States cultivate healthy options in food deserts

Policies focus on improving access to fresh food

by Kate Torney (ktorney@csg.org)

Illinois Sen. Jacqueline Collins remembers when her legislative district on Chicago’s South Side had plenty of grocery stores and family restaurants.

But today, she sees a very different picture. She says she counts “too many” fast-food outlets. And in the Auburn-Gresham neighborhood, for example, she counts just two full-service, sit-down restaurants.

Residents also have few options in terms of grocery stores; many of the stores left with the demographic shift that occurred in the 1970s, when large numbers of residents fled the city for the suburbs.

This landscape is part of the reason why Collins has helped support recent legislation in her state to lure those grocers back with grants and loans.

But the people in Collins’ district are not alone. They are among the more than 25 million people who live in “food deserts” — areas that lack access to affordable, healthy food. In the Midwest, about 5.1 million people live in urban or rural census tracts that are considered food deserts by the U.S. Department of Agriculture.

Under the USDA’s definition, a food desert exists when a census tract has a poverty rate of at least 20 percent (or median family income is less than 80 percent of the statewide average) and at least 500 people or 33 percent of the population is located one mile (in urban areas) or 10 miles (in rural areas) from a large grocery store or supermarket.

A lack of convenient access to stores with a variety of foods, including fresh fruits and vegetables, can contribute to a poor diet and resulting health complications. According to U.S. Centers for Disease Control and Prevention research, people living in food deserts are more likely to shop at stores that have limited food options and that mostly offer processed foods that are high in sugar and fat.

In order to improve access to healthy food and improve the negative health consequences associated with living in food deserts, 12 states (including Illinois and Michigan) have passed legislation since 2001. Seven others (including Nebraska and Ohio) have introduced bills that are pending or did not pass.

Communities vary on access to healthy, affordable food

The term “food desert” was popularized by a 2010 study done by researcher Mari Gallagher, a consultant known for her groundbreaking work on the issue.

Gallagher and her team looked at individual Chicago blocks and determined whether residents had access to a supermarket or grocery store (where people can buy what they need to support a healthy diet on a regular basis) or so-called “fringe” stores (where someone’s health could suffer if that was their main source of food). Gallagher and her team used the data to give communities a “food balance” score reflecting residents’ access to healthy food.

Illinois Sen. Jacqueline Collins

By the numbers: Food deserts in Midwestern states

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage of census tracts considered food deserts</th>
<th>% of total food deserts in rural areas</th>
<th>% of total food deserts in urban areas</th>
<th>People living in food deserts</th>
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</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>7.3%</td>
<td>26%</td>
<td>74%</td>
<td>819,545</td>
</tr>
<tr>
<td>Indiana</td>
<td>8.5%</td>
<td>99%</td>
<td>1%</td>
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<td>Iowa</td>
<td>7.6%</td>
<td>30%</td>
<td>70%</td>
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<td>Kansas</td>
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<td>54%</td>
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<td>United States</td>
<td>10.0%</td>
<td>25%</td>
<td>75%</td>
<td>25.7 million</td>
</tr>
</tbody>
</table>

Source: U.S. Department of Agriculture, U.S. Census Bureau.
Great Lakes

Some Michigan lawmakers want to ease ballast water permit rule

Five years after Michigan issued its first ballast water permit, a move widely seen as a significant development in Great Lakes protection, some legislators say the time has come for their home state to revisit and relax its permitting standards.

“We keep hearing that we want Michigan to be a leader on this issue, but if we’re a leader, nobody is following us,” says Republican Sen. Mike Green.

Under Michigan’s current regulatory framework, ocean-going vessels wanting to use one of the state’s 40 commercial ports must secure a permit by doing one of the following: not discharging ballast water, or treating ballast water with technology methods approved by the state Department of Environmental Quality.

No other Great Lakes state has standards as stringent as Michigan, Green says, a situation that he compares to expecting protection from a “half-chlorinated pool.”

“It’s not doing any benefit to the Great Lakes; it’s just hampering Michigan jobs,” Green says, noting ships can simply use other states’ ports and, as a result, introduce invasive species that can spread across the basin.

In response, he has introduced SB 1212. The bill would ease the state’s standards by granting a permit to any ocean-going vessel that conducts a ballast water exchange and undergoes saltwater flushing before entering Michigan waters.

Under existing U.S. and Canadian rules for shippers, all overseas vessels entering the Great Lakes already must conduct saltwater flushing and ballast water exchanges.

Sarah LeSage, the aquatic invasive species coordinator for Michigan’s DEQ, says the flushing-and-exchange technique has significant benefits — but by itself does not sufficiently guard against invasions. The DEQ and top state leaders are opposing SB 1212.

In our opinion, there is too much risk associated with that single ballast water management practice,” she says.

Since 2007, no ocean-going ship has failed for a permit with Michigan to discharge ballast water. But even before new rules were in place, the state’s ports had little or no traffic from overseas vessels. With a change in permitting standards, though, Green sees potential to expand port activity as the state increases its exports, including crops from his heavily agricultural legislative district.

Others see the change as compromising Great Lakes protection, as well as Michigan’s lead role in this issue area, for little or no economic benefits.

Along with Michigan, Minnesota and Wisconsin are the other Great Lakes states with ballast water permitting programs in place; the latter two states’ criteria, though, mirror the standard set by the International Maritime Organization.

This IMO standard is being used by the U.S. Coast Guard as well, and is expected to serve as the basis of a new U.S. Environmental Protection Agency Vessel General Permit.

“The U.S. Coast Guard and EPA are taking positive steps toward the ultimate goal of water quality protection,” LeSage says. “We still don’t think they go far enough. There is room to develop a limit that protects water quality in the long run.”

Source: U.S. Environmental Protection Agency, “Predicting Future Introductions of Nonindigenous Species in the Great Lakes” (November 2006).

Energy

Minnesota a regional leader in energy efficiency, report says

When it comes to promoting energy efficiency, Minnesota ranks highest in the Midwest, thanks in large part to the state’s strong efficiency standards and the conservation plans that it requires of utilities, according to a national scorecard released in October.

The American Council for an Energy Efficient Economy uses a broad range of public policies to score all 50 states — from the strength of their public-benefits programs, which levy a fee or surcharge on utility customers in order to invest in a shared energy-policy goal such as efficiency, to the rigor of their building codes.

Ben Foster says the scorecard is designed to provide a snapshot of how and why certain states have emerged as national leaders in energy conservation.

“But it doesn’t tell the longer story, which is that states are making good movement overall in energy efficiency,” adds Foster, the report’s lead author. One example of that movement is the adoption of energy efficiency standards, which are in place in 24 states, including Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio and Wisconsin.

Minnesota’s standard for electric utilities began in 2010, requiring annual savings of about 1.5 percent per year. For natural gas utilities, a 0.75 percent reduction is required from 2010 to 2012, with 1.5 percent in annual savings required beginning in 2013.

“Minnesota imports all of its energy, except renewables, so most energy dollars leave the state,” says Bill Grant, who heads the state’s Division of Energy Resources. “Anything we can do to keep those dollars circulating in the state is good for the economy.”

Minnesota’s progress is the result of two policies: the Next Generation Energy Act of 2007, which established the efficiency standards, and the Conservation Improvement Program, which requires utilities to develop conservation plans every three years. These plans have mostly focused on providing incentives to ratepayers — residential, commercial and industrial users — to get energy audits and buy energy-efficient products.

One weakness of Minnesota’s current policies, Grant says, is an opt-out provision for the state’s largest industrial customers. Because these customers were exempted from paying for CIP programs, other ratepayers have a greater responsibility for funding the efficiency programs.

According to the report, energy savings from the nation’s customer-funded efficiency programs totaled 18 million megawatt-hours, equivalent to the amount of electricity used by the state of Wyoming in a year. In Minnesota, Grant says, the programs have averted the need to build two or three new power plants.

But to continue such savings, states will have to do more, says Dan York, utilities program director for the American Council for an Energy Efficient Economy.

Brief written by Tim Anderson, who can be reached at tanderson@csg.org. CSG Midwest provides staffing services to the Great Lakes Legislative Caucus, a nonpartisan group of lawmakers from eight U.S. states and two Canadian provinces. Minnesota Sen. Ann Beth Bennett serves as caucus chair. More information on the caucus is available at www.greatlakeslegislators.org.
**Agriculture & Natural Resources**

**Farm bill expires, raising specter of drastic milk price hikes, uncertainty for 2013 crop year**

The 2008 farm bill officially expired on Sept. 30, a congressional inaction that has left plans for 2013 crop production in limbo while also costing dairy farmers hundreds of thousands of dollars and leaving consumers with the prospect of much higher milk prices starting next year.

It is also a continuing concern for state lawmakers in the Midwest as they prepare for sessions in 2013. “The strength of the farm economy has buffered the state from much of the [national] recession,” Iowa Democratic Sen. Tom Rielly says. “But the lack of a farm bill could throw a wet towel on Iowa’s farm communities, energy companies and rural development efforts.”

Even without a new farm bill, many crucial programs can and will continue through the spring. However, a safety-net program for dairy farmers has already ended. Its payment amounted to only about 10 cents per gallon of milk, but at a time of drought and high feed and fuel costs, it has been the difference between survival and bankruptcy for many farmers.

Ironically, without a farm bill or an extension by Jan. 1, milk pricing will revert to the 1949 farm bill, which would reset the price of milk to “parity” — the purchasing power of milk in 1914 — thus raising the retail price of milk to more than $6 a gallon.

The failure of the U.S. Congress to pass a new farm bill is not without precedent. However, for the first time, the controversy is not over farm subsidies, but over how deeply to cut food stamps (the Supplemental Nutrition Assistance Program, or SNAP). The nutrition provision of the farm bill has provided both domestic and international food aid for decades.

“The legislation is more of a food bill than a farm bill,” North Dakota Republican Rep. Mike Brandenburg notes. “Only 16 percent of the farm bill funding actually goes to farmers.”

The Senate passed its version of the farm bill in June, cutting $4.5 billion from SNAP and an additional $19.1 billion from agriculture programs through consolidation of programs and elimination of direct payments. In July, the House Agriculture Committee also passed a farm bill, cutting $16.5 billion from SNAP and $18.5 billion from agriculture programs. That is how things still stand. (In a resolution for fiscal year 2013, Congress extended SNAP, so the lack of a new bill does not impact that program.) Both chambers agree on the elimination of direct payments, which are not tied to production and which began in the 1996 farm bill as a way to transition farmers to a free-market system. These payments were supposed to be eliminated within seven years, and their end finally seems near. Though the milk-price reversion will take place in January, the 1949 law for commodity crops won’t be implemented until the first harvest in 2013. And federal crop insurance will continue through at least the spring of 2013 because it arises from different legislation.

Most current commodity programs, in fact, are not in jeopardy. However, either bill would require the U.S. Department of Agriculture to develop new rules and application processes. The department will also have to train employees before farmers (and their lenders) begin making next year’s planting decisions.

“The main challenge will be planning for the 2013 crop year,” says Rep. Brandenburg, a farmer. “Uncertainty about the future of crop insurance will impact lending by agriculture bankers. [They] will be leery about providing operating capital when they don’t know what type of safety net will be included in the final bill.”

There are two theories about what will happen next regarding the farm bill: Either a compromise on a new bill is reached by the end of the year, or Congress extends the 2008 bill until the summer of 2013 and starts the process of writing a five-year bill all over again.

Brief written by Carolyn Orr, staff liaison to the Midwestern Legislative Conference Agriculture and Natural Resources Committee. She can be reached at corris@iol.us. The MLC committee’s co-chairs are North Dakota Sen. Tim Flakoll and Kansas Sen. Carolyn McGinn.

**Health & Human Services**

**States look for ways to control high cost of care for Medicaid-Medicare ‘dual eligibles’**

Six Midwestern states have submitted plans to the federal government that aim to control the costs of caring for a relatively small — but expensive — population in the Medicaid program. The goal is to better integrate care for so-called “dual eligibles” — the more than 9 million seniors and people with disabilities who receive benefits under both the Medicare and Medicaid programs.

Dual eligibles account for 15 percent of Medicaid’s enrollees, spending 40 percent of enrollees’ spending, and representing 20 percent of total spending. Dual eligibles are now paid for separately by Medicare and Medicaid.

Dual eligibles as % of total Medicaid enrollees, spending

Under the fee-for-service model, providers would continue to be paid per service by the federal government for Medicare-eligible charges and by the state for care covered under Medicaid. But states would be responsible for coordinating care for dual eligibles — and therefore must find ways to control costs. States would receive performance bonuses for reducing the federal government’s share of costs and for meeting quality goals.

CMS is reviewing the state plans to determine which to implement. Preference will be given to plans that improve care coordination, such as relying on electronic medical records and remote monitoring devices; regularly updating patient care plans; fostering closer communication between physicians, specialists and other providers; and keeping family members and caregivers better informed about a patient’s needs and care.

In order to encourage managed-care plans to meet quality and cost-savings goals, states using the capped-payment model can charge insurers a “withhold amount” that they could earn back each year by meeting certain goals. Illinois and Minnesota would use this type of pay-for-performance system.

In some cases, providers would also be rewarded for holding down costs. The Michigan, Ohio and Wisconsin plans all mention sharing bonus payments with health professionals.

Iowa’s managed FFS model would give providers an annual bonus of up to 20 percent for meeting certain quality-improvement goals.

Brief written by Kate Tormey, staff liaison to the Midwestern Legislative Conference Health and Human Services Committee. She can be reached at ktmey@midstatesc.org. The committee’s co-chairs are South Dakota Sen. Jean Hunhoff and Illinois Sen. Mattie Hunter.
Do states truly balance their budgets? New report says most do not

Almost 11 Midwestern states have laws on the books to keep their budgets balanced from year to year. But very few of them are living up to the intent of these constitutional or statutory requirements, says Sheila A. Weinberg, founder and CEO of the Institute for Truth in Accounting, which earlier this year published its second edition of "The Financial State of the States."

"As it stands now, most states only include the checks that they write for the current period [budget year or biennium] as expenses," she says. "So there are a lot of costs that are being pushed into the future; 90 percent of the retirement liabilities of states is maintained off their balance sheets."

The result of this outdated "checkbook accounting," she says, is a hidden financial hole that has built up in most states and that current and future taxpayers will have to fill. Using 2010 financial figures, the institute's report examines the depth of this hole in each state, and then measures the per-taxpayer burden for paying the state's unfunded liabilities. In the Midwest, the burdens ranged from $31,600 per taxpayer in Illinois (third-highest in the nation) to $500 in Iowa.

Three of the six U.S. states showing a taxpayer surplus were in the Midwest: North Dakota, Nebraska and South Dakota. Strong state economies help, but Weinberg says another factor is the budgeting discipline adhered to by the governors in those states.

"When they promise employees benefits, they put money aside to fund those benefits," she says. "They include it in the current budget and then write a check to the pension plan, so they actually fund the benefits as they go along."

**Framework for reducing recidivism: 4 principles for state policymakers**

- **Focus on individuals most likely to reoffend** — By assessing the risk of an individual committing another crime or violating parole (based on factors such as age, crime committed, attitude, home life and substance abuse), the criminal justice system can allocate its resources more effectively, modify intervention strategies and tailor supervision levels.
- **Invest in research-driven, evidence-based programs** — Policymakers should take the role of a good investor: Continually monitor program quality and outcomes. Research shows that cognitive behavioral programs often work best; they help individuals learn how thinking patterns ultimately influence actions, including criminal behavior.
- **Implement effective community supervision and practices** — States have several policy options at their disposal: Enable officers to provide swift and certain sanctions, adopt performance-based incentives, fund skills training for supervising officers, and require that quality risk assessments are used.
- **Apply place-based strategies** — Specific geographic areas have high rates of crime and a disproportionately high number of people released from prison or jail. Devoting more resources to these neighborhoods can pay higher dividends. Michigan, for example, established an Inner-City Neighborhood Project that connects former prisoners to neighborhood improvement projects and transitional employment.

**Progress report: With new policies in place, states reduce recidivism**

In 2008, more than 28,000 people were released from Ohio's prisons. Three years later, close to one-third of them had returned. Most came back because they committed new crimes, others because of violations of their parole.

It is a revolving door in Ohio and states across the country that lawmakers have been aggressively trying to close in order to improve public safety and save taxpayer dollars. These efforts appear to be paying off, according to a report released in September by The Council of State Governments Justice Center.

Ohio is a case in point: Its three-year recidivism rate fell 20 percent between 2000 and 2008 — from 39.0 percent for prisoners released in 2000 to 31.2 percent in 2008.

The CSG Justice Center report highlights Ohio, Michigan, Kansas and four other U.S. states where recidivism rates have been falling. It also explores policies that likely contributed to the positive trend.

In Michigan, when comparing prison releases between 2000 and 2008, the three-year recidivism rate decreased by 28 percent.

Over the past decade, the state has transformed its criminal justice system to reduce the risk of individuals reoffending. Under the Michigan Prisoner Reentry initiative, the state has also targeted more resources for individuals at the greatest risk of reoffending, in part by improving its process for assessing the risks and needs of released prisoners.

Through the initiative, the Justice Center notes, Michigan has provided community-based housing for parolees, subsidized employers who hire them, and maintained funding for community-based transition-support services.

In Ohio, new training programs for probation and parole officers have been developed, and evidence-based strategies for improving community corrections have been adopted.

This investment in research-driven, evidence-based programs is cited in the new report as being an essential part of any state strategy to reduce recidivism. Other key components include putting more resources into individuals most likely to reoffend and into geographic areas where a disproportionate number of people released from prison or jail reside.

The final part of the four-pronged strategy is effective community supervision, which was at the center of legislative reforms passed in Kansas in 2007. SB 14 created a performance-based grant program for community corrections agencies.

Prior to passage of the bill, the state had already established a Reentry Policy Council, launched pilot programs focusing on parolees at a high risk of reoffending, and strengthened community-supervision training and services. Kansas’ three-year recidivism rates fell 14.8 percent between 2005 and 2007.

Additional policy actions will be considered in Kansas when the Legislature convenes in January. As the result of legislation passed earlier this year (HB 2684), a multi-branch team of state legislators and other leaders has been exploring strategies for justice reinvestment: evidence-based options for cutting corrections spending and investing in public safety.

CSG Justice Center experts are providing assistance.

The center has also worked to employ reinvestment strategies in Indiana, Michigan, Ohio and Wisconsin. Last year, Ohio lawmakers adopted HB 86, which, in part, seeks to improve risk assessments, bolster the supervision of those at a high risk of reoffending, and improve reentry services.

More information on the CSG Justice Center is available at www.justicecenter.org.
The Kansas redistricting count: Under unique constitutional provision, census numbers are adjusted prior to drawing maps

When the 2012 session of the Kansas Legislature adjourned last May, lawmakers left one important piece of business unfinished. Their inability to come to closure on the politically charged issue of redistricting left Kansas alone among the 50 states without a new set of maps going into this year’s congressional and legislative elections, and eventually forced a panel of federal district court judges to finish the job.

This year’s stalemate may have been unprecedented in the Sunflower State, but Kansas’ redistricting process is unique among Midwestern states in other ways as well. Like all other states, Kansas relies on U.S. Census Bureau data as a starting point in the decennial process of drawing new district lines. But the Kansas Constitution requires that the population data provided by the federal government be adjusted before maps are drawn. Under Article 10, Section 1, nonresident military personnel and nonresident students attending Kansas colleges and universities are not counted. In addition, military personnel and students who are residents of the state are counted in the districts of their permanent residence rather than where they are stationed or attending school.

This adjustment to the federal data is a throwback to an earlier era when Kansas conducted its own census and relied exclusively on its own data during the redistricting process. From 1918 through 1979, Kansas counties collected population figures and submitted them to the state Department of Agriculture, which provided the statewide data used in redistricting. The residency rules used in the “Ag Census” required both the exclusion of nonresidents and the inclusion of residents at the place of their permanent residence. The residency adjustments built into the Ag Census were actually broader than those that are used today. In addition to military personnel and students, the Ag Census attempted to account for the permanent residency of prisoners, nursing home residents and others.

Under a constitutional provision approved by voters in 1974, redistricting in Kansas became an end-of-the-decade process beginning in 1979 — the final year the Ag Census was used. Ten years later, the redistricting process was based on a state census conducted by the secretary of state in 1988. The residency rules used that year were similar to those applied in the old Ag Census, which meant that adjustments were made to reflect the permanent residency of the population.

The current constitutional language, which paved the way for Kansas to begin using federal census data, was approved by voters in 1988 and used for the first time in 1992.

By retaining the customary residency requirements for military personnel and students, Kansas became the only state in the Midwest, and one of just a handful nationally, to require federal census data to be adjusted before redistricting begins. (In New York and Maryland, federal census data are adjusted to exclude nonresident prisoners and to reflect the permanent residence of inmates who resided in the state before being incarcerated.) According to Corey Carnahan, principal analyst with the Kansas Legislative Research Department, the practical effect of the required adjustments in Kansas is a net reduction in the state’s total population for redistricting purposes and a redistribution of that total within the state.

Districts with large college campuses, for example, tend to see their population numbers decline; other areas where college students and military personnel reside permanently when not otherwise away on campus or on military duty tend to see their numbers increase. Since its inception, the census adjustment has become standard operating procedure in Kansas. Carnahan says that efforts to modify or repeal the requirement have surfaced from time to time, but none has ever been approved by the Legislature.

Article written by Mike McCabe, director of the CSG Midwest Office. He can be reached at mmccabe@csg.org. Only in the Midwest highlights unique features of state governments in the Midwest. Past articles in this series are available at www.csgmidwest.org.
States support grocers in offering healthier options or moving into underserved areas

**Food access in Chicago neighborhoods by average distance in miles and majority race**

<table>
<thead>
<tr>
<th>Chain groceries</th>
<th>Small stores</th>
<th>Fast food</th>
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<tbody>
<tr>
<td><strong>White</strong></td>
<td><strong>African American</strong></td>
<td><strong>Latino</strong></td>
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<tr>
<td>57 miles</td>
<td>52 miles</td>
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<td>77 miles</td>
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<td>10 miles</td>
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<td>57 miles</td>
<td>52 miles</td>
<td>28 miles</td>
</tr>
<tr>
<td>81 miles</td>
<td>32 miles</td>
<td>10 miles</td>
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</tbody>
</table>

**Chain grocery stores**
- Average distance: 57 miles
- Majority race: White

**Small stores**
- Average distance: 52 miles
- Majority race: African American

**Fast food**
- Average distance: 28 miles
- Majority race: Latino

**Years of potential life lost (YPLL)** and death rates due to chronic disease in Chicago communities

<table>
<thead>
<tr>
<th></th>
<th>Cancer</th>
<th>Cardiovascular Disease</th>
<th>Diabetes</th>
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<td><strong>Food balance score groupings</strong></td>
<td>YPLL</td>
<td>Death rate per 1,000 population</td>
<td>YPLL</td>
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<td>Best</td>
<td>204</td>
<td>6.68</td>
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<tr>
<td>Worst</td>
<td>345</td>
<td>9.73</td>
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</tbody>
</table>

**Source:** Mari Gallagher Research & Consulting Group

**Food Financing program have been implemented as part of First Lady Michelle Obama’s campaign to address obesity and in a U.S. Department of the Treasury program called the Healthy Food Financing Initiative.**

**Some versions of the federal farm bill reauthorization currently being considered in the U.S. Congress also include efforts to address food deserts through grants and loans for grocers.**

**And The Food Trust recently convened task forces in eight additional states (including Minnesota) with support from the Robert Wood Johnson Foundation.**

**Illinois invests in Fresh Food Fund**

**Sen. Collins has been leading the charge to address the food desert issue in her home state of Illinois. Many of her constituents are included in the more than half a million Chicagoans living in a “food desert,” according to Mari Gallagher’s research.**

“We have seen a rise in obesity, and we know that certain communities disproportionately suffer from chronic disease such as diabetes and high blood pressure,” Collins says. “Access to green, fresh foods is instrumental and critical to overall quality of life. Good food is a good investment in our children’s future.”

In 2009, she helped pass the Local Food, Farms and Jobs Act, which focused on improving health and spurring economic development by bringing Illinois-grown produce to residents of the state.

“Eighty percent of Illinois is farmland, but we import 95 percent of our organic produce,” she says. “We have rich farmland, and yet we find ourselves importing food. We wanted to get the farmers in southern Illinois to provide produce for our urban areas.”

About the same time, a state task force was looking for ways to leverage capital dollars for a fresh-food fund similar to Pennsylvania’s — and its members looked to Collins for support in the legislature.

As part of a larger capital bill passed by the legislature in 2009, the state is investing $10 million in capital funding to launch the Fresh Food Fund. The program also has an additional $3.5 million from a mix of private funding and a grant from the U.S. Treasury.

“I am hoping that we can encourage some entrepreneurial minority grocers to consider the idea of returning to the community and hiring from the community,” Collins says. “It is a stabilizing force because if you have owners who reside in the community, there is less chance that they will...
abandon or vacate the area.”

The Illinois program began taking applications in October; recipients will be able to use grants and loans to purchase land, build a new facility, renovate a current business or upgrade equipment. Collins says that she and other policymakers are working to make sure that funds are made available to a range of types of businesses — from large chain stores to smaller, independent grocers.

“Access to green, fresh foods is instrumental and critical to overall quality of life. Good food is a good investment in our children’s future.”

Illinois Sen. Jacqueline Collins

But, she adds, just adding grocers isn’t enough. “If we put the food there, it doesn’t necessarily mean that people will purchase it,” she says. “We need a culture shift and education for the constituency about why it’s important for them to eat fresh foods and produce.”

Legislation considered in Midwest

In addition to the efforts now being implemented in Illinois, four other Midwestern states have looked at ways to improve access to healthy, affordable food.

Under a bill passed five years ago in Michigan (SB 294), grocers can apply to have their property taxes frozen for up to 10 years. To be eligible, the store must serve fresh meats and produce, and it must be located in a rural or underserved area.

A food desert law was introduced in Ohio in 2010. SB 288 would have provided a 10 percent income-tax credit to retailers serving fresh foods. Qualifying retailers would have to be located in a census tract with below-average density of supermarkets or with a majority of low-income households. The bill did not receive a committee hearing.

Boosting access to healthy foods: Options for states

Encouraging grocers and supermarkets to invest in underserved areas is one tactic being used by states around the country to improve access to healthy, affordable food. But policymakers have other options, too.

In a report on food deserts, the U.S. Department of Agriculture suggests some other policy ideas for assisting residents of food deserts, such as:

• providing better access to transportation so residents can reach retailers in other areas;
• adopting policies that require communities and housing programs to take into account access to food when building new developments;
• addressing education and employment barriers that prevent retailers from investing in underserved areas;
• encouraging smaller stores in food deserts to carry healthier foods;
• promoting local initiatives such as farmers’ markets, community gardens and mobile produce carts that bring fresh produce to underserved areas; and
• emphasizing infrastructure investment in areas of concentrated poverty in order to remove barriers to retail development.

The USDA has also developed an online tool that allows users to find the location of food deserts. To access the report and the food desert locator, visit www.ers.usda.gov and search for food deserts.
F or three decades, David Drovdal owned and operated a hardware and furniture store in the western North Dakota town of Watford City. He is also a volunteer firefighter, a former City Council member, a longtime community leader, and a 20-year state legislator.

But when Rep. Drovdal walks down the town’s Main Street these days, he says, “I hardly know a soul.” Watford City and his entire legislative district have gone through a remarkable transformation over the past decade — the result of an oil boom that has brought people from all over the country to a part of North Dakota that Drovdal describes as “almost a wilderness area” just a few years ago.

“We have had a lot of great opportunities because of the boom, but a lot of challenges as well,” he says. As a state legislator, Drovdal is one of the key players in helping his district — home to North Dakota’s largest oil-producing county — adapt and survive.

He welcomes the challenge.

“I’ve always wanted to be in the middle of where decisions were being made,” he says. “That’s really how I got involved in politics to begin with.”

First elected in 1992, Drovdal has spent the last two years serving as speaker of the House. He sought the leadership position for the same reasons he became a legislator in the first place — really how I got involved in politics to begin with.”

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We don’t have the cheapest tax for these [oil and gas] companies, but we’ve been stable with it and don’t have any plans to raise it. The state has also been investing in research on some of the technology, fracking for instance, as well as investing in road improvements, housing and law enforcement. We try to make sure the climate is there for them to do business.

We need help with infrastructure and the safety of our roads. Our little old county either leads or is second in the number of traffic deaths on the [state’s] highways. We need to improve those statistics. And we need to address the fact that we’re running more tracks on our county roads than run on our interstate; our county roads aren’t built for that kind of traffic.

We need additional assistance for our educational systems, above what other schools get, because of the vast growth. We also have problems with the cost of living out here. To get our state employees here, we need to make special arrangements to cover the high cost of living caused by the oil exploration. They can’t afford to work here if they have to pay the kind of rent being charged.

We have to acknowledge, of course, that good Lord put the oil in the ground. But there are other states that have oil that aren’t in the same economic condition that we’re in... We don’t have the cheapest tax for these [oil and gas] companies, but we’ve been stable with it and don’t have any plans to raise it. The state has also been investing in research on some of the technology, fracking for instance, as well as investing in road improvements, housing and law enforcement. We try to make sure the climate is there for them to do business.

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Standing up to Super PACs

Citizens United ruling marked a new era in campaign finance, and helped lead to unique new law in Illinois

by Illinois Sen. Don Harmon (dharmon@senatedom.ilga.gov)

Whether deserved or not, Illinois suffers an unfortunate reputation for public corruption.

Just before I was first elected to the Illinois Senate in 2002, Gov. George Ryan decided not to seek a second term due to the specter of corruption. With the promise of a new administration in Springfield, I had no reason to believe that the Senate would ever be called upon to remove an elected governor from office.

Nothing could prepare me for the process former Gov. Rod Blagojevich set in motion through his ethical lapses and criminal conduct.

Even before Blagojevich was arrested, it became clear that Illinois campaign finance law permitted a governor who chose to use his office as a fundraising tool to do just that. During the spring 2008 legislative session, I helped pass a bill placing significant limits on campaign contributions from government contractors retained directly by a governor and other statewide officeholders.

As the effective date of the law (known as the “pay-to-play ban”) approached, Blagojevich accelerated his heavy-handed fundraising efforts, resulting in his eventual arrest in December 2008.

In the wake of his subsequent removal from office, the General Assembly enacted a sweeping package of reforms. These included a stronger Freedom of Information Act, a procurement process with greater transparency and more firewalls, and a measure allowing law enforcement to go after the personal assets and campaign war chests of elected officials convicted of corruption-related crimes. I was heavily involved in another part of this ethics package: Illinois’ first limits on campaign contributions.

In the 2010 Citizens United case, the U.S. Supreme Court ruled that the federal ban on independent corporate expenditures was unconstitutional. This law initially had no direct effect on Illinois’ laws, because our state never prohibited direct expenditures by corporations.

However, Personal PAC — a pro-choice group that plays a significant role in Illinois politics — sued to overturn parts of our campaign contribution law. Personal PAC contributes directly to candidates’ campaigns, so it is subject to the limit law. However, the group wanted to start a second PAC that makes only independent expenditures — a Super PAC, as they are commonly known. It further argued that Super PACs should not be subject to contribution limits. A federal court agreed.

The whole point of contribution-limit laws is to prevent campaign contributors from developing undue influence over an elected official, or an official from attempting to shake down contributors in return for favors.

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The whole point of contribution-limit laws is to prevent campaign contributors from developing undue influence over an elected official, or an official from attempting to shake down contributors in return for favors.

The whole point of contribution-limit laws is to prevent pay-to-play politics in which one individual, company, industry or union develops undue influence over an elected official, or in which an elected official attempts to shake down campaign contributors in exchange for favors. I had hoped everyone who supported contribution limits would agree to these goals and work together to find realistic language for the law.

However, I repeatedly ran into opposition from good-government groups — especially over the Super PAC limitation law. One opponent was CHANGE Illinois!, with which I had worked to pass the original contribution-limits law. But when I asked this group to propose possible solutions to an obvious problem, it could not come up with anything realistic. Its best idea was to clearly define independent expenditures and empower the Illinois State Board of Elections to investigate violations; however, like most Illinois government departments, the board is underfunded and understaffed. It simply would not be capable of policing Super PAC spending.

Our new Super PAC law in no way undercuts the purpose of contribution limits: preventing pay-to-play politics. Because they are not allowed to coordinate with candidates, Super PACs cannot put undue pressure on candidates or vice versa.

In the end, Super PACs create an issue that every state legislature is going to have to confront: the role of money spent by nonparticipants to influence elections. I believe Illinois’ approach, particularly through campaign disclosure requirements, is the best of a number of extremely limited options. (The Citizens United and Personal PAC rulings have taken a lot of choices off the table.) I hope Illinois can serve as a model for other states in making the best of a bad situation.

Illinois Sen. Don Harmon, a Democrat from Oak Park, was first elected in 2002. He serves as president pro tempore.

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.
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Sponsorship opportunities available for region’s premier leadership training program

As planning begins for the 19th Annual Bowhay Institute for Legislative Leadership Development, a bipartisan steering committee of legislators is seeking sponsors for the 2013 program.

BILLD, the only training program designed exclusively for Midwestern legislators, will be held Aug. 9-12 in Madison, Wis. It is made possible by funding from corporate and foundation sponsors.

The goal of the program is to provide the region’s state legislators with the tools necessary to improve their leadership and policymaking skills.

BILLD offers a range of sponsorship levels. Sponsors are widely recognized during the five-day institute, as well as through a variety of publications. In addition, they are given the opportunity to spend time with BILLD fellows by attending the institute in Madison.

The entire program is overseen by the BILLD Steering Committee, a bipartisan group of state legislators from the region. Each year, the committee selects the class of BILLD fellows — 37 lawmakers representing the 11 Midwestern states and four Canadian provinces.

For more information about becoming a sponsoring partner, visit the CSG Midwest website (www.csgmidwest.org) or contact Laura A. Tomaka (ltomaka@csg.org) or 630.925.1922.

CSG Midwest convenes group of legislative service directors from around the region

Although legislators may come and go and political winds can shift over time, there are some forces that remain constant in Midwestern state capitols: legislative service agencies. These bodies conduct research, handle administrative tasks and otherwise keep legislatures running smoothly.

CSG Midwest supports a group of legislative service agency leaders and research directors from the region. The group met in late October in Chicago for a two-day conference, where members shared ideas and discussed a number of topics related to nonpartisan legislative institutions.

One of the group’s sessions focused on events taking place this fall across the region and country — orientations for newly elected lawmakers. The agency directors discussed various ways to make these orientations useful to new legislators.

Members of the group also discussed the different ways that LSAs introduce themselves to legislators, raise awareness of their products and services, and remain engaged with lawmakers.

Another session focused on agency efforts to plan for their long-term futures, a challenging task given the short-term focus in most legislatures.

The group also explored the role of technology in legislative service agencies — including current developments and future applications of items such as tablet computers, which are already being introduced in the Indiana legislature.

In a session led by a professor in nonprofit management, attendees of the October meeting learned about strategies for managing a multi-generational workforce.

The resulting discussion among the members focused on how to motivate, engage and inspire each of the generations in today’s workplace.

For more information about the legislative service agency group, contact Cindy Andrews (candrews@csg.org) or 920.393.4423.

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CSG Midwest hosted a group of legislative service agency leaders last month in Chicago. Attendees included Gordon Self, senior assistant revisor with the Kansas Revisor of Statute (left), and Jim Fry, director of the South Dakota Legislative Research Council.
Across Midwest, new laws in place to improve concussion awareness

By year’s end, all 11 Midwestern states will likely have new laws on the books to help protect young people from serious or long-term health problems due to concussions.

The flurry of state activity began in 2011, when eight states in the region passed concussion-related bills. Legislation was also passed earlier this year in Michigan and Wisconsin.

As of late October, Ohio was the lone state in the region where a bill had not been passed. The Ohio House approved a measure this summer, and key lawmakers in the state Senate told The Columbus Dispatch in October they were readying a bill for passage in November.

According to Education Week, all of the new laws in the Midwest require student-athletes suspect-ed of having a concussion to be removed from the game. To return to action, they must first receive medical clearance from a health professional. Ohio lawmakers have been trying to decide who should have the authority to clear student-athletes for play — only licensed physicians, or other health care professionals as well.

Most states in the Midwest also now require parents to sign a concussion information form. Michigan, Minnesota, North Dakota and Wisconsin are among the states that now require coaches to undergo training on concussion awareness.

Payday lending bill gets attention of region’s attorneys general

A bipartisan group of state attorneys general has joined forces to oppose federal legislation that would curb state authority to regulate the payday lending industry.

Under the legislation (HR 6139), non-bank lenders could obtain a federal charter. As a result, the attorneys general say, these lenders — whose products include payday loans, check cashing, and car title loans — could sidestep more-stringent state rules. The attorneys general of Illinois and Indiana co-wrote the letter to congressional leaders that voices concerns about HR 6139. It was signed by attorneys general in 36 other states, including Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota and Wisconsin.

Over the past decade, several states in the Midwest have adopted new laws to clamp down on the short-term-loan industry due to concerns about high interest rates and consumer debt. Most states in the Midwest, for example, now have caps on annual percentage rates, and all limit the amount of a loan. Other state restrictions include limiting the number of payday loans taken out by a single customer and capping the number of times a loan can be rolled over or renewed. According to a 2009 Federal Reserve report, 13 states, none in the Midwest, ban payday lending.

In Indiana, lottery sales and marketing put in hands of private firm

Indiana lottery officials announced in October that they were handing over day-to-day operations of sales and marketing to a private contractor.

This decision to outsource services is designed to boost state revenue from the Hoosier Lottery, with officials projecting an annual increase of $100 million during the first five years of the integrated services agreement.

Gov. Mitch Daniels noted in a press release following the decision that his state’s lottery revenues “lag far behind most states.” GTECH, the company handling sales and marketing for Indiana, will receive performance incentives. According to The Wall Street Journal, Hoosier Lottery officials expect revenue to increase when they begin to sell tickets at grocery stores, big-box stores and discount stores. Illinois was the first state to hand over management of its state lottery. The Chicago Tribune reported in July that in the first year of this new arrangement, the lottery turned a record profit. Net revenue, though, was still less than promised.

According to the most recent U.S. Census Bureau data, ticket sales from state-administered lotteries in the Midwest range from $2.3 billion in Ohio to $23 million in North Dakota.

New Michigan law seeks to swat away false crime reporting

Partly in response to concerns about a new crime known as “swatting,” Michigan legislators have passed a three-bill package that toughens penalties against people who falsely report a crime or medical emergency.

The measures (HB 5431, HB 5432 and HB 5433) were signed into law in October.

Under the new law, judges can require individuals who falsely report a crime or medical emergency to reimburse the state or local government. This includes people convicted of “swatting” using the Internet to make false emergency phone calls to 911 centers while hiding their actual location or identity. According to the online news site mlive.com, the FBI has estimated that each swatting incident costs law enforcement $10,000 in resources.

The new Michigan law also stiffens penalties for false reporting of crimes that result in serious injury or death (up to 15 years in prison and a fine of up to $50,000).

Prior to enactment of the three-bill package, there had been no felony for making a false report of a medical or other emergency. With the change in law, these false reports could now result in a misdemeanor or felony conviction. The felony is for cases in which the false reporting results in injury or death.