teaching). Women are also more likely to leave the labor force or find part-time work in order to care for children or other family members. Ten years after graduation, 23 percent of mothers were out of the workforce and 17 percent were working part-time, compared with 1 percent and 2 percent of men, respectively.

But in its report, the association argues that even when skill, education, and other conditions are comparable, women still earn less.

States in the Midwest have taken steps to address these inequities, most notably Minnesota. Thirty years ago, it became the first state to enact a pay-equity measure in state government, requiring people in jobs of comparable skill, effort and responsibility to be paid the same.

And under legislation passed this year (HF 2536), any private company with 40 or more employees that is seeking state contracts of $500,000 or more must certify that it is paying equal wages.

The law also provides funding to encourage women to seek professions in which their gender is underrepresented, and puts in place protections for women who are pregnant or new mothers who stay in the workforce. The new law, for example, doubles guaranteed unpaid parental leave from six weeks to 12. In addition, employees can use existing sick leave to recover from domestic violence, sexual assault or stalking.

Many of the provisions in the Minnesota law are also part of federal legislation, the Paycheck Fairness Act, which has stalled in the U.S. Congress.

A package of bills introduced in Michigan last year (SB 296-299) would create an equal-pay commission, strengthen state laws on wage transparency, and increase penalties for discrimination.

In Ohio, SB 92 would narrow an exception that currently allows employers to pay different wages for similar work under certain circumstances.

State advances in IT help improve efficiency, better serve citizens

Examples include new Illinois, Michigan partnership in Medicaid

States are consistently improving their use of technology to better serve their citizens, according to a recent nationwide analysis by the Center for Digital Government.

Every two years, the organization looks at state governments’ ability to be more efficient and provide better service — and Midwestern states fared well in the most recent rankings compared with other regions. Michigan and Ohio had among the highest grades in the “Digital States Survey.” All other states in the region (except Illinois, C+) received a grade of B or higher.

Michigan received its grade this year for the third time in a row, in part because of a unique partnership it has forged with Illinois to share a groundbreaking Medicaid information system.

Linda Pung of the Michigan Department of Technology, Management and Budget says one of the keys to the state’s success has been consolidating information technology into one department, which then partners with state agencies to solve problems. That structure also helps the state replicate successful solutions in multiple areas of government, instead of each agency working independently.

“In the last couple of years under Gov. Snyder, technology has been a high priority,” Pung says. “And we have a director of technology, management and budget that believes we need to fund technology to do business transformation.”

Medicaid IT overhaul spurs partnership

In the middle of the last decade, Michigan embarked on an initiative to replace a 30-year-old system supporting its Medicaid program.

“We outgrew the system and we couldn’t adapt it to serve our customers,” says Karen Parker of the Department of Community Health. So the state approached the U.S. Centers for Medicare and Medicaid Services for a planning grant and began building a state-of-the-art tool to manage provider payments, enrollment, eligibility determination and other key functions of the Medicaid program.

The new system will allow different users to log into the system and see exactly the information they need. For example, a provider can open up the tool and track payments in real time, and payments will be virtually immediate — instead of a provider waiting weeks for processing and even longer for a payment to be sent.

The key to the new program is building different subsystems to serve different users all under the same umbrella. Pung says the state has experience with building information systems that are used by all 18 state agencies.

“This is not foreign for us, because we already have what you need — a technology solution that can serve multiple [users] and keep data separate but not duplicate it. You can leverage those systems to keep costs down,” Pung says.

A few years ago, state officials from Michigan and Illinois were at a conference, and during a discussion about state sharing of innovation, an idea was born: Why couldn’t Michigan and Illinois build one Medicaid IT system and share the costs?

What has evolved is a first-of-its-kind partnership between two states and the federal government.

Right now, providers are enrolling in the new system. Beginning next year, Michigan officials will start developing the other pieces of the puzzle — such as claims processing and eligibility.

Under an intergovernmental agreement, Illinois is sharing the costs that Michigan incurs to build the system. And the states are currently working with the federal government to iron out funding for the next phases of the historic agreement.

Full launch of the system is expected in 2017, Parker says, and Michigan already has been approached by a few states that are interested in joining the partnership in the future.

“We want to wait on discussions with other states until we know we can be successful,” Parker says.

The hope is that this partnership could be a model for state cooperation on a variety of IT projects. For example, North Dakota’s Department of Labor is looking to build an unemployment system that could be used by multiple states, according to the Center for Digital Government.

Here are some other highlights from the center’s 2014 state-by-state analysis.

• Indiana’s Management and Performance Hub will tie together all state agencies and the data they collect and use. For example, it is already analyzing information in an effort to reduce infant and child mortality rates.

• The Minnesota Department of Human Services has an online “dashboard” where taxpayers can see how the department is performing and spending public dollars.

• In Nebraska, the chief information officer reports regularly to the Legislature, and the state’s Network Nebraska initiative connects more than 275 education entities to high-speed Internet.

• Wisconsin’s State Transforming Agency Resources project is connecting the state’s more than 120 IT systems into one — including payroll, budget preparation and human resources. The project is expected to save $99 million over 10 years.

Source: American Association of University Women

Average earnings of women for every $1 earned by men (state rankings on wage equality)

Source: Center for Digital Government

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Key policy to combat drunk driving began in Indiana 75 years ago, but DUI is still viewed today as a ‘national epidemic’

By Mike McCabe (mmccabe@csg.org)

In the spring of 2013, the National Transportation Safety Board unveiled a series of recommendations designed to curb drunk driving, a problem that then NTSB chairman Deborah A.P. Hersman described as a “national epidemic.”

The centerpiece of the plan was a proposal for states to reduce their legal blood alcohol concentration limits from 0.08 percent to 0.05 percent. Such efforts have seemingly become commonplace since groups like Mothers Against Drunk Driving began working more than 30 years ago to raise awareness of the dangers posed by alcohol-impaired driving. During that time, BAC limits that once varied considerably — and were often set at much higher levels — began dropping, first toward 0.10 and eventually to the currently mandated level of 0.08.

Although BAC limits have long served as the foundation of drunk-driving laws across the country, it wasn’t until decades after the American love affair with automobiles began that technological advances made it possible for intoxication to be defined by objectively measurable blood alcohol levels. Early efforts to combat drunk driving instead relied on far more subjective methods that were often inconclusive and, if criminal charges were filed, vulnerable to attack in court.

But in 1931, Dr. Rolla Harger, a chemistry professor at Indiana University, developed the first breath tester, a device he patented and called “the Drunkometer.”

The Drunkometer was a portable mechanism that captured a subject’s breath in a balloon and then passed it through a chemical solution. If the subject’s breath contained alcohol, the solution would change color, and the alcohol content could be measured. Thanks to Harger’s innovation, Indiana soon claimed center stage in the effort to prevent drunk driving.

Harger began field testing his device in cooperation with local police, and though it had not yet been approved for official use, the Drunkometer quickly proved that driving under the influence was not uncommon.

That finding was consistent with the dramatic, nationwide rise in drunk-driving deaths (up 400 percent in the first six months of 1934) that followed the repeal of Prohibition.

Then, in August 1937, a pair of Hoosiers, Roy and Neva Gordon, became the first Americans to be arrested and charged with drunk driving after failing a Drunkometer breath test.

The test was administered after they were involved in a three-car accident in Marion County. The drunk-driving charges were later dismissed because witnesses to the accident were unsure who was actually driving the car, but the Gordons were both convicted of public intoxication based on their high BAC levels, as measured by Harger’s device.

Technology advances, policy changes

With law enforcement now able to reliably determine levels of intoxication, changes in public policy soon followed — with Indiana leading the way. In March 1939, it became the first state to impose a BAC limit on drivers.

It included a three-tiered approach, under which a subject with a BAC level of less than 0.05 percent was considered not under the influence of alcohol. A BAC level of between 0.05 percent and 0.15 percent was to be considered relevant evidence in a drunk-driving prosecution.

Only subjects with BACs in excess of 0.15 percent were to be presumed under the influence of alcohol (although the presumption remained rebuttable under the new law).

A month later, Maine followed Indiana’s lead, and eventually, all 50 states adopted BAC limits — most adhering to Indiana’s precedent.

But almost from the start, the United States lagged behind other countries in limiting blood alcohol concentration for drivers. Norway adopted a .05 standard more than 75 years before the NTSB urged states to do likewise last year. And Sweden adopted a .08 limit almost 60 years before that figure became the current U.S. standard.

Today, more than 100 countries on six continents observe BAC limits of 0.05 or less.

Roadside breath testing to determine blood alcohol concentration is still common practice, but the Drunkometer that helped blaze the trail has long since been replaced by improved technologies.

Ironically, it was another Hoosier — Robert Borkenstein, a photographer with the Indiana State Police who later also became a professor at Indiana University — who invented the first “Breathalyzer” in 1954.

Several states, though, have passed laws protecting professionals prescribing or dispensing the medication. The one-year program led to passage of a statute that then NTSB chairman Deborah A.P. Hersman urged states to do likewise last year. And Sweden adopted a .08 limit almost 60 years before that figure became the current U.S. standard.

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Some states, though, have passed laws protecting first-responders from prosecution and/or civil liability if they administer naloxone.

In 2013, Ohio launched a pilot program in Lorrain County that offers special training for qualified emergency responders in overdose response. These professionals can be certified to carry and administer naloxone, and be protected from criminal charges if they use it in a suspected overdose. The pilot program provided similar protections for medical professionals prescribing or dispensing the medication. The one-year program led to passage of a statewide law in Ohio earlier this year (HB 170). Just over half of states have some law in place regarding access to naloxone.

In 2012, Illinois was the first Midwestern state to pass a “911 Good Samaritan” law. Minnesota and Wisconsin followed suit this year; these states are among 20 nationwide that have such policies in place, according to the Drug Policy Alliance.

Four states in the Midwest (Indiana, Michigan, Minnesota and North Dakota) have also adopted “medical amnesty” laws. Designated to prevent alcohol-related deaths among people under 21, these laws provide limited legal immunity to intoxicated minors who report an alcohol-related medical emergency. Indiana expanded its law this year (SB 227) to provide protections for individuals who report other medical emergencies, such as a drug overdose or sexual assault.

When an individual is experiencing an opiate-related overdose, one of the most widely used treatments is naloxone. This medication can immediately halt the slowed breathing present during an overdose.

But naloxone is classified as prescription-only, so it can only be dispensed after an assessment by a properly licensed medical professional.

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Act got overturned two years later, soon after the U.S. Supreme Court struck down a similar public-subsidy law in Arizona.

Most recently, during this year’s election cycle, federal judges in two separate cases blocked laws in Minnesota and Wisconsin that set aggregate campaign spending limits—caps on the total amount that contributors could spend in an election cycle (Wisconsin) or how much a candidate could collect, in total, from certain large individual donors or groups (Minnesota).

These state laws are being blocked, and are likely to be overturned for good, because of the U.S. Supreme Court’s McCutcheon decision earlier this year. In that case, justices overturned a federal law that capped total donations made by individual contributors during an election cycle.

**Direct spending limits still enforced**

With states no longer able to control independent spending, what’s left are laws that limit the contributions that individuals or groups can make directly to candidates. These restrictions on direct contributions have been upheld as a legitimate means of preventing “quid pro quo corruption.”

Most states in the Midwest have some limits in place, and seven states in the region—Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota and Wisconsin—outright ban corporations and/or unions from making direct contributions to candidates (see page 6 map).

But minus limits on independent spending, does it make sense for states to have limits on the contributions that can be made to the candidates themselves?

Sherman says no.

“If the candidates want to have more control over the narrative of their campaign, the best thing they can do is to raise or eliminate the limits on contributions to themselves,” he says.

Under an Illinois law passed in 2012 (SB 3722), the state’s limits on contributions to candidates are lifted when spending by outside groups on the race reaches a certain threshold. Michigan recently doubled its limits on campaign contributions, while Nebraska sets no limits on direct campaign contributions to candidates.

**State rules on corporate, union contributions to candidates running for state office (including legislature)**

- **State bans contributions from corporations and unions to candidates**
- **State bans contributions from corporations to candidates, limits contributions from unions**
- **State bans contributions from corporations to candidates; no limits on contributions from unions**
- **State doesn’t ban contributions from unions and corporations to candidates; spending limits in place**
- **State has no ban or limits on contributions from corporations and unions to candidates**

* Prior to the U.S. Supreme Court ruling in Citizens United v. Federal Election Commission, six states in the Midwest also enforced bans on corporate and/or union spending that advocated for or against political candidates (known as “independent expenditures”): Iowa, Michigan, Minnesota, Ohio, South Dakota and Wisconsin. The court decision made these bans unenforceable.

Source: CSG Midwest research

Under an Illinois law passed in 2012 (SB 3722), the state’s limits on contributions to candidates are lifted when spending by outside groups on the race reaches a certain threshold. Michigan recently doubled its limits on campaign contributions, while Nebraska sets no limits on direct campaign contributions to candidates.

**Money in State Politics scorecard on states’ disclosure requirements for independent spending (as of 2013)**

- **Requires reporting of independent expenditures—30 points**
- **Requires reporting of electioneering communications (ads that seek to influence an election but fall short of explicitly endorsing or opposing a candidate or ballot measure)—10 points**
- **Requires reporting of the spender’s target—10 points each for independent expenditures and electioneering communications**
- **Requires reporting of the spender’s position—10 points each for independent expenditures and electioneering communications**

Source: National Institute on Money in State Politics

Vandewalker, though, cautions against a legislative response that further deregulates campaign finance systems.

“There is an imbalance [on laws regulating direct contributions and independent spending], and that imbalance has been created by the Supreme Court,” he says.

“But if you’re worried about a special interest spending millions of dollars in an election and influencing things [through independent spending], you should be much more worried about a special interest directly giving millions of dollars to a candidate.”

Even in this Citizens United era, he adds, states have other options.

First, Vandewalker suggests that states

**State laws governing direct campaign contributions to candidates for state legislature**

<table>
<thead>
<tr>
<th>State</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Contributions by an individual to a House or Senate candidate are capped at $5,300. The contribution of a political-action committee is limited to $32,600 per candidate. Generally, there are no limits on contributions from political-party committees to candidates. Contributions by unions and corporations are limited to $10,500 per candidate.</td>
</tr>
<tr>
<td>Indiana</td>
<td>There are no limits on contributions made by individuals, political-party committees or political-action committees to candidates. Aggregate spending limits are in place for contributions made by unions and corporations: a total of $2,000 on all candidates running for state Senate and a total of $2,000 on all candidates running for state House.</td>
</tr>
<tr>
<td>Iowa</td>
<td>There are no limits on contributions made by individuals, political-party committees, political-action committees or unions to candidates. Iowa bans contributions from corporations to candidates.</td>
</tr>
<tr>
<td>Kansas</td>
<td>A limit of $1,000 per Senate candidate and $500 per House candidate applies to contributions made by individuals, political-party committees, political-action committees, and corporations.</td>
</tr>
<tr>
<td>Michigan</td>
<td>Contributions by an individual are capped at $1,000 per House candidate and $2,000 per Senate candidate. For political-action committees and political-party committees, the limit is $10,000 per House candidate and $20,000 per Senate candidate. Michigan bans unions and corporations from contributing to candidates.</td>
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<tr>
<td>Minnesota</td>
<td>Contributions by an individual, a union and a political-action committee are capped at $1,000 per state Senate or House candidate. For state political-party committees, the limit is $10,000 per candidate. Minnesota bans corporations from contributing to candidates. It also has aggregate limits on the amount that candidates can accept in contributions from lobbying, political committees and nonregistered associations: $6,000 per Senate candidate and $12,000 per House candidate.</td>
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<tr>
<td>Nebraska</td>
<td>No contribution limits in place.</td>
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<tr>
<td>North Dakota</td>
<td>There are no limits on contributions made by individuals, political-party committees and political-action committees to candidates. North Dakota bans corporations and unions from contributing to candidates.</td>
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<tr>
<td>Ohio</td>
<td>Contributions by an individual or a political-action committee to a state House or Senate candidate are capped at $32,156. Political-party committees can contribute up to $136,750 per Senate candidate and $68,071 per House candidate. Ohio bans corporations and unions from contributing to candidates.</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Contributions by an individual to a House or Senate candidate are capped at $1,000. There are no limits on contributions made by political-party committees or political-action committees. South Dakota bans corporations and unions from contributing to candidates.</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>A limit of $1,000 per Senate candidate and $500 per House candidate applies to contributions made by individuals and political-action committees. There is no limit on contributions made by political-party committees to candidates. Wisconsin bans corporations and unions from contributing to candidates. A state law limiting how much a candidate can accept, in aggregate, from all sources is not being enforced due to a recent federal court ruling.</td>
</tr>
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</table>

Source: CSG Midwest (state election or campaign documents and websites)
The September/October issue of Capital Ideas — the national publication of The Council of State Governments — examines numerous issues related to state elections. It includes articles on campaign finance, felony disenfranchise-ment, judicial elections, overseas voting, voter ID and voter access. These articles and more can be found at www.csg.org and the online CSG Knowledge Center: knowledgecenter.csg.org.

strenthen laws that prevent coordination between super PACs and candidates. At the federal level, for example, super PACs and candidates cannot collaborate on a political ad or other campaign expenditure.

Secondly, states can revisit and tighten campaign-finance disclosure laws.

Edwin Bender, executive director of the National Institute on Money in State Politics, recommends that states ask this bottom-line question about their disclosure systems: How easy is it for the everyday person to access quality data on campaign spending and contributions?

In 2013, the institute examined each state’s disclosure rules on independent campaign spending. Most states in the Midwest got failing grades for their reporting requirements, with only Illinois, Ohio and Wisconsin faring well in the national study (see map on page 6).

Sherman, however, cautions that disclosure laws also come with “costs” — it can cost individual donors privacy (by having their spending posted online for everyone to see), he says, and add a compliance burden for small grass-roots advocacy groups.

A third option supported by Vandewalker and the Brennan Center is public financing of campaigns.

In the Midwest, Minnesota is currently the lone state in the Midwest with a public-financing system for legislative and gubernatorial candidates. (Michigan provides public funds in the governor’s race.)

This year, close to 89 percent of the candidates running for state office in Minnesota signed a voluntary agreement to abide by spending limits. In return, they are eligible for a public subsidy. The money comes from a general-fund appropriation and a check-off on income and property tax forms (an individual’s tax payment does not increase with the check-off).

But Vandewalker believes the most promising alternative is a system known as “small donor, multiple match.” No state has such a system in place, but New York City uses it. The city publicly matches up to $175 of each contribution to a candidate at a six-to-one ratio. So a relatively small contribution of $175 turns into $1,050 for the candidate.

“In the post-Citizens United world, it’s especially powerful because candidates can continue raising money and respond to outside spending by the other side,” Vandewalker says.

Thus far, though, only the state of New York has given serious consideration to this public-financing model. For now, candidates for office will be running under a system shaped by recent U.S. Supreme Court decisions and state laws that, at least to date, have withstood court scrutiny.

Changing ground rules: Recent campaign-finance court cases, legislation

Illinois’ legislative response to Citizens United and lower-court ruling Illinois legislators passed a bill in 2012 to untie the hands of candidates when big money is being spent on their race by outside groups. Under SB 3722, the state’s caps on campaign contributions to candidates are lifted under certain conditions. Those caps, established in 2009, limit the amount that candidates can take directly from individuals, businesses, unions and political committees. But they are now removed when spending by “super PACs” reaches $250,000 in a statewide race and $100,000 in a legislative race.

The legislation was passed in the wake of the U.S. Supreme Court’s Citizens United v. Federal Election Commission ruling as well as a subsequent lower-court decision.

Iowa’s ban on direct corporate contributions survives challenge

A legal challenge to Iowa’s ban on direct contributions from corporations to political candidates ended in defeat earlier this year, when the U.S. Supreme Court declined to review the case.

Brought by the Iowa Right to Life Committee, the case could have overturned laws in other states with such bans on direct corporate and/or union contributions, including Michigan, Minnesota, North Dakota, Ohio, South Dakota and Wisconsin.

Plaintiffs in the case also challenged the Iowa law on the grounds that it discriminates against corporations, the Washington Post reports, because the state allows unions to make direct contributions.

Public financing ends in Nebraska with federal, state court decisions

For two decades, Nebraska provided public funds to a candidate for state office who agreed to abide by a spending limit and whose opponent’s campaign spending exceeded that limit.

But in 2011 ruling by the U.S. Supreme Court ultimately led to the demise of Nebraska’s Campaign Finance Limitation Act. That decision by the nation’s highest court struck down a similar law in Arizona. “Leveling the playing field can sound like a good thing. But in a democracy, campaigning is not a game. It is a critically important form of speech,” Chief Justice John Roberts wrote in the majority opinion.

A year later, Nebraska’s law was struck down by the state Supreme Court.

Michigan allows candidates to collect more in direct contributions

Late in 2013, Michigan Gov. Rick Snyder signed legislation (SB 661) that doubled the state’s maximum campaign-contribution limits. Under the same measure, the state will also automatically adjust those limits in the future to account for inflation.

For individual donors, the higher limits are now $1,000 per house candidate, $2,000 per Senate candidate and $6,000 per candidate for statewide office. Independent PACs can now give up to $68,000 for candidates to statewide office, $20,000 per Senate candidate and $10,000 per House candidate.

Minnesota law blocked as result of U.S. Supreme Court ruling

A U.S. Supreme Court ruling earlier this year in McCutcheon v. Federal Election Commission had a near-immediate effect on campaign-finance law in Minnesota.

In the McCutcheon case, the justices ruled that aggregate spending limits — caps on what individuals or groups can spend in campaigns — are unconstitutional. Such limits intrude on “a citizen’s ability to exercise ‘the most fundamental First Amendment activities,’” the court ruled.

A month later, a U.S. district court judge temporarily blocked a provision in Minnesota’s campaign-finance law designed to limit aggregate spending by “special sources” — political committees, political funds, large individual donors and lobbyists.

Future of Minnesota, Wisconsin aggregate-spending limits in doubt

The McCutcheon decision has also led to a change in Wisconsin’s rules on campaign finance. The state had limited the amount of campaign contributions that candidates could accept, in aggregate, from PACs, political parties, candidate committees and legislative campaign committees.

But in early September, U.S. District Court Judge Rudolph Randa issued a preliminary injunction on those aggregate limits. (Wisconsin’s limits on direct contributions from a single individual or PAC to a candidate remain in place; see page 6 table.)

According to the Center for Competitive Politics, Wisconsin and Minnesota are among the 19 U.S. states with laws on aggregate spending that, in light of the McCutcheon ruling, “appear unconstitutional” or “highly vulnerable to a legal challenge.

Indiana is also listed among those 19 states. Rather than setting caps on the direct contributions that union or corporation can make to individual candidates (a more common approach taken by states, see page 6 table), Indiana sets aggregate limits for these two types of donors: $5,000 for all statewide races and a total of $2,000 among all candidates running for state Senate and another $2,000 among all candidates running for state House.
Majority floor leader reflects on first eight years in Legislature, and looks ahead to final four under state’s strict term-limits law

by Tim Anderson (tanderson@csg.org)

Eight years ago, it was decision time for Arlan Meekhof: Who should get his vote to be his next state representative? The seat was open because of Michigan’s term limits law, and plenty of candidates planned to be on the Republican ballot.

“After looking at some of the choices,” Meekhof recalls, “I thought, It might as well be me.”

Public service wasn’t new to Meekhof. He was a township supervisor, had served as board president for the private school that his children attended, and had long been an active member of his church.

And Meekhof also remembered a lesson taught to him long ago by his high school government teacher. If you don’t get involved, the teacher said, you get the government you deserve.

Meekhof didn’t necessarily like the state government that he — and the rest of his district — was getting, and he wanted to be a part of changing it.

“Michigan was struggling financially, and you could see the things that needed to be done,” he says. “You could see the budgetary constraints that needed to be put in place, but nobody at the higher level was willing to do it. We needed to get on a financial path that was sustainable, and that meant making hard decisions.”

Meekhof decided to run, surviving an eight-person primary during that first race in 2006 for state representative. Since then, he has become part of a Republican leadership team that now has full control of state government in Michigan. He currently serves as majority floor leader in the state Senate.

The turning-point election was 2010, and for the last four years, the GOP-led Legislature and Gov. Rick Snyder have moved ahead with a series of big changes — major budget cuts in 2011, elimination of the Michigan Business Tax, changes in the income tax, implementation of so-called “right to work” legislation (sponsored by Meekhof), and, most recently, phase-out of the state personal property tax.

“Over the past decade, we lost over a million people who went to other places to find opportunity,” Meekhof says. “We want them back in Michigan, and with these tax changes, our goal has been to make Michigan one of the most attractive places to grow your company or move your company.

“We can now challenge those people to come back home.”

In a recent interview with CSG Midwest, Sen. Meekhof discussed some of his continuing policy priorities, his perspective on legislative leadership and what lies ahead for the Legislature in the coming year. Here are excerpts from the interview.

Q: What were some of the goals that you and other leaders had early on for the Michigan Legislature in terms of how its work would get done?

A: One of the things we wanted to do right away was give citizens some confidence that the budget would be done on time, and that it would be done professionally without smoke and mirrors. People might not agree with what we did, but it would at least be done on time and be consistent.

Q: First in the Michigan House and now in the Senate, you have served in leadership, and pretty early on in your tenure in both legislative chambers. Why do you choose to pursue a leadership role, and what do you see as the role of legislative leadership?

A: I’ve always been interested in trying to step out and lead, and it’s really something that I feel like has come pretty naturally to me, ever since I played sports to the different things I’ve done in my professional career.

I look at leadership as trying to find ways to build coalitions around a solution. ... As a leader, you may have some input in the solution, but it’s most important to get ownership from the whole group. Get the thought process of all the members of the group, and really work to understand the thought process of each member.

From there, members of the group then want the solution to happen, and they believe in the solution because they’ve all had a part.

Q: What are some of the challenges of managing a legislative caucus?

A: In Michigan, term limits is certainly one of them. This upcoming election will be the last one for a lot of legislators because of term limits, and that leads to some questions about legacy for them.

Many of them have a passion for an issue, something that they maybe have been running on and working on since they first got elected and that has not yet gotten done. So from their perspective, they are going to want to focus all of their remaining energy on getting the issue resolved before they leave the Legislature.

So because of that, you have challenges in trying to keep some cohesion. You need cohesiveness of the entire group to solve problems in ways that are in the best interests of the whole state of Michigan.

Q: After eight years now in the Legislature, what is your perspective on how term limits have worked in Michigan, which has a lifetime ban on service after three two-year terms in the House and two four-year terms in the Senate?

A: I think there should be term limits, but they are too severe right now. And that’s especially true of cases where you have a House member who doesn’t have the chance to move on and become a member of the Senate [because a seat is not open].

That member then only gets three two-year terms. You might just be getting effective as a legislator at the end of your second term, and by the third term, you’re looking for some other sources of employment.

I look at it this way: Michigan has about a $50 billion budget. If you were on the board of a company that was worth $50 billion and you told your investors that every six years, the board of directors is going to change, how happy are your investors going to be? Could the company even survive?

How well can you manage that $50 billion with only a few years of experience? In Michigan right now, because of term limits, once you get that experience, you’re off to other things.

Q: One of the big unresolved fiscal issues in Michigan right now, and in states across the country, is finding a way to adequately fund transportation. Will that continue to be a top priority?

A: A lot of what we do will be around finding a sustainable solution to fix our roads. We’ve neglected this for more than a decade.

One of the first things we have to do is to ensure the citizens of Michigan that the money they’re already paying — gas taxes and other things — goes right to the roads. And also give them confidence about the credibility of the construction [projects] and the warranty of the roads.

Then we have to look at exactly how we fund our roads going forward. We’re buying fewer and fewer gallons of gas, so that revenue line is going down. Meanwhile, guess what? The price of asphalt is going up because it’s made of … oil.

So our current formula simply can’t keep up with our expenses. We’ll probably have to look at a way of changing our per-gallon tax to a wholesale tax, so that [revenue for roads] grows with inflation. If we’d done this 17 years ago [moved to a wholesale tax], which was the last time our state had a gas tax increase, we would have nearly a billion dollars more a year to spend.
Better system, better results

Reforms to juvenile justice in Nebraska are helping youths and communities by focusing more on rehabilitation

by Nebraska Sen. Brad Ashford (bashford@leg.ne.gov)

Sarah was a tall, long-haired woman who waited more than three hours to testify in a neutral capacity on a Thursday afternoon in March 2013.

She introduced herself as a mother, an attorney, a lifelong Nebraskan, and a kid who managed to survive. She then sat down before the unicameral legislature’s judiciary committee to say she opposed closing down the state’s youth rehabilitation and treatment centers but agreed that Nebraska incarcerated too many young people.

Sarah then made a statement that illustrated what had come to believe was an epidemic in our state. Between the ages of 14 and 18, she had been committed to the local detention center twice, been in foster care, lived in a group home, been committed to the youth treatment centers twice, spent a significant time wearing an ankle monitor, served time on probation and juvenile parole, and been through the state’s diversion program.

Soberly, she then noted that the committee members must be wondering which crimes she committed. As it turned out, Sarah was arrested for stealing a ring valued at $9.99, for possessing a small amount of marijuana and for running away from her home. In summary, nearly five years of this young lady’s life had been spent in state facilities for status and nonviolent crimes.

State trend in wrong direction

It was a story we had heard too many times before. Like many other states, Nebraska, in the wake of budget constraints and other policy priorities, had been struggling with an underfunded and neglected juvenile justice system. While youth incarceration had been decreasing nationwide, Nebraska was one of a handful of states in which it was steadily rising.

During my tenure as chair of the judiciary committee, our state faced this sobering reality: We had the fourth-highest rate of youth incarceration in the country, and 45 percent of charges against our members must be wondering which crimes she committed. Thus, back in 2010, I had embarked on juvenile justice reform by Nebraska Sen. Brad Ashford of Omaha was first elected to the unicameral legislature in 2006; he is serving his fifth session. Also, to aid future legislatures in policymaking, LB 464 requires the state court administrator to file annual geographic and demographic data on filings and adjudications in juvenile court; the number of youths in adult court and in out-of-home care; and on youth recidivism. LB 464 passed this year with near-unanimous support.

While there is still much work to do in improving our juvenile justice system, Nebraska can and should take pride in the steps it has taken to rehabilitate young people, prevent recidivism and ensure that some of our state’s most vulnerable youths have a voice.

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 First Person article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1092 or tanderson@csg.org.

| % change in juvenile incarceration rate in Midwestern states, 1997-2010* |
|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                  | (per 100,000 juvenile population) |
|                  |                  |                  |                  |                  |                  |                  |                  |                  |
|                  |                  |                  |                  |                  |                  |                  |                  |                  |

Additional, LB 464 increased youth access to counseling. Youths must be represented by an attorney at transfer hearings, recognizing the importance of juvenile court for youths, families and communities.

Also, to aid future legislatures in policymaking, LB 464 requires the state court administrator to file annual geographic and demographic data on filings and adjudications in juvenile court; the number of youths in adult court and in out-of-home care; and on youth recidivism. LB 464 passed this year with near-unanimous support.

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% change in juvenile incarceration rate in Midwestern states, 1997-2010*

* per 100,000 juvenile population

Source: Annie E. Casey Foundation

Nebraska Sen. Brad Ashford of Omaha was first elected to the unicameral legislature in 2006; he is serving his last year in office due to legislative term limits.

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In the United States, nearly 44 million people smoke — and studies show that 70 percent of them wish they didn’t.

During a session held last month at The Council of State Governments’ Medicaid Policy Academy, an expert from the American Lung Association advised a group of legislators on how states can help more low-income people quit smoking for good.

CSG’s Policy Academy series brings together small groups of state leaders to hear from experts and share ideas in areas of importance to states, such as health care, transportation and education. The September academy on Medicaid was held in Washington, D.C.; among the 21 attendees were seven legislators from the Midwest. Topics included behavioral health services in the justice system, lessons learned from states that have recently received Medicaid waivers from the federal government, and innovative approaches to managed care.

One of the academy’s main sessions explored tobacco cessation, a topic important to states because the proportion of Medicaid recipients who smoke (30 percent) is significantly higher than the general population (18 percent), says Paul Billings, the American Lung Association’s senior vice president for research and advocacy.

Smoking-related diseases cost Medicaid programs an average of $833 million each year, Billings says. That’s why investing in strategies to help smokers quit can pay enormous dividends — and share ideas in areas of importance to states,

There are a variety of strategies, Billings says, and investing in tobacco-cessation efforts yields an average 3-to-1 return on investment.

Medicaid policy academy: Attendees from the Midwest

### Medicaid coverage for tobacco cessation in Midwestern states, 2014

<table>
<thead>
<tr>
<th>State</th>
<th>Copays required</th>
<th>Prior approval required</th>
<th>Limits on duration of care</th>
<th>Annual limit on quit attempts</th>
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<tr>
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* Smoking-cessation benefits vary by plan.

Source: The U.S. Centers for Disease Control and Prevention

Take the example of Massachusetts, which added a tobacco-cessation benefit to its Medicaid program in 2006. Under the initiative, smokers were given access to seven federally approved medications designed to help patients battle an addiction to nicotine. Medicaid enrollees could also receive individual, group or telephone counseling.

Within the first two years, smoking rates among Medicaid beneficiaries dropped 26 percent. Low-income people are less likely to be able to pay for smoking-cessation treatment on their own. They also tend to have more difficulty finding a doctor who accepts Medicaid, taking time off of work to seek care and finding transportation to and from appointments, Billings says.

What’s more, data show that it usually takes more than one attempt to quit smoking for good. Billings points out that the more barriers to receiving support (such as cost, lack of convenience, paperwork, etc.), the less likely a smoker will keep trying to quit.

But other experts believe it is also important to give smokers motivation to quit by asking them to pay for a portion of their care: By having some “skin in the game,” individuals are more likely to make a serious attempt at quitting.

Materials and presentations from CSG’s Medicaid policy academy are available at www.csg.org/medicaidpolicyacademy2014.

### U.S. Supreme Court begins new term, states on watch

On the first day of its fall term, the U.S. Supreme Court announced it would not consider appeals of cases striking down same-sex marriage bans in five states — including Indiana and Wisconsin. It was an early reminder in the new term of the impact that the court has on state law and public policy.

To help monitor that activity, and weigh in on certain cases, The Council of State Governments relies on the work of the State and Local Legal Center. CSG is one of the “Big Seven” state and local associations that are members of the center — which files amicus curiae briefs in support of states and local governments and provides other assistance in connection with litigation.

The center also regularly holds webinars and publishes briefs for policymakers to learn more about cases being considered by the Supreme Court. More information is available at www.stateorlocalle. Here are some issues that the center is closely watching as the U.S. Supreme Court begins its new term.

### Redistricting authority

In a provision added to the Arizona Constitution by citizen initiative, legislative and congressional redistricting authority is placed in the hands of an unelected commission. The court has been asked to decide whether this violates the U.S. Constitution’s Elections Clause, which requires the time, place and manner of congressional elections to be prescribed in each state by the “Legislature thereof.” While the use of redistricting commissions is popular for drawing state legislative district lines, only Arizona and California mandate the use of such commissions for congressional redistricting. As of Oct. 6, the court had not announced whether it would hear the case.

### Health care exchanges

On the same day in July, two federal courts of appeals issued opposite opinions on whether the Affordable Care Act permits tax credits on health insurance purchased through federal exchanges. This decision could potentially affect every state in the Midwest except Minnesota, which established a state insurance marketplace. As of Oct. 6, the court had not yet announced whether it would take on the case.

### State Medicaid reimbursements

In 2012, the court opted not to decide a case in which a group of private citizens sued California over Medicaid reimbursement rates that the plaintiffs considered unfairly low. This year, the court will hear Armstrong v. Exceptional Child Center and decide whether providers can sue to force states to follow federal Medicaid rules.
Kennedy-era Secret Service agent to speak at MLC Annual Meeting in Bismarck

Clint Hill will forever be remembered as the Secret Service agent who leapt onto the back of John F. Kennedy’s limousine moments after the president was assassinated in 1963. Hill received the highest civilian award for his bravery while protecting First Lady Jacqueline Kennedy. Hill will share his story — including his early life in a North Dakota orphanage — with attendees of next year’s Midwestern Legislative Conference Annual Meeting. The premier event for the region’s state and provincial legislators, the 2015 MLC Annual Meeting will be held July 12-15 in Bismarck, N.D.

Hill’s address will draw in part from his bestselling memoir “Mrs. Kennedy and Me,” which he co-wrote with journalist Lisa McCubbin. She will join Hill for the presentation to the MLC, helping him draw out poignant anecdotes and present rarely seen photos and videos of Hill’s years serving under five U.S. presidents.

North Dakota to host the MLC meeting
North Dakota Sen. Tim Flakoll, the MLC’s 2015 chair, is leading his home state’s planning for the 70th MLC Annual Meeting of the MLC. Every year, the event features renowned speakers such as Clint Hill along with a mix of sessions on public policy and professional development. These sessions are designed to foster the exchange of innovative solutions to common state challenges — all in a nonpartisan environment.

The family-friendly event will also offer a variety of daytime activities for the children, spouses and guests of attendees. Registration for the MLC Annual Meeting will open in early 2015; materials will soon be available at www.csgmidwest.org.

Congratulations to 2014 Toll Fellows Class from Midwest

Last month, 12 Midwestern policymakers took part in the Henry Toll Fellowship program, a leadership-development program for state officials in all three branches of government. Each year, 48 fellows are chosen to participate in the six-day program held in Lexington, Ky., home of CSG’s national office. The agenda features a mix of policy sessions and professional development in areas such as communications training and crisis management. This year’s Toll Fellows are listed below, from left to right.

Row three: South Dakota Secretary of Public Safety Trevor Jones, Illinois Rep. David Harris, Assistant Deputy Secretary of the Wisconsin Department of Children and Families Sara Buschman, North Dakota District Judge Bradley Crull

CSG MIDWEST

CALENDAR

UPCOMING MIDWESTERN LEGISLATIVE CONFERENCE AND COUNCIL OF STATE GOVERNMENTS EVENTS

LEGISLATIVE AGRICULTURAL CHAIRS SUMMIT
January 2-4, 2015
Clearwater, Florida
Contact: Carolyn Orr (corr@sarl.us)
www.agandruralleaders.org

70TH ANNUAL MEETING OF THE MIDWESTERN LEGISLATIVE CONFERENCE
July 12-15, 2015
Bismarck, North Dakota
Contact: Gail Meyer (gmeyer@csg.org)
630.925.1922
www.csgmidwest.org

21ST ANNUAL BOWHAY INSTITUTE FOR LEGISLATIVE LEADERSHIP DEVELOPMENT (BILLD)
August 21-25, 2015
Madison, Wisconsin
Contact: Laura Tomaka (ltomaka@csg.org)
630.925.1922
www.csgmidwest.org

HENRY TOLL FELLOWSHIP PROGRAM
August 28-September 2, 2015
Lexington, Kentucky
Application deadline: April 15
Contact: Kelley Arnold (kanold@csg.org)
800.800.1910
www.csg.org/LeadershipCenter/TollFellows.aspx

CSG NATIONAL CONFERENCE
December 10-13, 2015
Nashville, Tennessee
Contact: Kelley Arnold (kanold@csg.org)
800.800.1910
www.csg.org

Lisa McCubbin
Clint Hill

Featured speakers: Hill and McCubbin

11 STATELINE MIDWEST • OCTOBER 2014
Iowa seeks to bring more veterans to state, help them find jobs

In Iowa, the state and some of its local governments are trying to send a clear message to military veterans: We Want You. The Home Base Initiative is a public-private partnership that is marketing job opportunities to veterans across the country and doing more to welcome this population to Iowa.

As part of the state’s goal of attracting veterans, the Legislature passed SF 303 earlier this year. It allows businesses to give preference to veterans in their hiring decisions and allows military experience to count as credit toward the earning of a professional license.

A county can be designated as a “Home Base Iowa Community” by meeting certain criteria. Area businesses must commit to hiring veterans, for example, and the local government must offer incentives as well. As of September, four counties had received the designation. Their incentives for veterans have included property tax abatements and homeownership assistance.

In 2013, unemployment rates among veterans varied in the Midwest from a low of 3.2 percent in North Dakota to a high of 9.2 percent in Illinois. State jobless rates among post-9/11 veterans varied in the Midwest from a low of 3.2 percent to a high of 9.2 percent in Illinois. State jobless rates among post-9/11 veterans often tend to be quite a bit higher — for example, 10 percent or more last year in Illinois, Indiana, Kansas, Michigan, Nebraska, Ohio and Wisconsin.

Minnesota begins funding ‘all-day K’ across the state

This year’s school year in Minnesota was marked by at least one big change for some families in the state — access to full-day kindergarten.

According to the St. Paul Star Tribune, the Legislature is spending about $314 million to provide a full day of programming. Prior to this year, the state only funded a half day, which meant student access to “all-day K” depended on the ability or willingness of local school districts or parents themselves to pay for it.

The statewide program, proponents say, will help close achievement gaps and improve educational outcomes among all students. Indiana, North Dakota and Michigan are among the other U.S. states where all-day kindergarten is widely available.

According to the Education Commission of the States, no state in the Midwest requires school districts to offer a full day of kindergarten. Only a half day must be offered, and parents in every Midwestern state except Ohio and South Dakota have the choice of not sending their child to kindergarten. Every state in the region requires that students begin attending school at age 6 (Illinois, Iowa, Michigan, Nebraska, Ohio, South Dakota and Wisconsin) or age 7 (Indiana, Kansas, Minnesota and North Dakota), the commission reports.

State differ on rules and practices used to forecast revenue

Every legislature and governor relies on a revenue forecast to build a state budget, but as a recent study shows, the process itself can vary considerably around the country.

Indiana and Iowa were among the U.S. states that employ all five of the Center on Budget and Policy Priorities’ “best practices” in revenue forecasting. Here is a list of those forecasting practices, along with the states in the Midwest that are using them, according to the center.

- Employ a consensus-based approach, one in which the governor and legislature work on forecasting together and agree on a single revenue estimate (Indiana, Iowa, Kansas, Michigan and Nebraska).
- Involve nongovernment experts in the forecasting process (every state in the Midwest that are using them, according to the center).
- Use economic forecasting models that generally outperform intuitive forecasts (Indiana, Iowa, Kansas, Michigan and Nebraska).
- Have an open, transparent process and then provide detailed results online (Indiana, Iowa, Kansas, Michigan and South Dakota meet these two criteria).
- Revise revenue forecasts during session to account for changing economic conditions (every state in the Midwest except Ohio and South Dakota).

In Indiana, a new way to register to vote — via your smartphone

Indiana residents had a new way of registering to vote this election season — via a “full-service” application on their smartphone. The app allowed Hoosiers not only to register to vote, but also to view the candidates on their ballot and how to get to their polling location. Other features include the ability to track absentee-ballot applications and contact local election officials.

The Indiana secretary of state’s office rolled out the new tool for voters in September, in conjunction with National Voter Registration Day. It is part of a regional and national state policy trend that is changing at least part of the elections process for voters.

According to the Brennan Center for Justice, five states in the Midwest (Illinois, Indiana, Kansas, Minnesota and Nebraska) are among the 24 nationwide that offer or will soon offer online voter registration. Two years ago, Washington became the first U.S. state to give voters the chance to register via Facebook, USA Today reports.

Meanwhile, same-day voter registration expanded in the Midwest this year as the result of Illinois’ passage of HB 105. Iowa, Minnesota and Wisconsin already have laws that permit residents to register on Election Day.