States are changing registration laws, targeting outreach to young people and using social media to improve turnout rates

by Tim Anderson (tanderson@cs.org)

From the high-profile race for president to the often-overlooked campaigns that will determine partisan control of state legislatures, voters have plenty of reasons to participate in this year’s general elections. But tens of millions of U.S. citizens almost certainly will not. During the last presidential election cycle, 42 percent of the nation’s voting-eligible population did not cast a ballot. Two years ago, overall turnout rates fell to their lowest levels in nearly 75 years, and less than one-quarter of eligible young people (ages 18-34) voted in that off-year election. The historic lows of 2014 will not be repeated this year (a race for president always brings out more voters), but if recent history is any indication, the turnout rates in this country will still trail those of most of the world’s other developed democracies.

“Most people view high voter participation as a good thing,” says Michael Hamner, research director for the University of Maryland’s Center for American Politics and Citizenship, noting that “a high level of turnout is a sign of a healthy democracy.” At least on that measure, most states in the Midwest are “healthier” than the rest of the country (see voter-turnout map on this page). And Minnesota, Wisconsin and Iowa typically rank near the top of U.S. states for voter turnout. Myriad factors cause the big variations in turnout among states—from the age, education levels and permanency of their populations to the competitiveness of their elections. But another variable is the state laws themselves, particularly procedures for registering and voting that either add obstacles to participation or remove them.

‘Automatic’ voter registration

With an eye toward improving voter participation, state legislatures in the Midwest have passed laws to provide for early voting, pre-register 17-year-olds, and offer online and same-day registration. But when asked which systems make it easiest for people to exercise their right to vote, turnout expert Michael McDonald points to two states outside this region: Colorado and Oregon. In Colorado, he says, the state not only sends all voters a ballot in the mail, it now gives them the option of registering and then voting the same day at polling centers in their counties. Those centers are open for 16 days, including Election Day. “I would not be surprised if Colorado is near the top of the turnout states this year,” says McDonald, who runs the U.S. Elections Project and is a nonresident fellow at the Brookings Institution.

One year ago, Oregon became the first state to adopt “automatic, opt-out” registration. Under this system, any person eligible to vote is automatically registered when he or she gets a new driver’s license (or updates an old one), a permit or state ID card. Oregonians are then sent a card giving them one of three options: 1) do nothing and be registered to vote in the general election; 2) join a political party in order to vote in the primaries; or 3) opt out of voter registration.

In the first year of its Motor Voter program, Oregon expects to add 250,000 new voters to its rolls. Earlier this year, Illinois came close to becoming the first state in the Midwest to adopt a version of this type of automatic, opt-out registration system. “It’s not going to solve every problem with voter turnout, but it certainly simplifies the process for some voters,” says Illinois Sen. Andy Manar, the sponsor of SB 250, which was passed by the General Assembly in May but vetoed by Gov. Bruce Rauner in August. In his veto message, Rauner said the legislative proposal did not provide enough safeguards to protect ineligible people from voting. SB 250 did not comply with federal law or “ensure the integrity of our election system,” the governor said.

Whether the Illinois General Assembly...
**State-of-art locomotives on way to region as part of federal grant to modernize rail fleets**

The latest tangible sign of high-speed passenger rail service in the Midwest should arrive before the year is out: New, state-of-the-art "Charger" locomotives are ready for delivery, attendees of the Midwest Interstate Passenger Rail Commission's annual meeting were told in September.

The locomotives, made in Sacramento, Calif., by Siemens, have been successfully tested along Amtrak's Northeast corridor between Washington, D.C., and New York City, and at the Transportation Technology Center in Pueblo, Colo., said Dave Ward, vice president of Siemens Locomotives' North American division.

They’re part of a $268 million Federal Railroad Administration grant to the Midwest to replace aging locomotives and railcars with modern equipment capable of high-speed operations along eight state-supported routes in the region. (For technical reasons, delivery of the railcars has been pushed back and is now scheduled to start in 2020.)

The Midwest Regional Rail Initiative, first developed in 1998, envisions high-speed rail routes emanating from Chicago and providing service to Detroit, St. Louis, Cleveland, Cincinnati, Milwaukee and Minneapolis-St. Paul via passenger trains traveling at 110 mph. (That same regional plan also calls for improved service on other corridors as well as new routes for the region.)

The first stretch of 110-mile service, between Porter, Ind., and Kalamazoo, Mich., on the Chicago-Detroit/Pontiac corridor, began in February 2012. Michigan is now upgrading the line to allow for similar speeds on most of that route. Work should be complete by November 2017, said Tim Hoeffner, director of the Michigan Department of Transportation's Office of Rail, serving as MIPRC chair.

As part of a $268 million federal grant, state-of-the-art "Charger" locomotives will replace aging equipment along eight routes in the region.

Midwest-Canada Relations

**Trending ‘Buy America’ rules can disrupt integrated U.S.-Canada supply chains**

Buy America requirements, provisions added to federal legislation to require domestic content when purchasing materials for government-supported projects, are showing up more regularly in major bills passed by the U.S. Congress.

The most recent example of this trend came in September, when the U.S. Senate approved its version of the comprehensive Water Resources Development Act. The legislation would mandate that only American-made iron and steel products be used in drinking water infrastructure projects that receive funding from a federal revolving-loan program.

For supporters such as U.S. Sen. Tammy Baldwin of Wisconsin, the rationale for these domestic content requirements is this: If taxpayer dollars are going to the projects, why not make sure that the money goes to American workers, foundries and mills?

But in seeking ways to protect and expand domestic job opportunities, Buy America (or "Buy American") can complicate another part of the U.S. economy — the integrated supply chains that have developed across the U.S. and Canadian borders. In this type of market, a product or piece of equipment may be ready for sale only after crisscrossing the border multiple times. Domestic content requirements, then, can disrupt the way some products are made.

The Associated General Contractors of America points to other concerns as well — for example, requiring companies to replace long-standing, reliable suppliers (in order to be eligible for a federal infrastructure project), or encouraging other countries to respond with domestic content provisions of their own.

Though it has become more common in U.S. legislation in recent years, the inclusion of "Buy American" language dates back to 1933. That year, the U.S. Congress began requiring federal agencies to purchase American-made materials such as iron, steel and manufactured products. In practice, the law established a price preference for American-made products and materials.

A newer Buy America standard, which first appeared in 1992, is related to procurement for transportation projects. Construction projects for roads, bridges, rail and transit required all parts and materials to originate in the U.S. These standards have been attached to U.S. Department of Transportation funding bills ever since. The original Buy American Act language referred to federal procurement, while transportation projects are often run by states and localities (but federal dollars are used).

The American Recovery and Reinvestment Act of 2009 provided over $150 billion in stimulus funding for infrastructure, transportation and water (such as drinking water and wastewater) projects. Section 1605, which contains the Buy America provisions, applies to projects funded by ARRA, including those funds going to states and localities. The act requires that 100 percent of the iron, steel and other manufactured products used in ARRA-funded projects be American-made.
Stay in school: Under Illinois law, districts must first consider non-exclusionary punishments

This school year, officials of K-12 public schools in Illinois are revisiting their student-discipline policies in accordance with a new law that aims to reduce the number of students who receive out-of-school suspensions and expulsions.

“The goal is to ensure that this only happens when absolutely necessary,” says Illinois Sen. Kimberly Lightford, the sponsor of SB 100. Students who receive exclusionary punishments are at a significantly higher risk of failing behind academically, dropping out of school, and coming into contact with the juvenile justice system, according to a 2014 report from The Council of Four Governments’ Justice Center.

For instances in which a student commits minor misconduct, the new Illinois law requires school leaders to use non-exclusionary methods of discipline — such as in-school suspension, detention or loss of privileges — and to exhaust all other methods of intervention before removing the student.

Local school boards also are now prohibited from using monetary fines and instituting “zero tolerance” policies, under which a student must be removed from school for certain behaviors.

School officials can still rule out giving an out-of-school suspension to a student who commits a serious offense or poses a threat to school safety, but they must provide a written explanation as to why that disciplinary action was needed, as well as the rationale behind the duration of the suspension or expulsion.

Under the new law, too, students who are suspended or expelled must get the opportunity and resources they need to make up missed class work. Exclusionary discipline policies, such as expulsions, are at a significantly higher risk of failure behind academically, dropping out of school, and coming into contact with the juvenile justice system, according to a 2014 report from The Council of Four Governments’ Justice Center.

Brief written by Katelyn Yee, staff liaison to the Midwestern Legislative Conference Education Committee. She can be reached at kyye@csf.org. The committee’s co-chairs are North Dakota Sen. Kyle Davison and South Dakota Rep. Jacqueline Sly.

New state laws, voluntary hospital initiatives aim to reduce deaths from sepsis

For patients who develop sepsis, the ability of a health professional to recognize it early on can mean the difference between life and death, or between full recovery and permanent organ damage.

For doctors and nurses, though, early recognition of this condition (caused by the human body’s response to an infection) can be difficult. “The symptoms are like those for the flu and many other diseases,” says Kelly Court, chief quality officer at the Wisconsin Hospital Association. “So you need to get the entire clinical team at a hospital to think sepsis when evaluating a patient, because early detection is so important.”

Four years ago, that early detection did not take place in a case that led to the tragic death of a 5-year-old girl in Illinois. The girl, Gabby Gallo, died from sepsis after a tick bite caused a bacterial infection.

Gabby’s Law (SB 2403), signed into law this summer after receiving unanimous legislative approval, puts in place new statewide requirements for hospitals, which will now have to establish and then periodically implement evidence-based sepsis protocols — for example, a process for screening and early recognition, identification of the infectious source, and guidelines for how to administer fluids and deliver antibiotics to patients. Direct-care staff in Illinois’ hospitals will have to receive periodic training on these protocols.

Illinois Sen. Chapin Rose, the sponsor of SB-2403, says the new requirements will improve the quality of care across the state, in part by raising awareness about the potentially deadly condition.

In the Midwest, sepsis was one of the 10 leading causes of death in Illinois, Indiana and Ohio; nationwide, it ranked 11th. The condition causes as many as half of the country’s in-hospital deaths — most commonly among the elderly. (According to the U.S. Centers for Disease Control and Prevention, the condition begins outside the hospital in nearly 80 percent of patients.)

Between 1999 and 2014, people 65 and older accounted for roughly three-fourths of all sepsis deaths. Along with Illinois, New York also has recently adopted new sepsis-related requirements for its hospitals. In Ohio and Wisconsin, no new laws are in place, but hospitals themselves have launched statewide initiatives to reduce deaths from sepsis.

According to Court, the sepsis mortality rate in Wisconsin hospitals has dropped 16 percent since her association and its members began the initiative; the group’s goal is a 40 percent reduction.

The association was approached about the idea of some kind of legislation (such as Illinois’ and New York’s), Court says, but she believes the voluntary approach in Wisconsin will prove to be more effective. “We think the practice of medicine belongs to the patient,” she says, “where hospital leaders can learn from one another. We think the practice of medicine belongs to the patient.”

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Fight over Dakota Access reflects rise in attention, resistance to new pipelines

Out of sight, out of mind — until they aren’t — pipelines are as yet a necessary piece of the nation’s energy puzzle, moving oil and natural gas from their origins to refineries, and thence into our gas tanks, stoves, roads, roofs and more. But against a backdrop of heightened environmental and climate-change awareness, crude oil pipelines now also carry controversy, raising the stakes for the states, which are more or less on their own when it comes to regulating the siting of such pipelines (as long as their regulations aren’t pre-empted by applicable federal laws).

Companies that operate pipelines come under the jurisdiction of the Federal Energy Regulatory Commission. And once pipelines are operational, the U.S. Pipeline Safety Act assigns oversight to the Office of Pipeline Safety (housed within the U.S. Department of Transportation’s Pipeline and Hazardous Materials and Safety Administration).

The latest pipeline to make headlines is the Dakota Access Pipeline, a planned 1,134-mile underground pipe from the Bakken oil fields in northwest North Dakota that would run through South Dakota and Iowa to the Patoka Tank Farm in south central Illinois. If/when completed, the $3.7 billion pipeline is projected to carry more than 450,000 barrels of fracked crude oil per day.

As of February, Dakota Access had received approval in all states except Iowa. Because the pipeline would run through state parks or public lakes, both the Iowa Utilities Board and Department of Natural Resources must sign off on it. The DNR did so in March, and in June, the Iowa Utilities Board voted 2-1 to permit pipeline construction. However, 15 Iowa farmers have since sued over the board’s granting of eminent domain powers for the pipeline project.

Public utility or private entity?

The farmers argue that the pipeline does not qualify as a public use, purpose or improvement. As a result, they say, eminent domain cannot be used to force the sale of farmland to a private pipeline company. (Federal law gives crude oil pipelines no statutory right to use eminent domain; it does give that right to natural gas pipelines, however.)

As a result, they seek to have the Utility Board’s decision overturned as unconstitutional. Oral arguments are scheduled for December.

In North Dakota, the original route would have crossed the Missouri River near Bismarck, the state capital, but when concerns over potential drinking water contamination and wetlands encroachment were raised by the U.S. Army Corps of Engineers, Dakota Access, LLC, shifted the route to a point just half a mile from the Standing Rock Sioux Reservation.

Protests began earlier this year, and the tribe sought an injunction against the U.S. Army Corps of Engineers to halt construction, arguing the route would violate burial and otherwise sacred grounds, while also jeopardizing drinking water supplies.

In early September, violence broke out when private security guards unleashed attack dogs and used pepper spray on protesters who were blocking bulldozers from clearing a swath through land subject to that potential injunction.

A few days later, a U.S. District Court ruled against the tribe. But within hours of that decision, the U.S. Department of Justice, U.S. Department of the Interior and Army Corps of Engineers halted construction on the pipeline within 20 miles of Lake Oahe on the Missouri River near the Standing Rock Sioux Reservation, pending further review of the project.

South Dakota’s Public Utilities Commission approved the pipeline’s construction permit last November, but attached 50 conditions that Dakota Access, LLC, must meet as part of the land restoration and reclamation process after the pipes have been laid.

Chris Nelson, chair of the South Dakota Public Utilities Commission, says the Dakota Access pipeline drew more comments and attention from residents than either the Keystone or Keystone XL pipeline proposals of 2007 and 2009.

“This was a much more highly contested docket than either of those two,” Nelson says. “People are paying closer attention to pipeline issues than they were 10 years ago.”

Article written by Jon Davis, CGS policy analyst, who can be reached at jdavis@csg.org.
Ohio looks to fill gaps in resources for young people, families in crisis

by Tim Anderson ( tanderson@csg.org)

In early 2012, a 17-year-old stood up in a high school cafeteria in northeast Ohio and began shooting. Three students died, three were injured.

For the leaders of Ohio’s systems of mental health and developmental disabilities, that tragic incident became a call to action. “After the fact, people said, ‘We had seen signs,’ but nobody knew what to do or how to connect with resources,” notes Tracy Plouck, director of the Ohio Department of Mental Health and Addiction Services.

What could the state do to help fill those resource gaps? How could it assist families and communities wanting to help a troubled young person?

In part, the response has been the creation of Strong Families, Safe Communities, the goal of which is to improve care coordination and crisis-intervention services for individuals between the ages of 8 and 24 at risk of harming themselves or others due to a mental illness or developmental disability.

During its first four years, Strong Families, Safe Communities has provided $11 million worth of grants across the state. Those dollars have funded family-based mentoring and therapy programs, screenings for high-risk children and the deployment of “mobile urgent treatment teams.” These teams of local health professionals are available at any time to go to the scene of a behavioral or mental health crisis (at a school or home, for example). Their role is to not only to stabilize the situation, but to connect a young person and his or her family to longer-term treatment options.

Strong Families, Safe Communities is a partnership between two Ohio agencies: the departments of Developmental Disabilities and Mental Health and Addiction Services. In turn, one of the few requirements of the state grant program is collaboration among a local developmental disability and a local mental health system.

(Ohio has a locally administered system for delivering these services.)

But common themes soon emerged in the local grant proposals, an indication of resource gaps across Ohio. Many of the proposals, for example, sought new ways of reaching young people, delivering trauma-informed care and providing relief for families.

In northeast Ohio’s Stark County, local officials launched a 24/7 “crisis text line” — allowing a young person in crisis to connect with a counselor via a text message. That local idea turned into a statewide program this fall.

Likewise, state leaders quickly saw a need for health providers, first-responders, child-welfare workers and others to better recognize the consequences of trauma and help people recover from it. In response, Ohio established a Trauma-Informed Care Initiative and has provided training to more than 7,400 people.

Lastly, the need for respite care became apparent in many of the grant applications. “The value of giving these affected families a break was one of the huge things that came out of this,” says John Martin, director of the Ohio Department of Developmental Disabilities.

And this, too, has helped lead to a change in state policy: Starting in 2017, Ohio’s Medicaid program will provide respite-care reimbursement for families who have children with serious emotional disorders.

This article was written as part of this year’s Midwestern Legislative Conference Chair’s Initiative of Wisconsin Rep. Joan Ballweg. This initiative is focused on state policies that strengthen families, improve opportunities for children, and yield better longer-term outcomes. CSG Midwest provides staff support to the MLC.

**QUESTION OF THE MONTH**

**QUESTION:** How do states in the Midwest go about collecting the debt owed to them?

One long-standing, widespread state strategy to collect debt has been the use of offset programs — ensuring that any pending payments to individuals or entities (tax refunds, for example) are used to cover their delinquent obligations.

In fiscal year 2015, for example, Iowa’s Offset Program collected $47.2 million in debt, a 162 percent increase from FY 2006. Two primary factors have contributed to this increase in debt recovery. First, certain casino winnings must now be used to pay an individual’s debt. (Other offsets can come from tax refunds, lottery winnings, and payments to vendors for goods and services.) Second, Iowa allows local governments to participate in the program. This local involvement also takes place in states such as Kansas, Minnesota and Wisconsin.

Wisconsin’s Debt Collection Initiative was authorized seven years ago and requires participation by all state agencies. Under this initiative, the Department of Revenue is responsible for collecting debt, first by reaching out to individuals and seeking voluntary payment. “Involuntary” methods are the next step — for example, taking a portion of the person’s wages or issuing a levy on the debtor’s bank.

Across the Midwest, states now centralize their debt-collection operations — by encouraging or requiring state agencies to send their bad debt to a single state entity for collection. These centralized operations are run through 1) treasury and revenue departments (Illinois, Indiana, Michigan, Minnesota, Nebraska, North Dakota and Wisconsin; 2) an attorney general’s office (Ohio); or 3) departments that provide administrative and other services to state government agencies (Iowa, Kansas and South Dakota).

South Dakota’s Obligation Recovery Center opened in July (the result of last year’s HB 1228). The center’s first customer is South Dakota’s Unified Judicial System, which will pass along unpaid restitution payments and court fines. All state agencies soon will be referring bad debt to the center.

Overseen by the South Dakota Bureau of Administration but run by an outside firm, the center will be funded by a 20 percent cost recovery fee charged to debtors. It has the authority to sue, file liens and maintain an electronic debt management system. And under the law, people who owe the state money can be denied driver’s, fishing and hunting licenses.

States also can enter into reciprocity agreements with the U.S. Department of Treasury — with both parties agreeing to offset payments to individuals or entities that have debts with a state or federal agency. As of FY 2015, only Illinois, Minnesota and Wisconsin had such agreements with the federal government. However, all U.S. states recover some debt from the U.S. Department of Treasury’s Offset Program. About $3 billion was collected on behalf of states in FY 2015, more than half of this total was related to delinquent child-support payments. The federal program also helps collect unpaid state income taxes and retrieve debts related to unemployment insurance and food stamps.

$ recovered for each state from U.S. Department of the Treasury’s Offset Program (FY 2015)

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<th>State</th>
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<th>Percentage of Total</th>
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Source: U.S. Department of the Treasury

Article written by Tim Anderson ( tanderson@csg.org), CSG Midwest publications manager. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 638.925.1922.

MLC Chair’s Initiative: Strengthen families, improve child well-being and improve long-term outcomes
State laws can improve voter turnout, but other factors also impact participation rates

When state policymakers look for ways to increase turnout, their focus often is on young people, a group that is less likely to vote and more likely to run into voting barriers.

Same-day registration is one way to remove these barriers; another is to allow for online registration.

According to the Brennan Center for Justice, a vast majority of Midwestern states now have laws that allow people to register and update their records via a secure and accessible online portal. In this region, only Michigan and South Dakota lack online registration. (North Dakota is the only U.S. state where voter registration is not required at all.)

Iowa’s online registration system is up and running for the first time this election cycle, and Secretary of State Paul Pate says “it’s been a huge plus.” Many of the more than 20,000 users have been Iowans 25 and under, Pate says, but the system also has been a convenient way for older residents to update their election-related information.

Across the country, too, state election officials have been Iowans 25 and under, Pate says, but the system also has been a convenient way for older residents to update their election-related information.

The dearth of competition is apparent this year. There is no easy fix, but McDonald and Burden both say making state and local elections more competitive would be a positive step.

“We should be looking to remove bureaucratic hurdles to voting and removing duplicative processes that cost state government, and automatic registration does that.”

Illinois Sen. Andy Manar

U.S. election experts caution, however, that there are limits on what states can do to improve turnout. “There is a lot of opportunity for the states to facilitate the voting process, but if the voters decide not to take advantage of it — maybe because the campaign is not engaging or the candidates are not likeable or the issues are not something they’re interested in — that’s not something the states can control,” says Barry Burden, director of the University of Wisconsin-Madison’s Elections Research Center.

Overshadowed by top-of-the-ticket races, state and local races get scant attention by the media and voters. The result is low information, low interest and, ultimately, low voter participation in these elections.

“When you look at the primaries and local elections, virtually no one is voting,” McDonald says. “That’s not good for democracy when we get to the point where so many people are disengaged.”

There is no easy fix, but McDonald and Burden both say making state and local elections more competitive would be a positive step.

The dearth of competition is apparent this year in the number of candidates running unopposed.
Instruction on U.S. government and U.S. Constitution included in broader requirement

One-half year of coursework in U.S. government required; students must also pass a civics test in order to graduate.

One-half year of coursework in U.S. government required, as well as either one-half year on economics or one-half year of civics instruction required.

One-half year of coursework in civics/government required.

One-half year of coursework in American government required.

For state governments, those levels of trust tend to be higher. According to a 2015 Gallup poll, 81 percent of North Dakotans said they were “confident in their state government” — the highest rate in the nation. Nebraska, South Dakota and Minnesota were among the other U.S. state governments enjoying the highest levels of trust. In contrast, 74 percent of Illinois residents and 53 percent of Kansas residents reported not being confident in their state governments.

Meanwhile, only about 1 in 4 of the nation’s high school seniors demonstrate a level of proficiency in civics education. “Ultimately, schools are the guardians of our democracy,” Ted McConnell, executive director of the Civic Mission of Schools, said during a September webinar hosted by The Council for State Governments.

In the Midwest, most states require that high school students take some type of civics course — typically a half-year of coursework (see table). In addition, Indiana, Kansas and Ohio are among the eight U.S. states that administer standardized tests in civics/American government, according to The Center for Information & Research on Civic Learning & Engagement.

In recent years, too, state legislatures have passed new laws trying to ensure that their young people graduate with a better understanding of U.S. democracy and the importance of being informed, engaged citizens. In Minnesota, North Dakota and Wisconsin, students will have to take a civics test before graduating. (Passing the test will be a graduation requirement in North Dakota and Wisconsin.)

In 2015, when Illinois legislators established a new requirement that all high school students take a course to civics (HB 4025), they also spelled out the type of instruction to be provided: “Focus on government institutions, the discussion of current and controversial issues, service learning, and simulations of the democratic process.”

That statutory language is intended to make civics education in Illinois less about learning facts, and more about getting involved in the community and discussing and understanding current issues.

According to Ballotpedia, in nearly 43 percent of this year’s state legislative races, one of the major political parties is not fielding a candidate in the general election. (See map above for competition levels in the Midwest.)

Even when the two parties have candidates on the ballot, the results are often lopsided due to factors such as incumbency advantage and the partisan makeup of the legislative district.

“When a campaign is competitive, the candidates, the parties and other groups invest more effort in getting voters out,” Burden says. “They make more phone calls, they run more advertisements, and they make more speeches.

“There is more intensity to reach out to people and get them to cast ballots. And that’s really helpful. It provides voters a lot of information about the candidates.”

To improve competition, some states have taken redistricting out of the hands of legislatures and put independent commissions in charge of the political maps. South Dakotans will vote this November on whether to create such a commission in their state. (Iowa’s unique redistricting process, which is led by its nonpartisan Legislative Services Agency, is also often cited as a model for other states to consider.)

The nonpartisan group FairVote has called for even more fundamental changes, such as “ranked choice voting.” Under this system, voters rank as many candidates as they want in order of choice. So in state legislative elections, for example, the use of winner-take-all, single-districts would be replaced by a form of proportional representation.

This type of change isn’t likely to be adopted by any state in the Midwest. However, in this region and across the country, legislators are implementing new laws and using new technologies to make it easier for their citizens to register and vote.

A look at two other indicators of a ‘healthy’ democracy: Trusting government and understanding how it works

Voter turnout is one way the ‘health’ of American democracy often gets evaluated; two others are the people’s level of trust in government and their understanding of how it works. On the two latter measures, there are some alarming vital signs.

When asked whether they “trust the federal government to do what is right just about always or most of the time,” less than 19 percent of Americans say “yes.” That is a historically low level of trust, and compares to a rate of 73 percent in 1958 when the question first began being asked, according to the Pew Research Center.

Meanwhile, only about 1 in 4 of the nation’s high school seniors demonstrate a level of proficiency in civics education. “Ultimately, schools are the guardians of our democracy,” Ted McConnell, executive director of the Civic Mission of Schools, said during a September webinar hosted by The Council for State Governments.

But over the past several decades, McConnell said, the time spent by young people on courses devoted to civics and American government has been reduced. “There is an over-emphasis on a few subjects at the expenses of all others (including civics),” he added.

The CSG webinar on “Creating Trust in Government Through Civics Education” can be accessed at www.csg.org/events/webinar.
Wisconsin Sen. Jennifer Shilling

Introduced to politics early in life, Senate minority leader has worked to build relationships inside and outside her caucus

by Jon Davis (jdavis@csg.org)

Jennifer Shilling was probably destined for a Wisconsin legislative seat at some point in her life.

Her father was an advance man for U.S. Sen. Ted Kennedy and President Jimmy Carter, as well as an aide to former Wisconsin Gov. Martin Schreiber. One of her grandfathers was a circuit court judge, the other a small-town mayor.

And by age 20, while still a student at the University of Wisconsin-La Crosse, Shilling already had entered Wisconsin politics herself, winning a seat on the county board by outgunning a 78-year-old incumbent. (Shilling’s father helped her write fundraising letters and post yard signs for that first run.)

She first came to Madison working for a friend who had won an Assembly seat, and after a few years working for U.S. Rep. Ron Kind, Shilling started getting approached about coming back to Wisconsin’s state capital — this time as a state legislator herself.

She won an Assembly seat in 2000 and has been a member of the state Legislature ever since. In November 2014, just three years after moving to the Senate, she became the Democrats’ minority leader.

In a recent interview with CSG Midwest, Sen. Shilling reflected on her time in office, her leadership style and how to break the partisan ice.

Q: How have you tried to build personal relations in the Legislature since being elected in 2000, especially among colleagues from the opposite party?

A: When I was elected in 2000, I was the only new Democrat that year in my class, which is very unusual. So I quickly realized that I needed to introduce myself to my Republican colleagues, my Republican [committee] chairs. And I’m much more of a relationship-building person than a policy wonk. I tried to get to know people outside of the Capitol after hours, going out for dinner.

I think that really helped when I moved over to the Senate after the recall elections of 2011. It was a very toxic environment because I was one of two Democrats who had unseated Republican senators. People took things really personally, both Democratic and Republican members of the Legislature, after all the things that happened.

And I am a Methodist; we have food at everything and so I started on what I called my “Chex Mix diplomacy.” In 2012, I served on the Finance Committee and started bringing homemade Chex Mix every week to our meetings, and we’d have it in the back of the room where the coffee was. And you know, feeding my colleagues a cereal snack where we would talk about things over that bowl of Chex Mix, it made it harder for them to go out where we would talk about things over that bowl. You know, feeding my colleagues a cereal snack every week to our meetings, and we’d have it in the back of the room.

So I have tried to bring some humor, self-deprecating humor, to really lighten some potentially tense situations. “Chex Mix diplomacy” has served me in just trying to ratchet down the tension that sometimes still exists in a really hyper-partisan environment.

Q: As Senate minority leader now, how do you view your role in trying to improve relations among members of the two parties?

A: It’s my relationship with the Majority Leader [Scott Fitzgerald]. I try to pop into his office once a week when we’re in session, just to say “hi” and talk to his staff. … I also keep what I call a “Fitz List” in my desk drawer. So when I do meet with him I have a list of issues to talk with him about — quality-of-life issues for our senators; certain requests that are coming down the pike on legislation or bills; or just day-to-day management of the Senate overall.

I’m firm and make sure that I serve and am advocating for my caucus and our agenda, but also realize that there are issues that he’s going to need our help on.

It’s just in my nature to try to be a problem-solver and try to be pretty candid with the people I work with, so it wasn’t difficult for me to pick up the phone and call him or stop by his office.

I wasn’t threatened to go into the majority leader’s office. He’s leader of the majority, I’m the leader of the minority, so I’m going to advocate for my caucus but also see if there are things that we can agree upon.

Q: You became minority leader in the Senate soon after joining the state’s upper chamber, and you were elected by a unanimous vote of your caucus colleagues. How have you tried to adjust to this new role?

A: I kind of had to learn on my own. But I approached Senator Mark Miller, who had served as the Democratic leader for one stint, and got some guidance from him and advice on how to motivate the caucus, on relationship-building, and on strategies within our caucus and for dealing with the majority party. I’ve also reached out to those senators whom I admire and respect because of the strength that they bring on issues they work on.

I talk about it as a team, and outside of session, I like to text my colleagues or just give them a quick call and see what’s going on.

Q: What personal experiences do you bring to your role as a legislator and legislative leader?

A: I tell people I’m a mom with a mini-van, so I worry about orthodontic appointments and overdue library books and birthday party RSVPs and also what a $250 million budget cut to the university system means. I worry about our roads and our infrastructure and the importance of broadband. It’s the only kind of lifestyle that my husband and kids have known, so I hope people see me as identifying with a lot of the issues that all working families are juggling.

Bio-sketch of Sen. Jennifer Shilling

- Unanimously chosen as Senate minority leader in November 2014 (still holds this leadership position)
- First elected to Wisconsin Senate in 2011 in special election
- Served in Wisconsin Assembly from 2001 to 2011 and as minority sergeant at arms in 2005
- Once worked as a legislative and congressional aide
- A 2001 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development (BILLD)
- Lives in La Crosse, Wis., with husband, Chris, and two sons, Nate and Zach

“Chex Mix diplomacy has served me in just trying to ratchet down the tension that sometimes still exists in a really hyper-partisan environment.”
Saving the bees (and ourselves)

Illinois legislator looks to limit use of type of pesticides linked to pollinator die-offs that pose threat to food supply

by Illinois Rep. Will Guzzardi (will@repguzzardi.com)

Fruit doesn’t just grow on trees. I know it might seem that way, but fruit trees can’t grow on their own. They rely on bees for pollination in order to grow and propagate.

In fact, pollinators are a crucial part of the entire Midwest’s economy, including in my home state of Illinois — our key cash crops include apples, melons and peaches, all of which rely on pollinators in order to grow.

Here’s the problem: Bee populations are collapsing. For the last decade, winter honeybee deaths have been considerably higher than sustainable levels. In the second half of the last decade, a phenomenon known as colony collapse disorder struck bee populations around the world, causing major losses and threatening these pollinators that make our food system work.

While scientists are not certain what has caused these troubling rates of bee die-offs, one likely culprit is the use of a new type of pesticides known as neonicotinoids, or “neonics” for short. Neonics are known as systemic pesticides, because they act not just on the surface of a plant but throughout its entire body — fruit, flowers, roots, leaves and all. This makes them particularly effective against pests that bore into trees (which can’t be reached by sprays).

But more and more research is suggesting that neonics are contributing to the steep mortality rates of bees.

The effects of pesticides are notoriously hard to study in labs, but studies in France and Britain and out of the Harvard School of Public Health have provided strong evidence that neonics are doing harm to bees.

Minnesotta, Ontario in forefront of legislative efforts to protect pollinators

Pollinators, of which bees are the most common type, play an irreplaceable role in agriculture and food production. As collapsing bee populations over the last decade have generated increasing concern, states and provinces in the Midwest have begun taking steps to address the issue.

In July 2015, the Canadian province of Ontario became the first jurisdiction in North America to set rules protecting bees and other pollinators. The rules aim to reduce the number of acres planted with neonicotinoid-treated corn and soybean seeds by 80 percent by 2017. According to the province, the regulations:

- ensure that neonicotinoid-treated seeds are used only when needed and when pests are present;
- require users to be trained in integrated pest-management methods that protect pollinators; and
- set requirements for the sale and use of neonicotinoid-treated seeds.

This summer, Minnesota Gov. Mark Dayton issued an executive Order (16-07) requiring the state to take actions to reverse the decline in populations of bees and other pollinators. According to the governor’s office, these actions include:

- requiring verification that neonicotinoid pesticides are used only due to imminent threat of significant crop loss;
- reviewing pesticide product labels and implementing state-specific restrictions on the products’ use, as well as increasing enforcement of labeling requirements for pesticides that are acutely toxic to pollinators; and
- developing and promoting best-management practices to protect pollinator health in the state.

Other actions taken in Minnesota in recent years include passage of HF 976 in 2013 and HF 3172 in 2014.

HF 976 directed the state Department of Agriculture to develop best-management practices that protect pollinators by providing habitat necessary for their survival, as well as to train pesticide applicators and agricultural inspectors in those practices.

The bill also required the agriculture commissioner to submit to the Legislature a pollinator report that includes criteria for a special review of neonicotinoid pesticides registered for use in the state, as well as proposals to establish a pollinator bank to preserve species diversity; to create and enhance pollinator nesting and foraging habitat; and to establish pollinator reserves or refuges.

HF 3172 authorized the Department of Agriculture to punish violations of the state’s pesticide control law protecting pollinators. That 2014 law also called for the state to assemble a group of experts to investigate pollinator deaths and illnesses, as well as to compensate bee owners up to $20,000 per year for bee colony losses due to pesticide use consistent with the pesticide’s label.

The state would take the lead, making sure lands held in the public trust don’t use chemicals that erode the common good.

At high doses, these pesticides kill bees outright. But even at lower levels of exposure, the pesticides seem to have what’s called “sublethal effects” on bees.

That is: small doses of neonics appear to be messing around with the nervous systems of bees, which makes them forget to take care of themselves through the winter months.

Scientists believe these effects are contributing to the much-higher-than-expected death rates of pollinators in recent years.

The mounting pressure from this research has led a number of corporate actors, including Home Depot and Lowe’s, to agree to phase out these kinds of pesticides in the coming years.

States can be leaders in saving bees

States can be a leader in this important environmental and economic area as well. In Illinois, I’ve proposed legislation, the Saving Illinois Pollinators Act, that would prohibit the use of neonics on public lands owned or operated by the state.

This act would not affect privately owned farmland. Instead, the state would take the lead, making sure lands held in the public trust don’t use chemicals that erode the common good.

Because while the actions of some industry leaders are terrific steps forward, we can’t simply trust the private sector to regulate itself. Protecting the health and welfare of Illinoisans is one of state government’s central missions, and we can’t have a healthy and prosperous state if we’re poisoning the insects that keep our plants alive.

Fruit does grow on Illinois trees, for now. If we want it to keep growing, we need to protect our pollinators, and this proposed legislation would be a great place to start.

Rep. Will Guzzardi, a Democrat from Chicago, was first elected to the Illinois House of Representatives in 2014. He also is a 2016 graduate of CGS Midwest’s Bowhay Institute for Legislative Leadership Development.

Submissions welcome

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

CSG. other ‘Big 7’ groups weigh in on two cases before U.S. Supreme Court

States will be directly impacted by at least five cases before the U.S. Supreme Court this term, and the State and Local Legal Center has filed amicus briefs in two of them: Ivy v. Morath and Murr v. Wisconsin. Here is an overview of those cases.

Ivy v. Morath: State enforcement of the Americans with Disabilities Act

In Ivy v. Morath, the U.S. Supreme Court will decide when and where local governments are responsible for ensuring that a private actor complies with the Americans with Disabilities Act. The multiple cases involve due process, where a state law requires most people under age 25 to attend a state-licensed, private driver-education school to obtain a driver’s license. None of these private schools would accommodate deaf students. A number of deaf students then sued the Texas Education Agency, arguing it must bring these schools into compliance with federal law.

The ADA does not apply to Texas Education Agency because this state entity does not provide the “services, programs or activities” in question. The State and Local Legal Center’samicus brief focuses on the legal test that should be used in determining when states must ensure that private actors (the driving schools in this case) comply with the ADA. It calls for the following standard: “When those private persons may fairly be said to be implementing a service, program or activity of the public entity itself.”

In this particular case, the test is met, the center says in its amicus brief. However, it urges the justices to make clear in their ruling “that a state or local government or other public entity has no duty to ensure compliance with the ADA by private persons when it is licensing or otherwise regulating public private, no matter how extensive or detailed the regulation.”

Murr v. Wisconsin: States, property rights and the ‘Takings Clause’

In a case that comes from the western Wisconsin county of St. Croix, justices will decide a case that involves the Fifth Amendment’s “Takings Clause” and a common provision in local zoning ordinances.

In its amicus brief, the State and Local Legal Center defends the constitutionality of so-called “mergers provisions” — when, for zoning purposes, local governments merge nonconforming, adjacent lots that are under common ownership. Across the country, states have accepted this variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwestern Office supports

About the State and Local Legal Center

✓ Provides assistance to state and local governments in connection with U.S. Supreme Court cases, including the filing of amicus briefs
✓ The center receives guidance from The Council of State Governments and six other national organizations representing state and local governments — often referred to as “The Big Seven”
✓ The center is led by executive director Lisa Soronen, who can be reached at lsoronen@csa.org

The Murr family owns contiguous lots, one with a cabin on it and the other undeveloped. Together, the size of the lots is 0.98 acres. The family wanted to separately use or sell those two lots. However, they could not do so under a local St. Croix ordinance that effectively merged the adjacent lots for sale and development purposes.

The Wisconsin Court of Appeals ruled there was no taking in this case. It looked at the value of the two lots and determined that the Murr’s property retained significant value despite being merged. The State and Local Legal Center’s brief argues that the use of mergers provisions has been widespread for over half a century, and their constitutionality has never been in doubt: “They represent an appropriate middle ground between two unattractive extremes — prohibiting the development of substandard lots, which would be a hardship to their owners, and allowing the development of all substandard lots, which would be a hardship to neighbors and the community.”

Three other cases for states to watch

The three other cases now before the Supreme Court with a direct impact on one or more states are:

- Trinity Lutheran Church of Columbia v. Pauley — Can Missouri refuse to give a religious preschool a grant to resurface its playground based on its state Constitution’s “super-Establishment Clause”?
- Pena-Rodriguez v. Colorado — Do state laws requiring that jury deliberations be kept secret (and thus not admitted or considered by a court) violate an individual’s Sixth Amendment right to be tried by an impartial jury — if those deliberations included racially biased statements by a juror?
- Moore v. Texas — Were the constitutional rights of a defendant in a Texas death penalty case violated when the state court determined whether to execute him based on the use of an old medical definition of “intellectually disabled”?

MLC Executive Committee will meet in December

Leaders of the Midwestern Legislative Conference will meet in December to install new officers and discuss the future direction of its interstate policy committees.

The MLC is a regional, nonpartisan association of legislators representing 11 Midwestern states and four Canadian provinces.

The MLC Executive Committee’s Dec. 10 meeting is being held in Colonial Williamsburg, Va., in conjunction with The Council of State Governments 2016 National Conference. CSG Midwest provides staff support to the MLC.

Iowa Sen. Janet Petersen will take over in December as the new chair of the MLC. The three other officers for 2017 will be Ohio Sen. Cliff Hite, first vice chair; Illinois Rep. Elgie Sims, second vice chair; and Wisconsin Rep. Joan Ballweg, immediate past chair.

The goal of the MLC is to foster cooperation among the region’s policymakers through the exchange of information and ideas and the pursuit of collaborative efforts to improve state government. With this goal in mind, the MLC Executive Committee establishes a mix of interstate policy committees every biennium.

At their December meeting, MLC leaders will decide the committee lineup for 2017-2018. The Executive Committee will also consider proposed amendments to the MLC rules.

For more information, contact CSG Midwest director Mike McCabe at 630.925.1922 or mmccabe@csq.org.

MLC Executive Committee officers for 2017

Iowa Sen. Janet Petersen
Ohio Sen. Cliff Hite
Illinois Rep. Elgie Sims
Wisconsin Rep. Joan Ballweg

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MLC affiliate members.
A CSG Midwest committee of state legislators and other officials will meet in late November to discuss issues related to the transport of radioactive waste, including spent nuclear fuel, through this region.

The Midwest Radioactive Materials Transportation Committee meeting will be held Nov. 30-Dec. 1 in St. Louis.

In addition to sharing updates on transportation-related activities in their own states, committee members will hear from representatives of the U.S. Department of Energy about evolving plans for removing spent fuel that right now is stranded at shutdown nuclear power plants.

The Midwest's shutdown reactors are in Illinois (Zion), Michigan (Big Rock Point), Wisconsin (La Crosse and Kewaunee) and Nebraska (Fort Calhoun).

Meeting participants also will learn about the DOE's schedule for resuming operations at the Waste Isolation Pilot Plant in New Mexico. Until its temporary closure in 2014 due to a radiation release, the facility received around 40 shipments of transuranic waste per year from Argonne National Laboratory near Chicago.

While in St. Louis, committee members will have the chance to tour sites that were contaminated during the nation's early atomic weapons and energy programs. The cleanup of these sites, and others across the country, is being done through a U.S. Army Corps of Engineers program, which has resulted in hundreds of rail shipments of low-level radioactive waste to disposal facilities.

One other highlight of this fall's meeting will be a facilitated exercise to determine what specific actions states and tribes will need to take in preparation for spent fuel shipments traveling by train to a national storage facility or permanent repository. The DOE is wrapping up its work to develop a process for siting one or more facilities to fill the void left by the cancellation of the Yucca Mountain repository in Nevada. The department cannot site any new facilities without congressional authorization.

For information about this meeting or the CSG Midwest committee, please contact Lisa Janairo at ljjanairo@csg.org.

Interstate group of legislators, state officials will meet this fall in St. Louis

State leaders map out future of passenger rail in Midwest

In late September, the Midwest Interstate Passenger Rail Commission met to explore a range of topics related to improving passenger rail service in this region — for example, equipment upgrades to allow for high-speed service, individual state infrastructure improvements and investments, and plans to update the long-range passenger rail plan for the Midwest. CSG Midwest provides staff support to the nine-state commission, which was formed by a compact agreement in 1989.

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**Michigan, Ohio lead nation in new ‘Digital States Survey’**

Michigan and Ohio have been recognized as national leaders in how they employ technology to improve state government operations and services. Released in September, the biennial “Digital States Survey 2016” graded all 50 states on criteria that ranged from cost savings to improved service delivery.

Only five U.S. states received “A” grades. Ohio earned the distinction for its work in diverting spending on information technology away from government operations and toward services and applications for citizens and businesses. Michigan, meanwhile, offers hundreds of “e-services” and a mobile application (MiPage) that allows individuals to do business with the state anytime and anywhere. It also is considered a national innovator in cybersecurity and cloud-based information systems.

Here are the grades for each of the 11 Midwestern states:
- Michigan and Ohio: A
- Indiana, North Dakota and Wisconsin: A-
- Illinois and Minnesota: B+
- Iowa and Nebraska: B
- South Dakota: B-
- Kansas: C-

**Illinois law targets gun traffickers in new effort to curb violence**

In an effort to curb the number of deaths occurring in their state due to gun violence, Illinois legislators are cracking down on people who illegally sell firearms.

Signed into law this summer, HB 6303 makes it a felony for a person who has not been issued a Firearm Owner's Identification Card to bring guns into Illinois with the intent of selling or delivering them. Between 2009 and 2013, almost 60 percent of guns used to commit crimes in Chicago were first purchased outside of Illinois. Indiana is the largest out-of-state source. The bill’s sponsor, House Republican Leader Jim Durkin, told the Chicago Tribune that gun trafficking will now be punishable by as much as 15 to 30 years in prison.

This isn’t the first time that Illinois lawmakers have targeted so-called “straw purchases,” which provide a means for criminals to evade a state’s gun control laws and get their hands on firearms. Three years ago, the state began requiring gun owners to report a lost or stolen firearm. The goal of this law is to help law enforcement identify straw purchasers.

In 2014, the U.S. death rate from firearms (homicides, suicides and unintentional deaths) was 10.2 per 100,000 residents. In the Midwest, the rate ranged from a high of 12.3 in Indiana to a low of 6.6 in Minnesota.

**Ohio ‘fast-tracking’ foreclosures to address blighted properties**

Three years in the making, a new Ohio law is being lauded as a possible model for states across the country looking for ways to deal with the problem of abandoned, blighted properties.

HB 390, which took effect this full, establishes a “fast track” foreclosure process. According to The Columbus Dispatch, the process has sometimes taken two or three years, during which time the vacant property can become a problem for surrounding homes and an entire community. Under the new law, mortgage servicers will be able to get possession of the property as little as six months, lessening the chance for structural deterioration and increasing the likelihood that the home can be sold.

Before this expedited foreclosure process can begin, however, a judge must first find, by a preponderance of evidence, that the mortgage loan is in default. Additionally, there must be clear and convincing evidence that the home is abandoned — for example, broken doors, boarded-up windows, disconnected utilities and vandalism.

In August, foreclosure rates in the Midwest ranged from 1 in every 893 housing units in Illinois to 1 in 19,101 in North Dakota, according to RealtyTrac. Only Illinois and Ohio had foreclosure rates higher than the U.S. average.

**In Midwest, income levels rising and poverty rates falling**

Median household income levels rose and poverty rates fell between 2014 and 2015 in states across the Midwest, recently released U.S. Census Bureau statistics show.

Wisconsin’s year-by-year rise in household income was 5.6 percent ($52,709 to $55,638), highest in the region and one of the sharpest gains in the country. Two other Midwestern states, South Dakota (3.9 percent) and Nebraska (4.3 percent), eclipsed the U.S. increase of 3.8 percent. Median household income levels also rose at “statistically significant” levels in Illinois (3.7 percent), Indiana (2.1 percent), Kansas (2.6 percent), Michigan (2.4 percent), Minnesota (3.2 percent) and Ohio (3.5 percent).

Median household income did not fall in any U.S. state. Minnesota’s median household income level is highest in the Midwest, $63,488 in 2015. Minnesota also has the region’s lowest poverty rate, 10.2 percent. In the Midwest, only Michigan (15.8 percent) and Ohio (14.8 percent) have poverty rates that exceed the nation’s (14.7 percent). For 2015, a family of four with a yearly income at or below $24,257 was considered to be living in poverty. Between 2014 and last year, poverty rates fell in Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.