Too small to let fail

State support for preschool on the rise as a range of educational, economic benefits come into focus

by Kate Torney (ktorney@csg.org)

When Indiana Rep. Robert Behning was recently visiting a preschool, one of the instructors cited some alarming statistics.

The teacher pointed to three young African-American students. “She told me, ‘One of the three — if they don’t have the opportunity for a high-quality education in early childhood — [is likely to] end up in the criminal justice system. Which one are you going to pick?’”

“No one wants to pick any of them,” Behning says. “It is much better for our society to provide early education and an opportunity to be a successful member of our community.”

That’s why Behning, chair of the House Education Committee, introduced legislation earlier this year to create a pilot program providing low-income families with vouchers to attend quality preschools. Indiana is one of the three Midwestern states that does not have a state-funded preschool program.

Under the bill, the state would have provided funding for 1,000 children to attend preschool and tracked their progress through the education system. HB 1004 passed the House but was voted down in a Senate committee. Behning says he’ll introduce legislation again next year.

“In the long term, it would save the state money,” Behning believes. “One of the benefits of a pilot program would be to see if we can save in the end in terms of remediation, incarceration, et cetera.”

Research suggests big gains

Studies show that early-childhood education can have a significant impact on students’ educational and social success.

The High/Scope Perry Preschool study, for example, found that students who had participated in a preschool program were more likely to be in the 10th percentile of their class at age 14, more likely to graduate high school on time, and less likely to require special education.

By age 40, the study shows, preschool participants were more likely to own a home, earn at least $25,000 per year and have a savings account. Students in the preschool group were also less likely to have five or more arrests before age 40.

“When you look at brain science, we know that this is the greatest period of brain development,” says Megan Carolan of the National Institute for Early Education Research. “There are something like 700 neurons per second making connections.”

The return on state investments in early-childhood education has been studied by Rob Grunewald, an economist with the Federal Reserve Bank of Minneapolis.

By the age of 3 or 4, Grunewald notes, 85 percent of a child’s brain has been formed — so investment in “human capital” at this early age can pay the greatest dividends.

“Research overwhelmingly shows that the earlier we can intervene, the better,” says Emily Workman, who studies trends in preschool policy for the Education Commission of the States. “It makes it so much more likely that students will be successful when they enter the K-12 system.”

Workman points to a law in Illinois that requires 11 percent of pre-K funding to be targeted to 3-year-olds. Illinois was one of the first states to dedicate funding to younger preschool-age children — and it’s helped the state rank first in the nation in terms of access for 3-year-olds.

For children who are reached by a quality preschool program, some of the benefits occur right away. For example, Grunewald says, these initiatives have proven to reduce special-education assignments for children. But there are long-term positive effects, too.

Grunewald’s review of major studies on early childhood have shown returns of anywhere from $4 to $16 for every public dollar invested in this area.

“In 10 to 15 years, a state is going to recoup and earn from that investment,” he says. “They are going to have cost savings that will more than enough pay for initial investment in early childhood.”

State commitment increasing

Thanks in part to this body of research, there have been significant gains in preschool funding and enrollment over the last decade.

State-funded preschool programs now serve nearly 30 percent of 4-year-olds — twice as many as Head Start, the federal

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<th>State-funded preschool: Funding and enrollment data in Midwest</th>
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Sources: National Institute for Early Education Research (enrollment data and state spending per child) and Education Commission of the States (state preschool spending)
Agriculture & Natural Resources

Minnesota program gives farmers incentives to protect water quality

With the goals of protecting water quality and providing regulatory certainty to farmers, voluntary state programs that certify land-management practices at agricultural operations are cropping up across the country. Minnesota is one of the latest states to adopt such a program, and is backing it up with state dollars to help farmers adopt new conservation practices.

"This is a way to demonstrate that agriculture and water quality can coexist," says Matt Wohlman, assistant commissioner with the Minnesota Department of Agriculture. "It isn't an either/or approach." These programs give farmers the chance to certify that they are reducing or controlling pollution on their farms. Once they meet water quality standards and implement state-approved conservation practices, these farmers are assured that for the length of the certification, they will not need to change their practices due to any new state regulations.

All of these state initiatives provide training and third-party verification for participating farmers, but in Minnesota — named after water and home to 11,000 lakes, 69,000 miles of rivers and 10 million acres of wetlands — the new Agricultural Water Quality Certification has two unique characteristics.

The first is involvement by the federal government. In 2012, the program was established by an agreement between Minnesota and the U.S. Department of Agriculture and the Environmental Protection Agency. As a result of this partnership, the USDA will provide more than $6 million for the state's water quality efforts.

Secondly, the Minnesota Legislature has devoted state dollars to the certification program ($3 million in 2012 and 2013). The money comes from the Clean Water Fund, which was created in 2008 when voters passed a constitutional amendment setting aside a portion of the sales tax (three-eighths of 1 percent) to support clean water and the outdoors.

"The Clean Water Fund receives about $100 million each year, which must be spent to protect and restore water quality," Minnesota Rep. Rick Hansen explains. "It is the Legislature's responsibility to appropriate the moneys." This year, too, Hansen and other legislators codified the program with passage of HF 976.

It will begin in three pilot areas representing different geographical regions. "Monitoring is an important aspect, so that we can show actual results in improved water quality," Wohlman says. "This is why we are doing pilot watersheds first, so we can make sure we get it right." Participating farmers must go beyond existing requirements and adopt additional practices that address any water quality issues on the entire farm.

They will be eligible for technical and financial assistance from the state. And once their conservation practices are certified by a third party, no new state rules originating from the executive branch will be applied to these farms for 10 years.

Source: U.S. Environmental Protection Agency

New U.S. labeling rules hit cross-border livestock industry

For many years, the livestock industry in Canada and the U.S., especially for cattle and pigs, has been integrated, with animals moving both ways across the border for feeding and slaughter.

But new U.S. country-of-origin labeling requirements may change this relationship.

There have been many twists and turns since a labeling requirement was first included in the 2002 farm bill. Seven years passed between that farm bill and when country-of-origin labeling finally took effect in the livestock industry. The impact of this new rule was immediate. In 2009, hog imports to the U.S. fell 32 percent. (Prior to that year, Canadian producers had increasingly sent their hogs for finishing in the U.S., where they could feed on cheaper grain.)

Those labeling rules ultimately had to be rewritten, as the result of challenges made by Canada and Mexico at the World Trade Organization and subsequent WTO rulings.

Under the revised rules, adopted earlier this year by the U.S. Department of Agriculture and just beginning to take effect in the livestock market, labels on various cuts of meat must show the animal's location during each step in the production process — where it was born, raised and slaughtered. The USDA rules also ban the co-mingling of muscle cuts of meat that have different origins.

According to Ralph Eichler, a member of the Legislative Assembly of Manitoba, purchases of Canadian beef are likely to slow down in the coming months as a result of these changes. Many U.S. plants, he says, will not want to run two production lines — each for Canadian and U.S. animals.

North Dakota Sen. Jerry Klein worries, too, about the impact of labeling on the U.S.-Canada trade market. "We want to treat them well," Klein says of the Canadian trading partners. "They buy a lot of our grain and farm equipment."

Klein, a grocer, adds that there has been no demand among his customers in North Dakota for country-of-origin labeling. A customer has never asked him where the store's beef or pork came from.

"People ask about the quality, the price and if the product is safe," Klein says.

But proponents such as Minnesota Rep. Andrew Falk view labeling as a legitimate way to let consumers know how their food was raised and inspected. "Almost everything, from glassware to china to clothing, is labeled," says Falk, adding that it is "hard to believe that consumables like food, with a major impact on human health, shouldn't be labeled."

Political and legal wrangling about the new USDA labeling rules is likely to continue for the foreseeable future.

In September, the WTO announced that it would put together a compliance panel (in response to a Canadian challenge) to determine whether the new labeling rule brings the U.S. into WTO compliance.

Meanwhile, state legislators are asking the U.S. Congress to intervene. Separate resolutions seeking congressional action have been passed this year by the Midwestern Legislative Conference and The Council of State Governments' national Executive Committee.

Brief written by Ilene Grossman, staff liaison to the Midwestern Legislative Conference Midwest-Canada Relations Committee. She can be reached at ilene@arl.org. The committee's co-chairs are Indiana Rep. Bill Friend and Minnesota Rep. Rick Hansen.

Midwest-Canada Relations

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Time line on U.S. country-of-origin labeling

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<td>2008</td>
<td>Farm bill includes labeling requirement (also in 2002 farm bill, but never took effect for livestock)</td>
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<td>2009</td>
<td>Labeling rules for livestock take effect for first time</td>
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<td>2012</td>
<td>U.S. rewrites labeling rules as result of World Trade Organization ruling</td>
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<td>2013</td>
<td>New U.S. rules take effect and withstand legal challenge by meat industry; in September, WTO forms compliance panel in response to Canada’s challenge of new rules</td>
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North Dakota bucks school finance trends, and reshapes how its K-12 schools are funded

Over the past six years, most U.S. states have cut per-pupil funding for education, with double-digit reductions not uncommon. And then there is the case of North Dakota. Lawmakers there have taken advantage of the state’s remarkable economic ascent to completely remake how K-12 education is funded. In doing so, the legislature has accomplished what policymakers in many other states have tried but failed to do — take the burden of paying for schools off the backs of local property taxpayers.

Less than a decade ago, North Dakota’s funding formula looked like that of many other states: Schools were heavily reliant on property taxes as a revenue source, with as little as 40 percent of K-12 school funding coming from the state. Lake other states, too, North Dakota faced lawsuits from property-poor districts that alleged the K-12 finance system was inadequate and unfair.

But even before the state’s oil boom, North Dakota political leaders (led by now-Gov. Jack Dalrymple) pledged to change the system and reach a goal of having the state fund 70 percent of the costs of K-12 education. The state is now in position to greatly exceed that funding goal. As the result of legislation passed this year, more than 80 percent of K-12 funding will now come from the state, with per-pupil spending reaching $9,092 by the end of the biennium, says Rep. Mike Nathe, chair of the House Education Committee and majority caucus leader.

The result is tax relief for property owners across the state and greater funding equity among North Dakota’s 181 school districts.

Considering recent fiscal conditions in other states, North Dakota’s reforms stand out even more. A recent report by the Center on Budget and Policy Priorities shows that when adjusted for inflation, per-pupil education funding has been cut in 34 states, including at least six in the Midwest (see map).

The report’s authors say these nationwide cuts in state funding have “serious consequences” for cash-strapped schools: larger class sizes, fewer options for summer school or other extended learning times, and difficulty in recruiting or retaining high-quality staff.

In contrast, state funding in North Dakota has risen by 27.2 percent, by far the highest rate in the nation. (Iowa ranks second, at 11.2 percent.)

Nathe and North Dakota lawmakers are working this interim to make sure the new aid is spent wisely — for example, by determining the exact components of the “core education” that school districts should provide for the $9,092 they get per student.

One lingering question for legislative leaders is whether the state’s new funding commitment to education can be sustained over the long run. What happens, for example, when the state’s economic growth tapers off?

“That is something we are talking about all of the time,” Nathe says, adding that some plans have been made for future downturns. He cites the accrued interest in the Common Schools Trust Fund and the recently created Legacy Fund as money that the legislature could tap into if state revenues fall off.

Great Lakes

Legislators voice concerns about Ontario proposal to store nuclear waste near Lake Huron

Nuclear power is the source of 19 percent of the electricity generated in the United States and 15 percent in Canada, making up a significant percentage of each country’s share of energy derived from non-fossil-fuel sources.

Producing this electricity generates waste in the form of highly radioactive spent fuel and other nuclear waste that, while less radioactive, still requires isolation from the biosphere.

The challenges of finding a site for permanent disposal of spent fuel are well known. But disposing of waste that is less radioactive can be difficult as well, as Ontario Power Generation, or OPG, is finding out with its plans for a deep geologic repository less than a mile from Lake Huron.

The repository, if licensed, could open by 2018. It would be the first permanent disposal facility for radioactive waste to operate in the Great Lakes basin.

This fall, four weeks of hearings were held on the proposal before a three-member joint review panel of the Canadian Nuclear Safety Commission and the Canadian Environmental Assessment Agency.

Among those testifying were two Michigan state legislators: Sen. Hoon-Yung Hapgood and Rep. Sarah Roberts, both of whom are members of CSG Midwest’s Great Lakes Legislative Caucus.

“It’s our responsibility to look out for and protect the Great Lakes,” Hapgood says, adding that the people of Michigan — who have a huge stake in Great Lakes protection — have been adequately informed of OPG’s plans.

“There has been no general public outreach, no general public participation process.”

Earlier this year, Hapgood served as the primary sponsor of a resolution (SR 58, passed unanimously by the Michigan Senate) that urged “careful review” of the repository but stopped short of opposing the project.

In September, Roberts introduced HCR 7, a resolution that asks the U.S. Congress to oppose the repository and to urge Canada to find alternatives to nuclear waste disposal within the Great Lakes basin.

Michigan’s federal legislators have also joined in opposition. In October, The Detroit News reports, U.S. Sens. Debbie Stabenow and Carl Levin sent a letter to Secretary of State John Kerry seeking involvement from the binational International Joint Commission.

The proposed repository would hold low- and intermediate-level waste from the eight reactors operating at the Bruce Nuclear Generation Station, as well as from two other nuclear power plants in Ontario. The Bruce site is the location of an existing facility at which OPG has stored the same types of waste, most of it above ground, for more than 40 years.

The repository would store the waste 2,230 feet underground in a 450-million-year-old limestone formation. It would receive an estimated 200,000 cubic meters of waste (90 percent of it low-level) over its projected operating lifetime, 2018 to 2052.

OPG estimates that after 100,000 years, the radioactivity of the stored waste would be less than the natural activity of the overlying rock layer. According to its assessment, the project is not likely to result in “any significant adverse environmental effects” or health or safety problems.

For opponents of the project, one principal concern is the proposed repository’s proximity to Lake Huron, part of a Great Lakes system that provides drinking water for 35 million people in the U.S. and Canada. Many citizens and stakeholder groups have suggested that OPG consider sites farther from the lake.

Opponents worry, too, that the site will one day be expanded to accept spent fuel. Canada’s Nuclear Waste Management Organization has had requests from 21 communities that want to learn more about hosting the nation’s repository for spent nuclear fuel. Sixteen of these are within the Great Lakes basin, including six near OPG’s proposed repository.
Midwest not as reliant on federal spending as most other regions

For better or worse, federal spending makes up a large portion of state economies — a point underscored by the recent federal government shutdown as well as recent data released by The Pew Charitable Trusts. Just how reliant are states on federal expenditures?

The answer can vary significantly from state to state and region to region, as least when using Pew’s measurement tool: total federal spending in each state relative to each state’s gross domestic product. Percentages range from a high of 35.8 percent in New Mexico to a low of 12.3 percent in Delaware, Pew found.

In the Midwest, no state ranks near the top. South Dakota comes first at 23rd, while Minnesota has the third lowest percentage in the nation. Instead, states in the South and West tend to be where federal spending accounts for the highest percentage of a state’s total economic activity.

This spending enters state economies in one of five ways: direct payments for retirement and disability benefits; Medicare and other direct payments to individuals; grants; procurement (contracts with nongovernmental entities); and wages and salaries. Federal expenditures also account for a large part of spending by states themselves: 34.0 percent in fiscal year 2011, according to the National Association of State Budget Officers.

This rise in federal spending has entered an era in which federal spending accounts for the highest percentage of a state’s total economic activity. Just how reliant are states on federal expenditures?

In a new book “Why States Matter,” two of the nation’s leading scholars on American politics describe the far-reaching influence of states on the lives of citizens and on the direction of U.S. policymaking.

They also say states matter more today than they have in at least two generations. And with no sign to an end of political gridlock in Washington, D.C., this rise in influence is likely to continue, creating new challenges and opportunities for state legislators and other leaders.

CSG Midwest recently interviewed one of the book’s co-authors, Boise State University professor Gary Moncrief. (His co-author is University of Missouri professor Peverill Squire.) Here are excerpts from the interview with Moncrief about how and why states have again emerged as a policy force in this country.

Q: You talk about a period in the 20th century when state legislatures became intractable and states “mattered less.” What were the important changes that states made to become relevant again?

A: The period roughly between 1930 and 1970 was a period in which the national government was clearly ascendant. It was a really tumultuous time in terms of the federal relationship, when you think about it. States lost much of their relevance because (a) their fiscal systems were unable to cope with the effects of the Depression, (b) many state legislatures were completely out of sync with the population because they had not been redistricted in decades, and (c) some of the states resisted the national drive to ensure civil rights.

The key changes that led states to improve include the “reapportionment revolution” and an effort on the part of many reform-minded individuals and organizations to make states — especially legislatures — relevant again. This involved building legislative capacity by increasing salaries, staffs and sessions. For example, my co-author Professor Squire points out that in 1960, legislatures in Illinois, Indiana, Iowa, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin met bimini-

ally. Today, every Midwestern state legislature but North Dakota meets annually.

Q: Fast-forward to today, and how much of the burden for policy leadership has now been put on states due to the gridlock in Washington, D.C.?

A: We think the gridlock and hyper-partisanship in D.C. has very important consequences for states. First, it means that states have to step up. As we mention in the book, absent a clear national mandate, states are the “default option” for policymaking. Secondly, leaders in many states want to lead the way. The key for state officials, we believe, is to recognize that “with great power comes great responsibility” (to quote both Voltaire and Spider-Man).

Q: You say that the biggest challenge for states in the years ahead will involve finance and budget issues. What should state leaders expect?

A: First, we just don’t see any way fiscal federalism continues at the current pace — especially if we assume Medicaid is protected. That means some other grant-in-aid programs are likely to be scaled back.

Many people don’t realize how much states rely on this federal aid. The average for all states is [that] about 35 to 36 percent [is] coming from the federal government. It’s much higher in a few states, like South Dakota, and lower in a few other Midwestern states, like North Dakota and Minnesota. But it is a significant portion of the budget in all states, and if that aid is cut back, states are going to be faced with some very hard choices about cutting programs, raising revenue or both.

Second, public pension obligations in some states are clearly underfunded, and state officials are going to have to have a realistic dialogue about this.

Q: Are state political institutions up to the task of dealing with these changes and challenges?

A: We make the case in the book that states actually have much greater capacity to govern today than they did a couple of generations ago. We make this case both for the institutions of state government and for the individuals serving in those institutions. So, in terms of capacity, yes, states are up to the task. Political will, however, is not the same thing as capacity.

Q: How can state legislatures stand up to the influence of the state executive branch and rising power of governors?  

A: For state legislatures, it’s about information and leadership. During the 1970s especially, state legislatures were reformed, and much of that reform was designed to increase the capacity of legislators to process information — longer sessions and greater staffing resources.

Unfortunately, in some states, that effort pretty much ended by 1980. In some states, legislative salaries have actually declined when we control for inflation. Staffing was scaled back during the recent recession. In those states with term limits — including Michigan, Nebraska, Ohio and South Dakota in this region — the ability of the legislature to remain independent is compromised.

Capital Closeup

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Co-authors of book “Why States Matter”
“Ban the box” is a nationwide effort to remove inquiries about criminal history from employer job applications. Supporters argue that the question should be deferred until later in the interview process and not used as an automatic bar to employment at the application stage.

Ten states have enacted “ban the box” measures, including Illinois and Minnesota in the Midwest, according to the National Employment Law Project, a nonprofit group that advocates for these restrictions on employers.

In 2009, Minnesota banned public employers (except the Department of Corrections) from asking about an applicant’s criminal history until the applicant had been selected for an interview or received a conditional offer of employment.

Starting next year, private employers in the state will have the same restriction, as the result of legislation signed into law this year. SF 523, however, does not apply to employers who have a statutory duty to conduct a criminal history or to consider a potential employee’s criminal history during the hiring process.

Three states outside the region — Hawaii, Massachusetts and Rhode Island — have laws prohibiting both public and private employers from asking about criminal history on job applications.

A bill introduced this year in Michigan (HB 4366) would prohibit public and private employers from asking if a person had been convicted of a felony. Current state law allows employers to ask about felony or misdemeanor convictions as well as felony arrests that did not result in conviction.

In Michigan, the cities of Detroit and Kalamazoo, as well as the county of Muskegon, have “banned the box” on their employment applications. In all, more than 50 local jurisdictions have passed such ordinances, most during the past five years.

In October, Illinois Gov. Pat Quinn signed an administrative order barring questions about criminal history from state employment applications. In the order, he noted that “employment is one of the most effective tools to reduce recidivism.”

But just getting in the door to obtain an interview can be difficult for individuals who have a conviction or arrest on their record, because many job applications ask people to check a box if they have been convicted of a crime.

In April 2012, the U.S. Equal Employment Opportunity Commission issued guidance to help employers ensure that they are conducting background checks in compliance with the Fair Credit Reporting Act. Regarding the use of criminal checks, the commission urges employers to consider the crime, its relation to an applicant’s potential job, and how much time has passed since the conviction.

In South Dakota, devastating blizzard leaves lasting impact; legislators continue work of helping home districts recover

by Carolyn Orr (orr@hsn.com)

On the first weekend of October, one of the worst blizzards in South Dakota’s history hit the western part of the state, killing tens of thousands of animals.

“The dead cows or sheep on your ranch may have come from 10 [ranches] away,” Rep. Dean Wink says, “and yours might be in the next county.”

He and many other state legislators were personally affected by the destructive storm, and they are also now helping friends, neighbors and entire legislative districts recover from it.

Two inches of freezing rain, followed by up to 40 inches of heavy wet snow and 70-mph winds, hit animals still out on summer pastures, without their winter coats. Swirling snow actually suffocated many of the animals; others died of the cold.

“It wasn’t just sheep and cattle buried by the storm,” Sen. Larry Rhoden says. “This is the first time I have ever seen bison killed by a storm. Hundreds of horses perished as well.”

South Dakota is home to the nation’s sixth-largest cattle population, most on far-flung ranches in the western part of the state that the storm hit. Rep. Gary Cammack lives in the heart of the hard-hit area; he lost about 120 head of cattle.

South Dakota Rep. Betty Olsen says once phone service was restored after the storm, calls from constituents poured in. She tried to assist in any way possible — from helping people document their losses and report power outages to coordinating cleanup efforts with local and state government agencies. Wink, Cammack and other legislators found themselves acting as unofficial press spokesmen for their communities, helping to get the word out about the seriousness of the situation.

Legislators, though, say they mainly just listened — to story after story of loss and devastation.

“South Dakota ranchers are fiercely independent,” Olsen says. “They don’t want to be seen as complaining. This means that the total number of dead may never be known.”

While ranchers have been encouraged to document their losses, the expiration of the 2008 farm bill means no federal disaster aid is available.

Cattle numbers were already at their lowest level in decades, and this natural disaster will only compound the nation’s tight beef supply.

Each mother cow lost in the storm was worth an estimated $1,500 or more, and spring-born calves had a market value of at least $800. The value of horses is more variable, but could easily be several thousand dollars per animal.

There is no private or public livestock-insurance program for cattle and sheep like there is for corn and soybeans. The losses in South Dakota will easily total tens of millions of dollars — a huge blow to the region’s economy on top of last year’s drought.

The financial loss doesn’t compare to the emotional toll on ranchers who mourn the loss of a single calf. In one weekend, bloodlines that ranchers had spent decades building were destroyed.

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But just getting in the door to obtain an interview can be difficult for individuals who have a conviction or arrest on their record, because many job applications ask people to check a box if they have been convicted of a crime.

In April 2012, the U.S. Equal Employment Opportunity Commission issued guidance to help employers ensure that they are conducting background checks in compliance with the Fair Credit Reporting Act. Regarding the use of criminal checks, the commission urges employers to consider the crime, its relation to an applicant’s potential job, and how much time has passed since the conviction.

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In South Dakota, devastating blizzard leaves lasting impact; legislators continue work of helping home districts recover

by Carolyn Orr (orr@hsn.com)

On the first weekend of October, one of the worst blizzards in South Dakota’s history hit the western part of the state, killing tens of thousands of animals.

“The dead cows or sheep on your ranch may have come from 10 [ranches] away,” Rep. Dean Wink says, “and yours might be in the next county.”

He and many other state legislators were personally affected by the destructive storm, and they are also now helping friends, neighbors and entire legislative districts recover from it.

Two inches of freezing rain, followed by up to 40 inches of heavy wet snow and 70-mph winds, hit animals still out on summer pastures, without their winter coats. Swirling snow actually suffocated many of the animals; others died of the cold.

“It wasn’t just sheep and cattle buried by the storm,” Sen. Larry Rhoden says. “This is the first time I have ever seen bison killed by a storm. Hundreds of horses perished as well.”

South Dakota is home to the nation’s sixth-largest cattle population, most on far-flung ranches in the western part of the state that the storm hit. Rep. Gary Cammack lives in the heart of the hard-hit area; he lost about 120 head of cattle.

South Dakota Rep. Betty Olsen says once phone service was restored after the storm, calls from constituents poured in. She tried to assist in any way possible — from helping people document their losses and report power outages to coordinating cleanup efforts with local and state government agencies. Wink, Cammack and other legislators found themselves acting as unofficial press spokesmen for their communities, helping to get the word out about the seriousness of the situation.

Legislators, though, say they mainly just listened — to story after story of loss and devastation.

“South Dakota ranchers are fiercely independent,” Olsen says. “They don’t want to be seen as complaining. This means that the total number of dead may never be known.”

While ranchers have been encouraged to document their losses, the expiration of the 2008 farm bill means no federal disaster aid is available.

Cattle numbers were already at their lowest level in decades, and this natural disaster will only compound the nation’s tight beef supply.

Each mother cow lost in the storm was worth an estimated $1,500 or more, and spring-born calves had a market value of at least $800. The value of horses is more variable, but could easily be several thousand dollars per animal.

There is no private or public livestock-insurance program for cattle and sheep like there is for corn and soybeans. The losses in South Dakota will easily total tens of millions of dollars — a huge blow to the region’s economy on top of last year’s drought.

The financial loss doesn’t compare to the emotional toll on ranchers who mourn the loss of a single calf. In one weekend, bloodlines that ranchers had spent decades building were destroyed.

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But Olsen says the response of a neighbor who lost 400 head of sheep typifies how her constituents are responding.

“We got up and the sun shone and everybody is OK, we will move on,” the neighbor told Olsen.

Such is the life of the ranchers who make up the Midwest’s western region.

To donate to the Rancher Relief Fund, visit www.givethelastgift.org
Michigan and Minnesota take action on initiatives aimed at youngest learners

program for low-income children. And over the 10 years, state spending on preschool has increased by nearly 50 percent, totaling $5.12 billion in the 2011-12 school year.

In the eight Midwestern states that have state-funded preschool initiatives (Indiana, North Dakota and South Dakota do not), programs are largely geared toward low-income and at-risk children. Income is a common eligibility measure, sometimes coupled with other risk factors that put a child in danger of falling behind.

“All kids benefit from pre K, but low-income kids get even more benefit because they are more likely to fall behind [otherwise],” says Carolan. They go into kindergarten knowing fewer words, which is a tangible and sad way to understand that these kids are really behind the curve.”

“More states are getting on board, and enrollment has nearly doubled [in state-funded preschool] among 4-year-olds [in the last decade],” Carolan says.

This year, Michigan lawmakers approved “one of the largest one-time expansions of preschool we have seen anywhere,” Carolan says. As a result, up to 16,000 more children will be served in the state’s Great Start Readiness Program. Eligibility was expanded to include families at or below 250 percent of the poverty line. This expansion will be funded with an additional $65 million — a 60 percent increase over current funding levels. And Gov. Rick Snyder is expected to ask for an additional $65 million in his budget next year, which would double Great Start funding to $130 million. Snyder has long supported preschool initiatives as a way to prepare children for kindergarten and beyond.

Another reason Kahn fought for expanding Great Start was to help narrow his state’s “achievement gap”: the disparity in performance between students of different socioeconomic statuses and races.

“One of the most responsible, high-return strategies our state can pursue toward a talented, globally competitive future workforce, the state’s business leaders say in their plan.

While proud of Michigan’s recent landmark investment in state-funded preschool, Kahn stresses that it is just a first step.

“You can’t just spend $65 million a year and expect you will have measurable results in a year, or two or five,” he says. “You have to be all in for a generation.”

Minnesota focuses on learning gap

This year, Minnesota lawmakers passed legislation (HF 630) creating a new scholarship program for 3- and 4-year-olds. Under the Early Learning Scholarship program, families earning up to 185 percent of the federal poverty level can pursue toward a talented, globally competitive future workforce, the state’s business leaders say in their plan.

With early-childhood education, the return on investment is incredibly high — whether it’s providing children with a better life or increasing the likelihood that they will have a job and the ability to pay taxes,” says Sen. Roger Kahn, who has been a longtime advocate for increased early-childhood investment and helped lead the effort to expand Great Start.

Another reason Kahn fought for expanding Great Start was to help narrow his state’s “achievement gap”: the disparity in performance between students of different socioeconomic statuses and races.

“If we are going to successfully compete in a difficult world and within the United States for jobs, we need to have our children well educated,” he says.

That’s one of the reasons, too, that a coalition of more than 100 Michigan business leaders has banded together to call for increased investments in early childhood education.

The Michigan Early Childhood Business Plan recommends expanding the reach of the state’s preschool program and strengthening the state’s efforts to help even younger children — for example, more home visits for the families of at-risk children 3 and under.

“Early childhood initiatives are among the most responsible, high-return strategies our state can pursue toward a talented, globally competitive future workforce,” the state’s business leaders say in their plan.

Enrollment in state-funded preschool and Head Start as % of state’s total population of 3- and 4-year-olds

<table>
<thead>
<tr>
<th>State-funded preschool</th>
<th>Head Start</th>
<th>Special education</th>
<th>Other/None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois 3-year-olds</td>
<td>3%</td>
<td>10%</td>
<td>28%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>10%</td>
<td>28%</td>
</tr>
<tr>
<td>Indiana (no state preschool) 3-year-olds</td>
<td>5%</td>
<td>90%</td>
<td>8%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>5%</td>
<td>90%</td>
<td>8%</td>
</tr>
<tr>
<td>Iowa* 3-year-olds</td>
<td>3%</td>
<td>9%</td>
<td>36%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>9%</td>
<td>36%</td>
</tr>
<tr>
<td>Kansas 3-year-olds</td>
<td>5%</td>
<td>21%</td>
<td>6%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>87%</td>
<td>63%</td>
</tr>
<tr>
<td>Michigan 3-year-olds</td>
<td>5%</td>
<td>19%</td>
<td>25%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>87%</td>
<td>66%</td>
</tr>
<tr>
<td>Minnesota 3-year-olds</td>
<td>4%</td>
<td>6%</td>
<td>1%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>1%</td>
<td>85%</td>
<td>6%</td>
</tr>
<tr>
<td>Nebraska 3-year-olds</td>
<td>13%</td>
<td>80%</td>
<td>7%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>10%</td>
<td>80%</td>
<td>7%</td>
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<tr>
<td>North Dakota (no state preschool) 3-year-olds</td>
<td>3%</td>
<td>19%</td>
<td>4%</td>
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<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>19%</td>
<td>4%</td>
</tr>
<tr>
<td>Ohio* 3-year-olds</td>
<td>3%</td>
<td>1%</td>
<td>5%</td>
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<td>4-year-olds</td>
<td>3%</td>
<td>1%</td>
<td>5%</td>
</tr>
<tr>
<td>South Dakota (no state preschool) 3-year-olds</td>
<td>4%</td>
<td>17%</td>
<td>3%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>1%</td>
<td>5%</td>
</tr>
<tr>
<td>Wisconsin 3-year-olds</td>
<td>3%</td>
<td>30%</td>
<td>61%</td>
</tr>
<tr>
<td>4-year-olds</td>
<td>3%</td>
<td>30%</td>
<td>61%</td>
</tr>
</tbody>
</table>

*2 percent of 3-year-olds served in programs using local and federal funds.

Source: High/Scope Educational Research Foundation

*1 percent of 3-year-olds/2 percent of 4-year-olds served in programs using local and federal funds.

receive up to $5,000 per year for preschool tuition. “We can target populations and see where the money goes, and measure the impact,” says Sen. Patricia Torres Ray, chair of the Education Committee.

She also expects that as parents receive scholarships and choose programs, a network of quality schools will develop around the state in areas where they are needed most. The preschool scholarships are part of a broader effort, Torres Ray says, to close Minnesota’s achievement gap. “Every sector you talk to is fed up with our inability to address it,” she says. “This is a longtime problem for Minnesota, and because of that we are placing a tremendous amount of emphasis on every investment we make.”

Torres Ray hopes that the success of these investments will lead to even greater early-childhood commitments in the years ahead. “We need to be able to tell the taxpayers we made the right decision,” she says. “This session we are going to do a lot of review and talk to a lot of experts to see if we are going in the right direction.”

Ensuring quality is at heart of success

Around the Midwest, some other states, too, have made investments in early-childhood education this year. Nebraska lawmakers voted to put $1 million per year for the next three years in the Early Childhood Education Endowment. The fund offers grants for programs serving at-risk children from birth to age 3.

North Dakota legislators tasked the state superintendent of public instruction with studying areas for policy improvements in early-childhood care and education. But despite scientific and anecdotal evidence of the benefits of preschool, universal access is still a long way off. Part of the issue, says Carolan, is that preschool isn’t often considered “real” school. Critics of some programs have argued that preschool is an expensive form of day care — and that paying for it should be a parental responsibility. Others believe that putting young children in classrooms interferes with parent-child relationships.

For states that are considering expanding preschool options for children, the National Institute for Early Education Research has a set of 10 standards it recommends incorporating into programs. Four of those benchmarks relate to hiring qualified professionals — for example, those with a bachelor’s or associate’s degree in childhood development. “You want to make sure these kids are in a classroom with people who know how to engage them,” Carolan says. “That predicts high-quality programs and better outcomes.”

In terms of funding, Carolan highlights state models that integrate pre-K funding into the general school funding formula. School districts participating in Iowa’s Statewide Voluntary Preschool Program, for example, receive 50 percent of the state’s per-pupil K-12 funding and can receive 60 percent if they provide parent support services.

Enrollment in 4K has more than tripled since 2001. Nearly 47,000 children (60 percent of all 4-year-olds statewide) participated last year and 90 percent of Wisconsin school districts offered the program.

Regardless of the specifics, Carolan urges policymakers to “look before they leap.”

Wisconsin program for 4-year-olds: A constitutional mandate for early education

Wisconsin’s commitment to early childhood education spans back to when it became a state in 1848. Under the state Constitution, public education must be offered beginning at age 4.

Established in 1873, the Four-Year-Old Kindergarten (4K) program is still in existence (although state funding was suspended from 1957 until 1984). The state provides funding to public schools, which contract with community-based organizations to provide preschool. Preschool programs receive 50 percent of the state’s per-pupil K-12 funding and can receive 60 percent if they provide parent support services.

Enrollment in 4K has more than tripled since 2001. Nearly 47,000 children (60 percent of all 4-year-olds statewide) participated last year and 90 percent of Wisconsin school districts offered the program.

“My state tries to do a universal program without the resources, they can overstretch — and that jeopardizes quality,” she says. Workman agrees, adding that “just implementing a pre-K program is not sufficient. You must have a quality rating system set up and be able to braid [different sources of] funding to effectively serve these students, otherwise you’re not going to get the return on investment everyone boasts about.”

Each year, the CSG Toll Fellowship Program brings 48 of the nation’s top officials from all three branches of state government to Lexington, Ky., for an intensive six-day, five-night “intellectual boot camp.” Apply today to be a part of one of the nation’s premier leadership development programs for state government officials.

Applications will be accepted through May 2, 2014.

For more information and to apply, visit www.csg.org/LeadershipCenter/TollFellows.aspx.
Michigan Rep. John Walsh

After early exposure to life as a legislator, Michigan native now finds himself in middle of transformative period in state’s history

by Tim Anderson (tanderson@csg.org)

T

hree days a week, a young John Walsh would travel to and from Lansing, splitting time between learning about public policy in the state Capitol and meeting with fellow constituents in his Detroit-area district.

It was a unique chance at job shadowing: a high school student getting the chance to take a semester off from school and work with his local representative.

Little did Walsh know at the time that he was also job shadowing.

But years later, disappointed in the direction of state government in Michigan and determined to help make it better, Walsh ran for the Legislature himself. He won that first race in 2008, and has since emerged as a top leader in the Republican-led House.

And to this day, he still carries lessons with him from that unique high school experience.

“When I look back at it now, I realize how lucky I was to have that opportunity,” Walsh says.

“I didn’t think at the time that I would end up in elected public office, but it — along with my mom and dad — helped instill in me a desire to give back to the community.”

Between high school and his 2008 run, Walsh built up a mix of experiences that prepared him for state office: work in the private sector as a corporate attorney, service in local government as a member of the Livonia City Council, and a leadership role as an executive at his hometown’s Schoolcraft College.

His return to Lansing and state politics came during a tumultuous period in Michigan’s history. Unprecedented state budget problems and split partisan control of government had led to much acrimony, as well as two government shutdowns.

But one term after Walsh was elected to office, he and fellow Republicans found themselves in full control of the Legislature and governor’s office. And Walsh himself was elected speaker pro tempore, a position he still holds.

In a recent CSG Midwest interview, Walsh shared his thoughts on the Legislature’s most important accomplishments over the past few years, as well as his remaining legislative priorities during his limited time left in office. (Term limits will force him to leave his remaining legislative priorities during his limited time during his limited term in office.)

Q: In your only second term in office, you became House speaker pro tempore. Why did you seek this position, and what do you see as your role in the Republican caucus and Legislature?

A: My personality is more of the one that lends itself to being an adviser: listen to someone’s bold idea and think about all of the opportunities and potential adverse consequences. That’s been my official and unofficial role within the caucus.

I also have the reputation of being unflappable. I can preside [over the House] without much emotion. I don’t get nervous, I don’t get angry. … That personality kind of fits being the presiding officer.

In general, too, what I’ve done is try to be as respectful as possible of everyone’s opinion. I want to listen to all sides, to not be close-minded. I’m a proud Republican, but I’ll take an idea from anyone with an idea to help our citizens.

Q: What do you hope are some of the lasting policy accomplishments that have occurred in Michigan during your time in office?

A: One of the things that I hope takes hold is the fact that we committed to getting our budgets done several months in advance. That has allowed us, first and foremost, not to get anywhere near a government shutdown. Secondly, it allows us to tell our schools and universities what their budgets are going to be well before their fiscal year starts on July 1.

Another big accomplishment has been finally getting a solution to our state’s underlying budget problems. Over a 10-year period, we had eight budget deficits of $1 billion or more. That was because we would put in place stopgap measures; we would move money around; we would enact some temporary collections of taxes.

In 2011, we made the difficult decisions of removing $1.5 billion from the budget. It was not pleasant, it was extremely difficult, and it affected the lives of every citizen in this state. But three years later, we have a balanced budget, we have a half-billion dollars in our rainy day fund, we’ve reduced our long-term unfunded obligations in our retirement system by $20 billion, and we’re paying down our long-term debt.

Q: Was it difficult to get these budgetary changes through the Legislature?

A: What made this time around different was that we had a governor who was absolutely unafraid to look at the way we were doing things, and make the necessary changes whenever appropriate. At the same time, we had in place a group of legislators who shared many of the same frustrations about how things were being done.

They came to Lansing wanting to make a difference and not worried about their [political] futures. I will be term-limited and will return to my private practice or academia, and I’m fine with that. A lot of my colleagues are like that as well. That wasn’t always true in the past.

Q: With that said, then, do you look at term limits as being a positive for Michigan?

A: I don’t think they’re the great thing that some people had hoped, or the bane that some people alleged. In Michigan, it brought in a different group of people — under circumstances that allowed some critical thought and unique bravery, I think.

That being said, I think slightly longer term limits would be better — maybe 10 or 12 years. For a House member now, we’re done after three two-year terms. What I find is that you’re building your knowledge base and trust during the first two years. You can then become highly effective in your next two years, even three years. But by the end of our terms, we all face certain realities. We all have mortgages, we all have families to raise.

So you’re prescripted with a learning curve at the beginning and then have to plan an exit strategy on the way out.

Q: In your limited time left in office, what do you still want to accomplish?

A: What I really want to focus on is getting more money for higher ed. We, like every other state in the nation, have retreated from traditional levels of support for higher education. For 25 years, we are down, down, down — almost annually. I’d like to see a significant reversal of that trend.

The idea right now, and one that the universities have agreed to, is to make a trade-off: more money for the universities in exchange for [performance] metrics and national measurable — graduation rates, the types of degree programs being offered, the amount of money being spent on administration, how much money is required of employees for benefits. We want to be able to compare these things across the nation to make sure we are getting the most bang for the buck.

Q: Why is it important to have these metrics and the increased funding to the universities?

A: Under our Constitution, the universities are completely autonomous. The Legislature can choose to give them money or not. It really is that stark. So these metrics are an entitlement. People won’t change their behavior unless there is real money at stake. So what we’re trying to do is up the ante: Keep the base [funding] in place, and then add more money tied to the metrics.
Drug overdose deaths have more than quadrupled in Indiana since 1999. According to a recent study by the Trust for America’s Health, the Hoosier State has the 17th highest drug overdose mortality rate in the country. Most of these deaths do not result from use of illicit drugs such as heroin and cocaine, but rather are due to overdoses of prescription drugs. Prescription drugs, especially painkillers, are wreaking havoc on our society today, and this nationwide epidemic is only getting worse.

My colleagues and I in the Indiana General Assembly have been concerned about this trend for several years now. Prescription drugs can be highly addictive, destroy families and livelihoods, and — as we’re seeing all too frequently — lead to premature death. Every 25 minutes, someone dies from a prescription drug overdose in the United States.

I believe there are three main reasons for this dangerous trend. First, doctors are overprescribing these medications. Second, these drugs are highly accessible in homes and on the street. Third, there is a lack of public knowledge about the serious dangers these drugs pose.

Addiction-fueling ‘pill clinics’ on rise

Not unlike other states, Indiana recently experienced a rise in pain clinics — or “pill mills” — posing as legitimate medical facilities, but focused solely on prescribing large amounts of powerful pain medications. Instead of addressing actual medical conditions, these clinics fuel addictions and contribute to the rising abuse problem, with little to no state oversight.

In my southern Indiana community, we experienced this firsthand after Kentucky tightened its regulations on pain clinics in 2012, sending these types of businesses across state lines. Pill mills often only take cash, do not require physical exams before prescribing painkillers, and attract addicts and drug dealers.

During the 2013 legislative session, I worked on a measure to crack down on this type of business that leads to unsafe and reckless overprescribing of controlled substances such as hydrocodone and methadone. Senate Enrolled Act 246, signed into law in May, requires facilities that dispense controlled substances to maintain a registration allowing them to do so, and calls on Indiana’s Medical Licensing Board to develop statewide standards and protocols for the prescribing of these drugs. In October, the board adopted new rules that require more screening and monitoring of patients to help doctors detect drug abuse. Patients are also required to sign a “treatment agreement” with doctors that fosters discussion about addiction risks.

Another provision in SEA 246 gives Indiana’s attorney general more tools to investigate clinics that are suspected of overprescribing controlled substances. Since January 2012, Attorney General Greg Zoeller’s office has taken action against more than 15 Indiana doctors for prescribing addictive painkillers outside of what is considered medically appropriate. I’m grateful Indiana has added some oversight to curb reckless overprescribing in our state. Our hope is that this will reduce addictions and stem the flow of dangerous prescription drugs into our communities.

A second factor that is driving prescription drug abuse in Indiana is how accessible these drugs are to those without a medical prescription, especially teens. A 2011 “Youth Risk Behavior” survey of a group of high school students found that more than 20 percent reported they had taken prescription drugs one or more times without a doctor’s prescription. Indiana ranked second highest among the 35 states where students were surveyed.

What’s more, according to a 2012 “Monitoring the Future” survey, about 50 percent of high school seniors said that painkillers would be fairly or very easy to get. Prescription drugs are more accessible to teens than illicit drugs because they can be found in home medicine cabinets, leftover from minor surgeries or illness, and never properly discarded. I urge all families to clean up their medicine cabinets to ensure that unused prescription drugs don’t wind up in the wrong hands. It is important not to simply throw away old medications, because dealers and addicts will comb through trash to find them.

Leftover medications can be taken to advertised community events, such as Take Back Days or Household Hazardous Waste Days, or be dropped off at permanent collection sites, such as local police departments. A final hurdle in the battle against prescription drug abuse is the public perception that these drugs are safer and less addictive than illegal drugs. Unfortunately, this perception is entirely false.

Prescription drugs have powerful effects, both emotionally and physically, on the body. These effects can intensify when doctor-supervised precautions are not taken, or if alcohol or other substances are added to the mix. Attorney General Zoeller and the Indiana Prescription Drug Abuse Prevention Task Force, on which I serve, launched a new public awareness campaign designed to shine a light on the prevalence and dangers of prescription drug abuse.

Submissions welcome

This page serves as 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.

% increase in prescription drug overdose mortality rates, 1999-2010

Part of the campaign was the creation of a new comprehensive website, www.BitterPill.IN.gov, to serve as a one-stop shop for facts about prescription drug abuse and misuse. The site offers resources on how to recognize the signs of someone who is drug-dependent, how to seek help and more.

Though we’ve made important progress, Indiana still has a long way to go to reduce prescription drug abuse and prevent unnecessary deaths. During the next legislative session, I will continue to work with experts in the field and neighboring states to find a solution to this national epidemic.

Moreover, I challenge parents, educators, health professionals, coaches and community members to talk to loved ones about prescription drug abuse. Anyone can be at risk, and it’s up to all of us to keep our neighborhoods safe, aware and drug-free. 

Sen. Ron Grooms, a Republican from Jeffersonville, was first elected to the Indiana Senate in 2010. He is a retired community pharmacist and former pharmacy owner.
Legislators, other leaders explore future of passenger rail, state funding options

The Midwest Interstate Passenger Rail Commission held its annual meeting in October, bringing together commissioners, partners and allies from across the Midwest to discuss the progress and future of passenger rail. MIPRC is a 10-state compact commission charged with promoting, coordinating and supporting passenger rail development in the Midwest. CSG Midwest serves as the commission’s secretariat.

At the meeting in Chicago, attendees discussed the impact of a 2008 federal law that, effective Oct. 1, now requires states to take over financial responsibility for “corridor service” — routes of less than 750 miles. Eighteen states (including Illinois, Indiana, Michigan and Missouri) are now responsible for funding corridor services. Commissioners discussed how states have historically funded these shorter-distance routes, as well as potential new funding options. Other meeting topics included the importance of rail suppliers to the Midwest’s economy; an update on federal policies and funding; and strategies for getting universities and colleges involved in passenger rail advocacy.

Commissioners also established four new committees and elected new officers. Tim Hoeffner, director of Michigan’s Office of Rail (Gov. Rick Snyder’s designee to the commission) will serve as MIPRC chair; Joan Bray, Missouri’s gubernatorial designee to the commission, will serve as vice chair; and Kansas Sen. Carolyn McGinn will serve as financial officer. The group’s outgoing chair, Illinois Rep. Elaine Nekritz, received an award for her longtime leadership role.

Select presentations from the meeting are available at www.miprc.org. Legislators interested in receiving updates on passenger rail development can contact MIPRC director Laura Kiewer at lkiewer@csg.org.

Application period open for 2014 Toll Fellows program

Officials from all three branches of state government are encouraged to apply for the 2014 Toll Fellows Program. The program, named for CSG founder Henry Wolcott Toll, is one of the nation’s premier leadership-development programs for state government officials.

Each year, Toll Fellows brings 48 state officials from across the country to Lexington, Ky., for an intensive six-day, five-night “intellectual boot camp.” The program’s agenda includes a lineup of dynamic speakers and sessions designed to stimulate personal assessment and growth while providing networking and relationship-building opportunities.

Next year’s program will be held Sept. 5-10. While each year’s program is unique, previous programs have included sessions on leadership personality, media training, crisis management and adaptive leadership.

CSG’s Toll graduates have gone on to serve in a wide range of leadership roles in states and the federal government. The alumni list boasts four current governors, four lieutenant governors, 10 secretaries of state, five state chief justices, six members of the U.S. Congress and the U.S. secretary of labor.

Electe, appointed and merit officials may all apply for a fellowship, which covers lodging and meals (participants are responsible for the cost of travel to and from Lexington). Applications will be accepted through May 2. Twelve fellows will be chosen from each of CSG’s four regions by a panel of Toll alumni.

Application materials are available at www.csg.org/leadershipcenter/TollFellows.aspx.

CSG’s regional offices provide training for state legislators

All Fellows are designed for mid-career state officials, complementing the leadership programs offered by CSG’s regional offices. CSG Midwest’s Bowhay Institute for Legislative Leadership Development is designed for legislators in their first four years of service. BILLD is held each summer in Madison, Wis., through a partnership with the University of Wisconsin’s La Follette School of Public Affairs.

Next year’s BILLD program will be held Aug. 8-12. For more information, visit www.csgmidwest.org/BILLD. Indiana Rep. Ed Clere and Ohio Sen. Cliff Hite serve as co-chairs of the Midwestern Legislative Conference’s BILLD Steering Committee.

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MCC affiliate members.
CSG Midwest convenes regional group of legislative service agency leaders

Last month, the leaders of state legislative service agencies in the Midwest gathered to share best practices in serving the region’s legislative institutions.

The meeting of the Midwestern Legislative Service Agency and Research Directors Group was held in Chicago and led by Glenn Dickinson, director of the Iowa Legislative Services Agency and chair of the CSG Midwest group.

The group is a network of nonpartisan agency directors and staff representing the 11 Midwestern states. It facilitates the interstate exchange of information among participating agencies.

During the October meeting, participants examined various facets of nonpartisan legislative staff work — from ideas on how to manage legislative employees and create positive work environments, to how to preserve the history of the region’s state legislative institutions.

Presenters from the Law Library Microform Consortium — a nonprofit cooperative of libraries — discussed how it can work with states to save important historical documents and make them accessible to the public.

In a separate session, attendees examined ways to preserve the “institutional memory” of legislatures — such as important legislation, unwritten rules and details about how key institutions in the state were created. Participants from several states shared their experiences of putting together oral and written histories of their legislatures.

In a discussion on the use of technology in the legislative arena, participants learned about Indiana’s recent iPad pilot project, the goal of which was to reduce the use of paper in the state’s General Assembly. Attendees also shared other technology-related developments and future plans from their own states.

The Midwestern Legislative Service Agency and Research Directors Group typically meets once a year. For more information, visit www.csgmidwest.org/LSA/default.aspx.

State policy options to protect privacy focus of multi-branch symposium in Wisconsin

The emergence of new communications and tracking technologies has raised a number of issues regarding privacy, and states are often tasked with regulating access to the information collected.

How can states provide new tools to law enforcement and, at the same time, protect personal privacy?

At a recent symposium held in Wisconsin, experts and state policymakers gathered to explore this issue. The event was part of an occasional series presented by the Wisconsin Legislative Council, the state Supreme Court’s Office of Judicial Education and CSG Midwest.

Opening remarks were given by Chief Justice Shirley Abrahamson as well as the Legislative Council’s co-chairs, Rep. Joan Ballweg and Sen. Luther Olsen.

Professor Stephen Henderson, a University of Oklahoma College of Law professor, explained the theory of “information privacy” and how the Fourth Amendment does and does not protect privacy. He discussed, too, how states can decide what restrictions to place on law enforcement agencies. One framework for making these decisions, Henderson noted, was the American Bar Association’s Criminal Justice Standards.

He also shared details about how states can respond to issues raised in cases such as United States v. Jones, which centered on whether attaching a global positioning system device to a car and monitoring its movement is considered a “search” under the Fourth Amendment.

Other topics at the Wisconsin symposium included a review of case law regarding searches of cell phone data and acceptable procedures for obtaining a valid warrant — such as whether a warrant can be issued and signed electronically.

A University of Wisconsin faculty member gave a presentation on the capabilities of cutting-edge communications and tracking technologies, as well as innovations anticipated for the near future.

A panel made up of experts and state officials provided their perspectives on the dual objectives of protecting personal privacy and ensuring necessary governmental access to certain information.

Members of the panel also discussed how current law governs emerging communications and tracking technology, as well as legislative approaches to achieving a balance between these policy goals.
Illinois' Internet sales tax law struck down, adding to uncertainty

In a legal setback for states seeking to collect taxes from Internet sales, the Illinois Supreme Court in October struck down the legislature’s 2011 Main Street Fairness Act.

According to USA Today, the decision marks the first time a state’s Internet sales tax law has been invalidated. Illinois’ measure is known as an “Amazon” law, named after the online retailer.

Twelve other states, including Kansas and Minnesota, have such laws, which establish in statute what is known as a “click-through nexus.” If potential customers are referred to an out-of-state seller via the website of an in-state small business or blogger (“click through”), a nexus is established. Internet retailers such as Amazon commonly employ these types of performance-marketing agreements.

The U.S. Supreme Court has limited a state’s ability to collect sales taxes from Internet retailers who do not have a physical presence in the state. However, a third party can create the “substantial nexus” that a state needs — hence the passage of these “click-through” laws. Due in part to conflicting state court rulings, Illinois’ measure was overturned while New York’s was upheld, the U.S. Supreme Court may eventually weigh in on the constitutionality of these “Amazon” laws.

Wisconsin, Kansas allow for small-business ‘crowdfunding’

Wisconsin lawmakers passed a bill in October that they say will provide a new way for the state’s small businesses to access capital — “crowdfunding.” All 818 received unanimous approval in the Assembly and Senate.

According to The Milwaukee Business Journal, the measure seeks to build on the success of Internet-based funding platforms such as Kickstarter, where individuals can and do pledge money in support of a wide range of creative projects (proposals to make a movie, for example). The legislation changes Wisconsin’s securities laws to allow in-state businesses and potential investors to connect via crowdfunding platforms. Without the change in law, the bill’s authors say, the price of registering to sell securities was simply too high for many businesses.

Federal crowdfunding legislation was signed into law last year, but the rulemaking process for it has not yet been completed. Two years ago, Kansas became the first U.S. state to change its securities rules to allow for crowdfunding, Bloomberg Businessweek reports. Under the Invest Kansas Exemption program (legislative action was not required to implement it), small businesses can raise up to $1 million through the sale of securities.

Minnesota set to have strongest biodiesel mandate in the nation

A decade ago, Minnesota became the first U.S. state with a biodiesel mandate, a move that has since been followed by six other states (none in the Midwest).

The state now hopes to advance production and use even further, with plans in place to adopt a first-in-the-nation B10 mandate: a requirement that all diesel fuel sold in the state contain 10 percent biodiesel and 90 percent petroleum. The higher mandate, set to take effect in July of next year, will only apply in warm-weather months.

Under Minnesota’s groundbreaking 2002 law, B2 was required. Subsequent legislation increased the mandate to B5 and called for an increase to B10 provided that a variety of conditions were met (a sufficient fuel and feedstock supply, for example, and an adequate blending infrastructure). The mandate will be raised to B20 in 2015 if those same conditions are met.

Though no other Midwestern states mandate biodiesel be sold, some encourage or require its use in government vehicle fleets, including Illinois, Indiana, Iowa, Kansas, Nebraska and South Dakota, according to the U.S. Department of Energy’s Alternative Fuels Data Center. Five of the nation’s top biodiesel-producing states are in the Midwest. Iowa (second), Illinois (fourth), Minnesota (fifth), Indiana (eighth) and North Dakota (10th).

In Midwest, states mixed on need for new water quality standards

A push in Iowa by environmental groups to establish new state water quality standards ended in defeat this fall.

In a unanimous vote, the Iowa Environmental Protection Commission rejected a proposal to create numeric standards for nitrogen and phosphorus pollution. The Sioux City Journal reports that state officials want more time to study the efficacy of current nutrient-reduction strategies before implementing any new rules.

Across the Midwest, concerns about nutrient pollution have increased due to a rise in harmful algal blooms, which can create “dead zones” in water bodies and force the closure of beaches due to health concerns. For more than a decade, the U.S. Environmental Protection Agency has encouraged states to set science-based numeric standards to control how much nitrogen and phosphorus is discharged into the nation’s water bodies.

Illinois, Nebraska, Minnesota and Wisconsin already have numeric standards in place. Wisconsin has the region’s most comprehensive standards; they apply to discharges of phosphorus into lakes, reservoirs, rivers and streams. According to the EPA, Indiana and Ohio are scheduled to have numeric standards by 2016. Ohio’s standards will be among the most comprehensive in the nation.