

STATELINE MIDWEST



MIDWEST

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COMPLEX BUDGET PICTURE FOR STATES

Recent forecasts show improvements in tax collections, and many states had built up healthy reserves, but large deficits still remain a challenge in parts of Midwest

by Laura Tomaka (ltomaka@csg.org)

Only a year ago, the fiscal condition of U.S. states was almost universally strong. Revenues were coming in higher than expected, and budget reserves were at record levels. The talk in state capitols was centered on how to use this strong fiscal position to make new investments in areas such as infrastructure and teacher pay.

But then came massive business closures, job losses and an increased demand for health-related expenditures due to the COVID-19 pandemic.

“What you saw last spring was tax revenue going off a cliff,” says Josh Goodman, senior officer with the Pew Charitable Trust’s State Fiscal Health Project. Over the summer, revised state revenue forecasts were showing huge, sometimes record-high, budget

shortfalls for fiscal years 2021 and 2022. Fast-forward to today, and the budget picture is mixed: better than many expected in the middle of last year, but still much worse than the outlook at the beginning of 2020. According to the National Association of State Budget Officers, U.S. states reduced general fund spending in fiscal year 2021 by 1.1 percent compared to levels in FY 2020, and by 5.5 percent compared to governors’ pre-pandemic budget proposals. This decline came on the heels of nine consecutive years of spending growth.

In December, Moody’s Analytics estimated that state revenue for fiscal years 2021 and 2022 will fall \$175 billion below pre-pandemic projections. “Budget problems are still here,” Goodman says, “but states are generally feeling a bit more optimistic than they were six or eight months ago.” One of those states is Wisconsin. In January, the nonpartisan Legislative Fiscal Bureau reported that over the remainder of this budget cycle and the next biennium, the state was expected to collect an additional \$1 billion compared to revenue estimates from November 2020.

“That’s all good news right now for Wisconsin and Wisconsin taxpayers,” Sen. Howard Marklein says.

Marklein, who serves as co-chair of the Legislature’s budget-writing Joint Finance Committee, says he recently went back and reviewed 20 years of Wisconsin’s financial statements. His conclusion: “Our balance sheet is as strong now as it’s been going back to the early 1990s.”

Minnesota Sen. Carla Nelson says her state is seeing improvements on the fiscal front as well. In the spring, Minnesota’s budget leaders were projecting a shortfall of \$4.7 billion for the coming biennium. In December, that figure fell to \$1.2 billion, and there was a projected surplus for the current year.

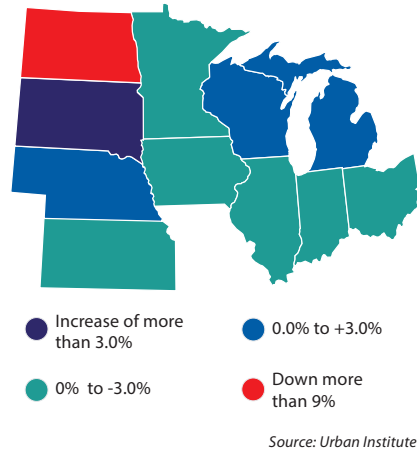
“Many of us are optimistic the budget picture will improve even more,” she said.

HOW BUDGETS STABILIZED

Brian Sigriz, director of state fiscal studies at the National Association of State Budget Officers, says several factors have allowed tax collections to rebound.

For one, states have been able to collect revenue from online sales during the pandemic. Just a few years ago, this would not have been possible, but a Supreme Court decision (*South Dakota v.*

% CHANGE IN STATE TAX REVENUES: MARCH-DECEMBER 2020 VS. MARCH-DECEMBER 2019



RAINY DAY FUND BALANCES AS % OF GENERAL FUND EXPENDITURES*		
State	FY 2020	FY 2021
Illinois	0.0%	0.0%
Indiana	5.3%	5.1%
Iowa	9.9%	10.1%
Kansas	1.1%	1.0%
Michigan	9.0%	8.4%
Minnesota	11.4%	11.4%
Nebraska	9.5%	8.7%
North Dakota**	30.4%	29.2%
Ohio	8.0%	Not available
South Dakota	10.2%	11.1%
Wisconsin	4.1%	Not available

* Data for FY 2020 are preliminary end-of-year figures; data for FY 2021 are based on enacted budgets and projections.

** States such as North Dakota that receive significant tax revenue from the oil and gas industry typically keep larger rainy day funds than most states due to volatility in this sector.

Source: National Association of State Budget Officers, “The Fiscal Survey of States”

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AGRICULTURE & NATURAL RESOURCES

More than 1 million acres enrolled in Ohio program that incentivizes farmers to help protect water quality

by Carolyn Orr (carolyn@strawridgefarm.us)

In early 2021, payments began going out to Ohio farmers participating in that state’s most ambitious effort to date to protect the state’s waterways from nutrient pollution.

“We know the problem took years to create, and we are cognizant that it will take years to fix,” says Joy Mulinex, director of the Lake Erie Commission, which serves as a forum for collaborations between the state’s departments of Agriculture and Natural Resources and the Ohio Environmental Protection Agency.

H2Ohio was first introduced in 2019 by Gov. Mike DeWine, and received an initial legislative appropriation of \$172 million. In his proposed budget for the coming biennium, DeWine calls for spending \$242 million on the program.

Part of that money goes to a range of incentive payments for farmers — anywhere from \$2 per acre for developing a voluntary nutrient management plan, to \$60 per acre for

using manure applications that meet state standards.

These and other science-based, cost-efficient management practices (see table) were identified prior to the start of H2Ohio; the key to the program’s success is now getting enough acres enrolled in the voluntary program.

The à la carte program allows farmers to pick management practices that best fit their land for up to three years of funding. Last year, 1,815 farmers enrolled 1,092,852 acres. That amount of acreage is approximately 44 percent of cropland in the program’s target area: 14 counties in the western Lake Erie basin’s Maumee River watershed.

“I feel good about what we are doing,” Mulinex says. “We always want more to happen, faster, but a lot of credit goes to the Department of Agriculture in identifying and incentivizing the best management practices, but also to the producers who really stepped up to enroll their land.

“Commodity groups also get credit for encouraging their members

to participate.”

Other advances over the past year include funding the creation, restoration or enhancement of 5,500 acres of wetlands, as well as agreements with individual farmers to install 681 structures that improve drainage water management.

And for producers in the 27 counties in the Lake Erie watershed, the Department of Natural Resources is offering a one-time, \$2,000 per acre payment to enroll land in the U.S. Department of Agriculture’s Lake Erie Conservation Reserve Program.

To ensure these new investments are working, the Ohio Environmental Protection Agency will conduct nutrient studies on 72 percent of Ohio’s watersheds every two years, using data from 2016 and 2018 as the baseline.

The recently enacted HB 7 is another tool for monitoring and managing the H2Ohio plan, says John Patterson, who sponsored that legislation last year as a member of the Ohio House. That measure became law in early January; it directs the Department of Agriculture to categorize watersheds and appoint planning and management coordinators in each of Ohio’s seven watershed regions.

These coordinators will identify sources and areas of water quality impairment, including the impacts of phosphorus and nitrogen nutrient loading.

Also under HB 7, the Department of Agriculture can establish a pilot program

ADOPTION OF BEST MANAGEMENT PRACTICES IN FIRST YEAR OF H2OHIO	
Agricultural practice	# of acres enrolled
Implement voluntary nutrient management plan	1,092,852
Reduce use of fertilizer through variable-rate application	4,050
Apply fertilizer below the surface to reduce nutrient loss	22,800
Mix manure into the soil to keep it in place and minimize nutrient loss	2,110
Introduce a small grain into the crop rotation to reduce erosion and enrich the soil	1,190
Plant a cover crop for the winter months	8,500
Source: State of Ohio	

in a single watershed that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus.

Carolyn Orr serves as CSG Midwest staff liaison to the Midwestern Legislative Conference’s Agriculture & Natural Resources Committee.



HEALTH & HUMAN SERVICES

Concerns about prescription drug costs have some states looking north for policy solutions

by Jon Davis (jdavis@csq.org)

As they wrestle with rising costs for prescription drugs, some Midwestern lawmakers are looking to their northern neighbors for help.

Among the ideas: Allow for the importation of drugs from Canada, or implement a form of “international reference pricing.”

Under a bill introduced in North Dakota earlier this year, the state would establish a program that bases drug prices on costs in Canada’s four most populous provinces: Alberta, British Columbia, Ontario and Québec.

SB 2170 would annually determine maximum retail prices for the 250 most costly prescription drugs identified by the state’s public employees’ retirement system.

These drugs would then be subject to the “referenced rate” — a maximum price that would be set at either the lowest cost paid by those provinces or the maximum cost as reported by Canada’s Patented Medicine Prices Review Board. Cost savings would have to be passed on to consumers.

“We thought the public in North Dakota needed to have a conversation about long-term prescription drug

prices,” says Sen. Howard Anderson, sponsor of SB 2170. “People can easily compare prices, and they wonder why we can’t get access to similar prices here.”

The bill is based on model legislation from the National Academy of State Health Policy.

“International reference pricing lets [states] get around importation,” says Trish Riley, the academy’s executive director. “By going to a pricing index, you can get lower prices, including for biologics [like insulin].”

Federal law dating back to 2003 authorizes state importation programs and sets out requirements for them. However, the U.S. secretary of Health and Human Services must certify that implementation does not pose a risk to public health and safety.

That approval didn’t happen until last year when the Trump administration published a new rule for importation programs.

The rule (which excludes biologic drugs) took effect on Nov. 30, but immediately faced lawsuits from domestic drug makers.

As of early February, six states — Colorado, Florida, Maine, New Hampshire, New Mexico and

Vermont — already were seeking federal approval to establish drug-importation programs, but as of early February, the Biden administration hadn’t yet announced whether it would let the Trump administration’s decision stand.

North Dakota would join those six U.S. states if either of two bills from this year become law: SB 2209 and SB 2212.

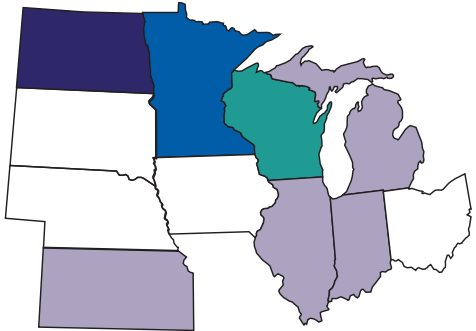
Minnesota, too, is mulling importation legislation this year (HF 73 and SB 312), and Wisconsin Gov. Tony Evers included an importation program in his proposed budget.

Evers in 2019 also created a Task Force on Reducing Prescription Drug Prices; its final report from last year noted importation as a possible policy.

In Michigan, the Prescription Drug Task Force created by Gov. Gretchen Whitmer in February 2020 noted such a program could have been established by four different bills in the Legislature’s 2019 session: HB 4978, HB 4979, HB 5107 and SB 525 (none of these measures made it past the committee stage).

This task force’s final report to the Legislature included importation as

LEGISLATIVE ACTIVITY ON DRUG IMPORTATION IN 2020 AND EARLY 2021 (AS OF EARLY FEBRUARY 2021)



- Importation legislation plan introduced in 2021 and 2020
- Importation plan legislation introduced in 2021
- Importation plan legislation introduced in 2021 as part of governor’s budget proposal
- Importation plan legislation introduced in 2020

Source: National Academy for State Health Policy, CSG Midwest research

a “future consideration,” but did not recommend it as an immediate step.

Jon Davis serves as CSG Midwest staff liaison to the Midwestern Legislative Conference Health & Human Services Committee.

CRIMINAL JUSTICE & PUBLIC SAFETY

New laws in Michigan are the result of a bipartisan effort to understand the causes of a rising jail population

by Mitch Arvidson (marvidson@csg.org)

In one of its last acts of the 2020 session, the Michigan Legislature passed 20 bipartisan bills on criminal justice reform, all of which were the result of a multibranch working group that helped connect the role of policy to the state's rising jail population.

The Joint Task Force on Jail and Pretrial Incarceration was formed in April 2019 to figure out why this population had risen from 63 inmates per 100,000 people in 1975 to 166 in 2015 — despite Michigan's total crime rate dropping dramatically over this 40-year period.

"Michigan has a problem with over-criminalization," says Rep. Bronna Kahle, who helped lead efforts to get the measures passed. "Before this package of legislation, there were more than 3,100 criminal acts defined in Michigan law."

After analyzing data from 83 individual counties and finding statewide patterns, the task force delivered 18 recommendations to the Legislature in January 2020.

For a brief while, it seemed

that Michigan would quickly enact sweeping criminal justice reforms based on the task force's recommendations. COVID-19 temporarily halted this momentum.

Not until the fall were legislators able to refocus on those recommendations.

For example, the task force found that driving without a valid license was the third most common reason for jail admission, and failure to appear in court was the single most common reason for arrest. In 2018 alone, 358,000 driver's licenses were suspended for failure to appear in court or to pay court fees and fines.

"Everyone can agree that dangerous drivers should not be on the road," Kahle says. "But taking away a person's driver's license has become our default penalty to enforce dozens of rules that have nothing to do with driving safety."

Under HB 5846, driver's licenses will no longer be suspended or revoked due to offenses unrelated to dangerous driving (for example, certain drug-related crimes or failing to pay child support). HB 5853 reclassifies many traffic misdemeanors as civil infractions, thus allowing people to pay a ticket

instead of having to appear in court.

Kahle, who sponsored both of these bills, says she became interested in driver's license suspensions because of how disruptive they are to workforce participation.

"Eliminating license suspensions is not about removing accountability, she says. "It's about finding smart and targeted ways of holding people accountable."

Several of the task force's other recommendations are now state law. For example, the use of mandatory minimum sentencing has been greatly reduced, and police now have greater discretion to issue citations and court summonses as opposed to making arrests.

Put together (see table), these bills seek to increase the use of jail alternatives and reserve limited jail space for those actually threatening public safety, Kahle says.

She encourages other states in the Midwest to take a closer look at Michigan's path to reform: Forming a bipartisan task force that helps point the way to "a smarter, more common-sense approach to addressing low-level offenses."

Mitch Arvidson serves as CSG Midwest staff liaison to the Midwestern Legislative Conference's Criminal Justice & Public Safety Committee.



Michigan Rep. Bronna Kahle

JAIL REFORM IN MICHIGAN: NEW LAWS SIGNED IN EARLY JANUARY	
Bill number	Description
HB 5846-47 HB 5849-52 HB 6235 HCR 29	Prohibits suspension of driver's licenses for offenses unrelated to dangerous driving
HB 5853	Reclassifies some vehicle- and traffic-related offenses as civil infractions rather than misdemeanors
HB 5854-57 HB 5844	Removes mandatory minimum sentencing for certain offenses
SB 1046	Gives law enforcement greater discretion to issue citations rather than make arrests for misdemeanors
SB 1047	Ensures use of court summonses for most first-time failures to appear in court and allows defendants to resolve low-level warrants without being arrested
SB 1049	Expands deferred judgment of guilt eligibility to 24- and 25-year-olds
SB 1050	Limits jail sanctions for technical probation violations and lessens probation terms
SB 1051	Requires parole conditions to be individualized: consider parolee's assessed risks and needs, reduce recidivism, and address needs of the victim

EDUCATION

Illinois revamps college-level developmental education with goal of improving completion rates

by Tim Anderson (tanderson@csg.org)

This past summer, following the killing of George Floyd, legislators across the country began asking questions about racial justice and disparities in their own states.

Among them was Illinois Rep. Carol Ammons, and one of her questions, along with other leaders in her state's Legislative Black Caucus, was this: "Is this just a police issue?"

"Our answer was no," she says.

Their legislative response was to develop a sweeping policy agenda built on four pillars: criminal justice reform, economic equity and opportunity, health care and education.

Much of the work on that last pillar fell to Ammons, last year's chair of the House Higher Education Committee. Her efforts culminated in January with the passage of HB 2170. The measure seeks changes at all levels of the education system, with an overarching goal of advancing racial equity.

On the higher-education side, one piece of that bill illustrates the kind of systematic reforms being sought. It has to do with how the state's community colleges deliver developmental education

to students, and how these institutions choose who takes part in this coursework.

Developmental education is remedial instruction in subjects such as English and math, often traditionally taken before students can move on to college-level, credit-bearing courses.

State-level reforms in this policy area became "a centerpiece," Ammons says, in part because of what legislators learned in committee testimony over the summer. In Illinois, almost half of high school graduates enrolled full-time in a community college are placed in developmental education.

Among minority students, this rate is even higher — nearly 71 out of every 100 Black students, for example, and among this group, only six of 100 go on to graduate.

"The traditional developmental-education courses cost students time, money and financial aid, but they don't count toward college credit," Ammons says. "It becomes a barrier."

HB 2170 seeks to change that.

First, community colleges must look beyond standardized test scores and college-placement tests when determining who gets placed in remedial education. For example, a graduating high school student who has a high

grade-point average or who has successfully completed college-level or transitional classes must be placed in credit-bearing courses.

Second, HB 2170 uproots the traditional developmental-education approach, calling for it to be replaced with an "evidence-based model that maximizes a student's likelihood of completing an introductory college-level course within his or her first two semesters."

One likely result: community colleges' adoption of a "co-requisite model," under which students are placed directly into college-level coursework with concurrent instructional supports.

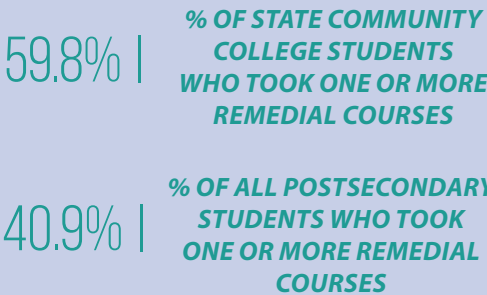
"What we've seen with the traditional model is that 18 percent of Black students in math and 29 percent in English completed a gateway course with a C or better in three years," says Emily Goldman, senior policy manager for the Partnership for College Completion.

"With the co-requisite model, it's 69 percent and 64 percent."

Illinois isn't alone in seeking these kinds of policy changes. More states around the country are recognizing the traditional model as an obstacle to postsecondary completion, says Nikki Edgecombe, a senior research scholar at the Community College Research Center.

The loss of time and money (including

PREVALENCE OF DEVELOPMENTAL EDUCATION IN U.S. COLLEGES



Source: National Center for Education Statistics (based on study released last year of ninth-graders in 2009 who started postsecondary careers in 2013-14)

the possible exhaustion of financial aid) while taking remedial courses are factors, she notes, but so is the impact on a student's academic outlook.

"It can be demotivating for a student, 'I applied to college, they let me in, and now they won't let me take college classes,'" Edgecombe says.

"Getting students into and through their gateway courses is important to generating academic momentum."

Tim Anderson serves as CSG Midwest staff liaison to the Midwestern Legislative Conference Education Committee.



Illinois Rep. Carol Ammons

LESSONS FROM 2020, PROPOSED ACTIONS IN 2021: POLICY IDEAS FROM THE GOVERNORS THAT REFLECT PANDEMIC EXPERIENCES OF PAST YEAR

Eight Midwest governors gave State of State addresses in January

by Tim Anderson (tanderson@csg.org)

1 INVEST MORE IN PROGRAMS THAT NARROW, OR ELIMINATE, GAPS IN BROADBAND ACCESS

If the governors get their wishes, Midwestern states will be investing tens of millions of dollars — sometimes hundreds of millions of dollars — in programs that expand broadband access.

“The pandemic revealed how impossible work from home or remote education can be for those on the wrong side of the digital divide,” Nebraska Gov. Tom Ricketts said in his State of the State address.

Similar sentiments were echoed by governors across the region. Many of their proposals this year build on existing state broadband programs (often cost-sharing grants and incentives for providers to expand services), but seek to accelerate a closing of the broadband divide with greater public investments.

- In his proposed biennial budget, Wisconsin Gov. Tony Evers allocates nearly \$200 million. That is five times the combined amount spent on broadband in the state’s biennial budgets of 2013, 2015 and 2017.
- Gov. Kim Reynolds said it’s time for her state to “plant a stake in the ground and declare that every part of Iowa will have affordable, high-speed broadband by 2025.” The estimated cost: \$450 million.
- South Dakota Gov. Kristi Noem is seeking an appropriation of \$100 million, an amount that she says, combined with dollars from the federal government and private sector, will get high-speed internet to all unserved or underserved households.
- Indiana Gov. Eric Holcomb asked legislators to invest an additional \$100 million in the state’s Next Level Broadband Program.
- For the first time, Kansas recently began distributing “connectivity emergency response grants,” a total of nearly \$50 million to help close the digital divide. “It’s a tool to recruit new businesses and keep existing ones from leaving,” Kansas Gov. Laura Kelly said in her State of the State address. “It’s also a tool to provide care through telehealth services to rural and underserved Kansans. And it’s a tool for our children and their education.”

2 BUILD ON RISE OF TELEHEALTH WITH LAWS THAT REMOVE BARRIERS TO SERVICES

Nationwide, the use of telehealth climbed exponentially last year — for example, the number of claims in October 2020 was up 3,060 percent from the previous year, according to the independent, nonprofit group FAIR Health.

This shift in health delivery was caused in large part by the COVID-19 pandemic, but also enabled in some states through governors’ executive orders. For example, Noem waived rules in South Dakota that prevented medications from being prescribed remotely and that required a patient-provider relationship prior to a telehealth visit.

She urged legislators to pass bills making these changes permanent.

Reynolds, too, touted the promise of telehealth, and singled out a law passed last year in Iowa that is allowing students to access behavioral health services remotely, in their schools.

“That’s a lesson many of us learned over the last 10 months: telehealth is a powerful tool that we should continue to encourage and expand,” she said.

“And it’s not just for mental health. Thousands of Iowans experienced it firsthand this year, receiving treatment and checkups from their own home.”

3 MODERNIZE UNEMPLOYMENT SYSTEMS THROUGH UPGRADES IN INFORMATION TECHNOLOGY

Between March 2020 and January of this year, Wisconsin received 8.8 million unemployment claims. That is 1.6 million more than the state handled over the previous four years combined.

This huge influx exposed just how inadequate and antiquated the system is for handling these claims, Gov. Evers said in his State of State address. The result was major delays in processing claims, adjusting to new federal programs, and getting benefits to people in need of the aid.

Evers has introduced a 10-year, \$90 million plan to modernize the unemployment system. He also is pursuing legislation that would allow, and sometimes require, a greater use of electronic communication, transactions and signatures.

At least two other governors in the Midwest also emphasized the need for modernizing unemployment systems.

In Kansas, Gov. Kelly said, “the volume of benefit applications [due to the economic impacts of the COVID-19 pandemic] absolutely overwhelmed our unemployment system.” She plans to leverage \$37.5 million in federal funds to begin making upgrades.

In his budget address to legislators, North Dakota Gov. Doug Burgum said a decades-old mainframe used for North Dakota’s unemployment insurance system had to be “miraculously patched together, at considerable cost, to get us through the pandemic surge.” He has proposed spending \$105 million to upgrade systems across seven different state agencies that rely on antiquated mainframe technologies.

4 POSITION FUTURE, DISPLACED AND ESSENTIAL WORKERS FOR LONG-TERM CAREER SUCCESS

In recent years, states across the Midwest have launched new initiatives that seek to prepare young people or train incumbent workers for success in high-demand career fields.

Several of these programs were highlighted in the governors’ speeches this year, as were new initiatives and investments in response to the COVID-19 pandemic.

In Indiana, Holcomb says, the state devoted about \$75 million of federal dollars from the CARES Act to workforce development.

Gov. Burgum’s budget includes a \$45 million appropriation to expand and develop career and technical education across North Dakota, and in South Dakota, the state’s technical colleges started an “upskill” program in the fall for workers dislocated by the economic effects of COVID-19. Through the program, these workers are able to seek certificates in high-demand fields, such as health care and information technology, online and at little or no cost to them.

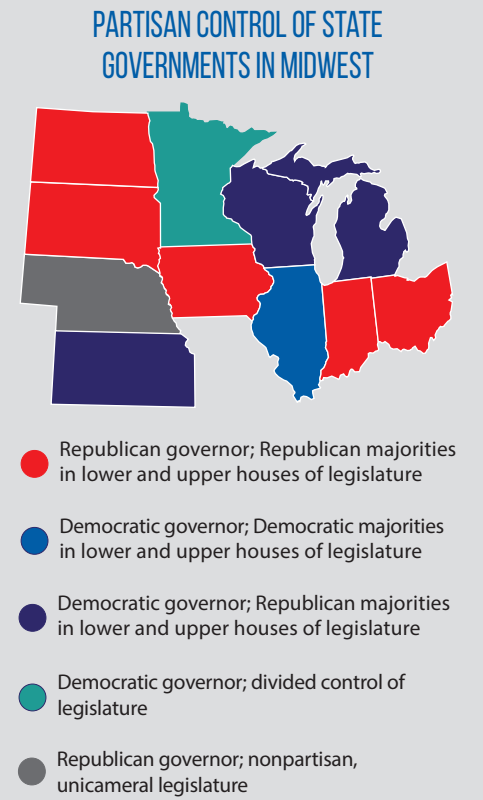
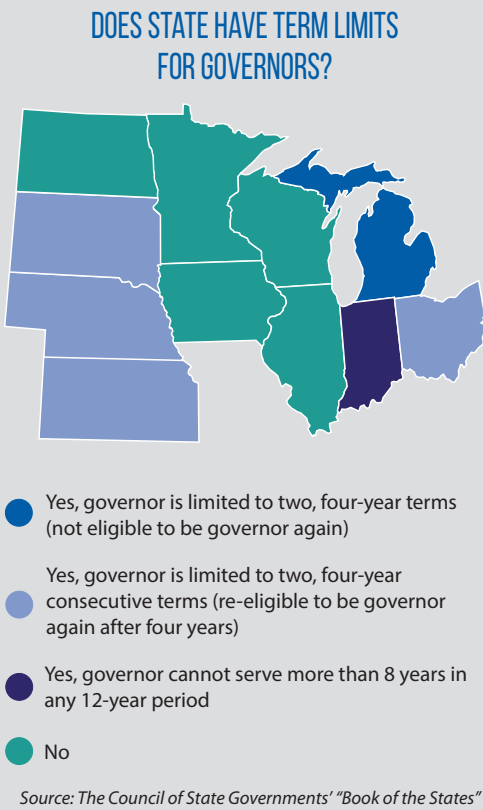
Michigan Gov. Gretchen Whitmer touted a bipartisan legislative effort that has led to the launch of Michigan Reconnect, which provides tuition-free pathways for adult residents wanting to earn a postsecondary certificate or associate’s degree. Michigan also has a separate program — Futures for Frontliners — that Whitmer describes as a “G.I. bill for essential workers.”

“More than 82,000 frontline heroes have been accepted into the program,” she said. “That’s over 82,000 lives that could be changed as a result; 82,000 people who will enhance their skill set and earn higher wages.”

WHO CAN BE GOVERNOR? QUALIFICATIONS OF OFFICE IN 11-STATE MIDWEST*		
State	Minimum age	Years of state residency
Illinois	25	State resident for 3 years
Indiana	30	State resident for 5 years
Iowa	30	State resident for 2 years
Kansas	25	# of years not specified; must be qualified state elector
Michigan	30	Registered state voter for 4 years
Minnesota	25	State resident for 1 year
Nebraska	30	State resident for 5 years
North Dakota	30	State resident for 1 year
Ohio	18	# of years not specified; must be state resident and qualified state elector
South Dakota	21	State resident for two years
Wisconsin	18	# of years not specified; must be qualified state elector

* Every Midwestern state has a U.S. citizenship requirement. In states such as Kansas, Minnesota, North Dakota and Wisconsin, governors must be qualified electors; Michigan requires the governor to be a registered voter.

Source: The Council of State Governments’ “Book of the States”



BILLS SEEK STRONGER LEGISLATIVE CHECKS ON GOVERNORS' EMERGENCY POWERS

by Tim Anderson (tanderson@csg.org)

In North Dakota, the COVID-19 pandemic hit during a year in which the state's part-time legislature didn't meet at all in regular session.

A few days of special session were possible (the legislature is limited to 80 session days during a biennium), but even then, lawmakers didn't see much of a chance to check the powers of the executive branch.

"We could have passed a resolution to end the [public health] emergency, but after we drove home, the governor could have then reinstated it with another order," North Dakota Sen. Janne Myrdal says.

It left her and other legislators pondering ways to seek more checks on the executive and a greater balance of power between the executive and legislative branches.

"I didn't want to deal with some of the specifics of the emergency orders — for example, the requiring of masks or closing of churches," she says. "I thought we needed a more bird's eye view, some overarching legislation that led to a better sharing of responsibilities for the future."

The result was her introduction of SB 2124, a bill that as of early February had received veto-proof approval in the Senate and had been sent to the House.

"This isn't COVID legislation, and really has nothing to with the current

administration or its handling of COVID," Myrdal says. "It has do with looking at our code and finding gaps that we needed to fill."

MORE POWER TO CONVENE SESSIONS, GREATER OVERSIGHT

As of early February, bills and/or constitutional amendments on the powers of the executive and legislative branches — particularly as they relate to the handling of public health emergencies — had been introduced this year in at least seven Midwestern states: Indiana, Michigan, Minnesota, Nebraska, North Dakota, Ohio and Wisconsin.

North Dakota's SB 2124, for example, grants additional powers to the legislative branch while placing new limits on the executive.

Under the bill, a governor's declared state of disaster or emergency would last 30 days. It could be extended beyond this time under one condition — the governor calls a special session of the Legislative Assembly to allow lawmakers to vote on the declaration.

The legislature would then have the authority to extend or terminate the state of disaster or emergency, via passage of a concurrent resolution not requiring the governor's approval. And language in the bill would prevent the governor from overturning any legislative decision to terminate. (Another section of SB 2124 gives

the North Dakota Legislative Assembly specific statutory authority to hold virtual sessions in order to carry out its duties during a state of disaster or emergency.)

"Under the wrong leadership, it's a dangerous thing not to have an adequate separation of powers," Myrdal says.

Ohio Sen. Rob McColley made similar institutional, and constitutional, arguments during testimony introducing SB 22. That bill would create a joint, 10-member legislative committee to oversee actions taken by the governor and Ohio Department of Health during a statewide public health emergency. This committee would have the power to rescind orders made by the executive branch.

States of emergency issued by the governor due to a public health crisis would last 30 days; an extension beyond that time would require the Ohio General Assembly to pass a concurrent resolution.

"The governor and Department of Health can react quickly in a time of true emergency, but after a course of time, the checks and balances and separation of powers need to be restored," McColley said in his committee testimony.

He cited examples of existing legislative oversight in Ohio — for example, joint committees on administrative rules and Medicaid. According to McColley, such oversight should extend to how the executive branch handles emergencies.

This year in Indiana, under a bill passed by the House in early February, the state's part-time Legislature would have the

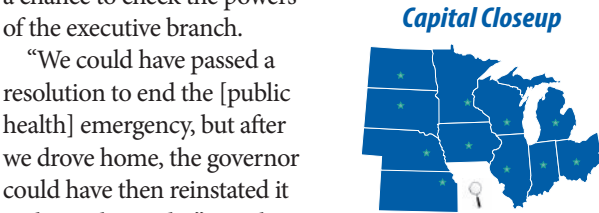
authority to meet in "emergency session" to address a governor's declared state of emergency. HB 1123 also would prohibit any orders that stop individuals from attending in-person worship services. A third provision would require certain emergency orders from local health departments to get approval from locally elected officials.

In Wisconsin, under existing statute, "a state of emergency shall not exceed 60 days," unless it is extended by a joint legislative resolution of the legislature. But Gov. Tony Evers has issued new states of emergency citing changing conditions related to the COVID-19 pandemic — for example, Wisconsin's hospitals nearing full capacity late last year.

A legal dispute over Evers' authority to issue these new orders, without legislative approval, was before the Wisconsin Supreme Court as of early February.

Michigan lawmakers are trying to leverage the legislative branch's power of the purse to limit the powers of the executive branch. The House passed a bill in early 2021 with funding for schools (HB 4048). It was tied to a second piece of legislation (HB 4048) that would stop the Department of Health and Human Services from closing schools to in-person instruction or canceling school sporting events.

Capital Closeup is an ongoing series of articles focusing on institutional issues in state governments and legislatures. Previous articles are available at csgmidwest.org.



QUESTION OF THE MONTH

QUESTION | Do states have laws requiring paid family leave, and if so, what funding mechanisms are used?

Under paid family leave, payments go to people who take time off to care for a seriously ill family member or to bond with a new child who becomes part of the family through birth, adoption or foster care placement.

In recent years, legislation on paid family leave has been introduced in most Midwestern states. None of these bills had become law as of January 2021, but outside the region, at least nine U.S. states, along with the District of Columbia, have these policies in place. California, New Jersey, New York, Rhode Island and Washington had fully implemented their laws as of 2020. (In Canada, a national program of employment insurance, funded by employers and workers, covers maternity and parental benefits.)

The maximum length of paid leave in the nine states varies, with 12 weeks being most common, according to the National Partnership for Women and Families. The wage replacement for workers ranges between 60 percent and 100 percent of their salary, with states also including some kind of cap on the weekly benefit, the Bipartisan Policy Center noted in a 2019 analysis of state laws. Most employers must participate in these programs, though smaller-sized firms are sometimes exempt.

In the five states that have implemented paid family leave, the employee fully funds it through payroll deductions. In New York, for instance, the state sets the employee contribution at a rate that covers the cost of coverage (it's currently 0.511 percent of an employee's gross wages).

Cost sharing is another option. In Oregon, premium costs will be split between the employee (60 percent) and employer (40 percent). Colorado's new

U.S. PRIVATE SECTOR WORKERS' ACCESS TO BENEFITS, 2020

- ✓ 20% had access to paid family leave
- ✓ 75% had access to paid sick leave and 79% to paid vacation
- ✓ 64% had access to defined contribution retirement plans and 15% to defined benefit retirement plans
- ✓ 48% percent participated in health care plans

Source: U.S. Bureau of Labor Statistics

law, the result of a voter-approved initiative from November 2020, calls for a 50-50 split — via a payroll deduction of 0.9 percent on wages. Both states' laws take effect in 2023.

Last year, the **Minnesota** House passed HF 5. Building off the state's existing unemployment insurance program, this measure would have required employers to pay a yearly premium on employee wages to cover the costs associated with paid family and medical leave. Businesses could have then charged their employees up to 50 percent of these costs. HF 5, which stalled in the Senate, also would have made state grants available to small businesses to cover the expense of hiring replacement workers.

California was the first U.S. state to offer paid



family leave. When the state's program was enacted in 2004, a number of businesses already offered paid family leave. So long as these companies' programs met or exceeded California's statutory standards, they could remain in place. Other states have generally followed this model.

In the Midwest, some cities and counties have laws on paid family leave in place — Chicago and Cook County in **Illinois** and the cities of Duluth, Minneapolis and St. Paul in Minnesota, according to the Kaiser Family Foundation.

Another option: provide paid family leave to state-employed workers. In a 2016 study, the National Partnership for Women and Families listed Illinois and **Ohio** as two of three U.S. states providing this benefit. In 2020, at least two other Midwestern states, **Michigan** and **South Dakota**, began offering paid family leave to employees.

Question of the Month response by Ilene Grossman (igrossman@csg.org), assistant director for CSG Midwest, which provides individualized research assistance to legislators, legislative staff and other government officials. This section highlights a research question received by CSG Midwest. Inquiries can be sent to csgm@csg.org.



ALL IOWA STUDENTS NOW HAVE OPTION TO CHOOSE FULL-TIME, IN-PERSON LEARNING

Iowa is the first state in the Midwest to require local school districts to offer full-time, in-person learning as an option to families. With the passage of SF 160, which took effect in mid-February, Iowa joined a handful of other U.S. states (Arkansas, Florida and Texas) with such a mandate in place, according to *Education Week*.

This school year, in response to the COVID-19 pandemic, most states have left the question of remote vs. in-person learning to the discretion of local school districts. In Iowa, however, Gov. Kim Reynolds urged legislators to act quickly this session. “We can’t wait any longer,” she said. “Our kids can’t wait any longer.” With the signing of SF 160, only a COVID-19 public health emergency issued by the governor would waive schools from the in-person requirement.

In **Wisconsin**, under a bill proposed early in 2021 (AB 1, as originally introduced), a two-thirds vote of school boards would be required to close buildings to in-person instruction for more than 14 days. **Minnesota**’s SF 2 would strip the governor of the authority to close K-12 schools due to a peacetime emergency.

According to Columbia University’s U.S. School Closure & Distance Learning Database, 86.7 percent of the nation’s K-12 schools were “closed or mostly closed” as of April 2020, often the result of governors’ emergency orders. That number had fallen to 37.1 percent by October 2020, with **Indiana** and **North Dakota** among the states with the fewest closures.

“[U.S. school] closures are more common in schools with lower third-grade math scores and higher shares of students who experience homelessness, are of limited English proficiency, are eligible for free or reduced-price lunch, live in single-parent families, or are racial/ethnic minorities,” Columbia University researchers noted in an analysis of their findings from the database.



ILLINOIS ELIMINATES CASH BAIL AS PART OF OVERHAUL OF CRIMINAL JUSTICE POLICIES

Starting next year, **Illinois** will abolish the use of cash bail, with statutory language that could set a new path for criminal justice policy across the nation, according to the Vera Institute of Justice.

The Pretrial Fairness Act — part of HB 3653, the General Assembly’s recent overhaul of criminal justice policy — provides a presumption of pretrial release for all criminal defendants. Judges can deny the release of an individual who poses a “specific, real and present threat” or has a “high likelihood of willful flight.” A written explanation must be provided as to why the criminal defendant was kept in jail rather than in “less restrictive conditions.”

In other states that have moved away from cash bail, judges are able to detain defendants deemed to be dangerous or a risk to public safety. Illinois’ standard (“specific, real and present threat”) is more narrow and will help limit implicit or explicit biases in the system, the Vera Institute says. According to the Illinois Network for Pretrial Justice, more than a quarter of a million people are incarcerated in the state’s county jails every year, and a majority of them are there because they can’t afford to pay a money bond.

Along with ending cash bail, HB 3653 requires police to wear body cameras, establishes mandatory training requirements for law enforcement and bans the use of chokeholds. The bill also changes how the residency of incarcerated individuals is determined for the purposes of population counts and redistricting — the state will use their residence prior to incarceration instead of the location of the prison where they are being detained.

CHARACTERISTICS OF U.S. LOCAL JAIL POPULATION (2018)	
Characteristic	% of total jail inmates
Male	84%
Female	16%
White	50%
Black	33%
Hispanic	15%
Convicted	34%
Not convicted	66%
Source: U.S. Bureau of Justice Statistics	

MIDWEST STATES JOIN NATIONAL \$573 MILLION OPIOID SETTLEMENT; FUNDS TO AID TREATMENT PROGRAMS

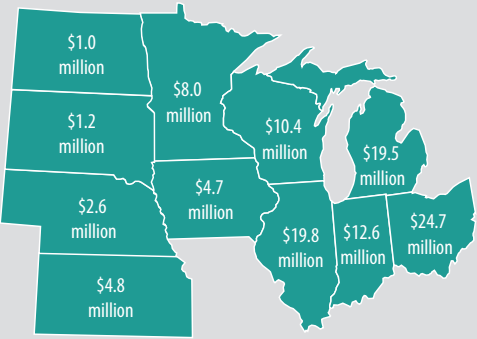
Every Midwestern state joined a national settlement with the consulting firm McKinsey & Co. over its role in advising pharmaceutical companies to promote the use of high-dose opioids. Under terms of the deal agreed to in early February, McKinsey will pay \$573 million to 47 states, the District of Columbia and five territories. (Washington and West Virginia reached separate settlements with McKinsey, while Nevada declined to settle.)

According to *The New York Times*, McKinsey admits no wrongdoing, but “will agree to court-ordered restrictions on its work with some types of addictive narcotics.” The company will also make tens of thousands of pages of documents available in a public database, shedding light on its role in advising opioid companies.

Announcements from state attorneys general in the Midwest indicated that each state’s settlement money will be used to boost funding for ongoing opioid treatment programs. **Minnesota** and **Nebraska** are among the states that have laws in place directing how any opioid settlement funds are to be spent.

Ohio’s \$24.7 million will be split via a memorandum of understanding with local governments on how to distribute settlement funds: 30 percent going directly to local governments; 15 percent to the state attorney general’s office (in order to leverage statewide buying power for prevention, treatment and recovery support services); and the remaining 55 percent to the OneOhio Recovery Foundation. The latter is a state-local partnership established in 2020; it oversees funding programs addressing prevention, treatment and long-term recovery; criminal justice; and public awareness.

MIDWESTERN STATES’ PORTIONS OF MULTISTATE SETTLEMENT WITH MCKINSEY*



* Some amounts are estimates or not exact.

SASKATCHEWAN SET EXPORT RECORDS IN 2020 DESPITE COVID-19 PANDEMIC

Saskatchewan’s merchandise exports rose 12.6 percent in November 2020 compared to November 2019 — the highest percentage increase among Canada’s provinces — and were up 3.3 percent during the first 11 months of 2020, compared to a 13.0 percent decline nationally, according to provincial officials.

Saskatchewan also produced a record \$16.9 billion (\$13.3 billion in U.S. dollars) in agricultural exports last year, a 31 percent increase from 2019 and a new high for the province, officials said. The province’s leading agricultural exports include canola seed, canola oil, wheat (both durum and non-durum) and lentils. Its top markets are the United States, China, Japan, India and Mexico. Major increases in 2020 exports were also seen in farm and intermediate food products; forestry products and building and packaging materials; and industrial machinery, equipment, and parts, officials said.

As part of a broader plan for economic growth, Saskatchewan is striving to increase the value of its exports by 50 percent between 2020 and 2030. It is planning to open three new trade offices in Singapore, Japan and India in 2021.

“The fact that Saskatchewan’s exports have not only held steady during the COVID-19 pandemic, but have grown, is truly remarkable,” Trade and Export Development Minister Jeremy Harrison said in January. “It is a testament to the resilience of our exporting industries and the fact that the world continues to need what Saskatchewan has.”

Saskatchewan was one of two Canadian provinces in The Council of State Governments’ Midwestern Legislative Conference to experience increased exports in November 2020 compared to November 2019, according to the Observatory of Economic Complexity, an economic data visualization and distribution website. In the same period, **Manitoba**’s exports increased 2.03 percent while **Ontario**’s dropped 1.33 percent and **Alberta**’s dropped 9.72 percent, OEC reported.



RAINY DAY FUNDS, BUDGET STRESS TESTS HELP PREPARE STATES FOR ECONOMIC DOWNTURNS

» CONTINUED FROM PAGE 1

Wayfair) and the enactment of state laws have allowed these collections to occur.

Additionally, state revenue from personal income taxes stabilized.

“We haven’t seen as much of the impact on the higher-wage workers and high income, so the states with more progressive tax structures haven’t seen much of a personal income tax decline,” Sigritz says.

“Some haven’t seen a decline at all.”

BIG ASSIST FROM D.C.

Federal intervention has helped as well, whether it was assistance for businesses and workers (payroll protection loans, enhanced unemployment and stimulus checks, for example) or direct payments to state and local governments from the CARES Act.

“There’s a lot of evidence that [the federal aid] has made a big difference,” Goodman says.



Illinois Sen. Steve Stadelman

That includes money for schools and a higher federal matching rate for Medicaid that has offset states’ higher health care costs.

“Whether it’s for COVID expenses or money for education, it’s been greatly needed

and greatly helpful,” Illinois Sen. Steve Stadelman, vice chair of the Senate Revenue Committee, says of the influx of federal aid.

Goodman, however, warns states to prepare now for a return to the normal federal-state fiscal relationship.

“One thing we saw coming out of the Great Recession is once the federal government pulled back, that sort of created a cliff for states where their budgets had been built around receiving the federal aid,” he says.

“When it went away, it led to budget challenges. So that’s one of a few reasons why states should be cautious and should consider their long-term budget picture, even if they are feeling a bit more optimistic.”

TOUGH DECISIONS FOR ILLINOIS

Budget conditions often vary considerably from one state to the next. In the Midwest, for example, year-over-year tax collections from 2019 to 2020 dropped sharply in some states and mildly in others, and even increased in a few jurisdictions (see map on page 1).

Likewise, some states are now showing budget surpluses, others large shortfalls.

Illinois appears to have one of the biggest budget challenges of all — a projected \$3.8 billion deficit for the remainder of fiscal year 2021, along with \$4.8 billion projected for FY 2022.

“We’ve had structural issues here for a long time, and [COVID] just magnifies our financial challenges,” Stadelman says.

Compounding that challenge was voters’ rejection in November of a legislative-initiated constitutional amendment to allow for a graduated

“In the Great Recession, the reserves weren’t big enough to deal with the problem, so a lot of states redoubled their efforts to build the reserves.”

Josh Goodman, senior officer, Pew Charitable Trust’s State Fiscal Health Project

income tax. “[It] could have helped balance the budget and helped the state deal with its fiscal challenges,” Stadelman says. “It failed, and that makes the discussions for the next couple of months even more difficult.”

Considering the magnitude of the structural deficit, he doesn’t see cuts alone being able to close the budget hole — especially in the middle of a public health crisis.

“Most of the discretionary funding is in education and health care, so if you’re talking about a deficit in the billions of dollars, you’d be cutting education, you’d be cutting health care,” Stadelman says.

STALEMATE OR COMPROMISE?

The tougher the budget decisions, the more likely legislative gridlock becomes. Illinois recently went two years without a budget, further exacerbating the state’s fiscal woes. “We have not recovered from the stalemate,” Stadelman says.

Avoiding an impasse in budget negotiations in Minnesota is a priority of Sen. Nelson’s. She has proposed instituting new deadlines that would require legislative leaders “to figure out a framework for compromise weeks before the end of the session.”

Such budget stalemates are also more likely under divided government, in states such as Kansas, Michigan, Minnesota and Wisconsin where powers are shared between the two parties.

In Minnesota, Nelson and other Republicans are opposing key provisions in the proposed budget of Minnesota Democratic Gov. Tim Walz, including the level of increased spending he has proposed — \$4.5 billion, or an increase of 9.5 percent, and \$1.6 billion in new taxes, including \$61 million in fees.

“Instead of asking Minnesotans to pay more, we should expect a targeted, results-driven use of the \$8 billion in funding we have already received from the federal government,” Nelson says, “as well as the significant federal money likely heading our way as part of President Biden’s \$1.9 trillion federal American Rescue Plan.”

VALUE OF BUDGET RESERVES

Nelson and the governor do agree on one key area of fiscal policy: It’s time to tap into some of the state’s budget

reserves.

“It’s raining,” she says. “If there’s ever an appropriate time, it’s right now. But that money still must be used wisely, and not used to help us afford extravagant wish-list items.”

Across the country, states had record-high levels of budget reserves when the pandemic hit, a fact that will help many of them now avoid budget cuts or tax increases.

“In the Great Recession, the reserves weren’t big enough to deal with the problem, so a lot of states really redoubled their efforts to build the reserves,” Goodman says, noting that at least 15 states tapped into their rainy day funds in FY 2020.

STRESS-TESTING BUDGETS

According to Goodman, states also can prepare for future downturns through a process known as “budget stress testing.” He says these stress tests help policymakers identify volatility in a state’s tax structure (based on different economic scenarios), and then can be used to set savings targets and implement other budget practices.

Minnesota was among the first states to incorporate stress tests into its budget management process.

According to Pew’s State Fiscal Health Project, Minnesota’s law also requires that a third of the money from a budget surplus be deposited into the rainy day fund until a designated target is reached.

“These accounts are a big reason that Minnesota is in such a great position to weather financial difficulties,” Nelson says.

In 2019, Nebraska lawmakers took a series of steps to help the state be in position to withstand future downturns: changing the calculation for how much gets deposited into the state reserve fund (LB 638), and requiring legislative staff to perform stress tests (LB 713).

Wisconsin, too, has spent the past decade rebuilding its budget reserve.

“When I was elected back in 2010, we were in the hole by \$3 billion and we had zero in our rainy day fund,” says Marklein, who is a certified public accountant. “We studied our state financial situation at that time, and it was our goal to gradually keep improving our state’s financial position.”

Wisconsin has a statutory cap on

U.S. CARES ACT ASSISTANCE TO STATES IN MIDWEST			
State	Total allocation, state and local governments*	Payment to state government	Payment to state as estimated % of state spending in FY 2019**
Illinois	\$4.91 billion	\$3.52 billion	6%
Indiana	\$2.61 billion	\$2.44 billion	12%
Iowa	\$1.25 billion	\$1.25 billion	7%
Kansas	\$1.25 billion	\$1.03 billion	8%
Michigan	\$3.87 billion	\$3.08 billion	8%
Minnesota	\$2.19 billion	\$1.87 billion	6%
Nebraska	\$1.25 billion	\$1.08 billion	12%
North Dakota	\$1.25 billion	\$1.25 billion	27%
Ohio	\$4.53 billion	\$3.75 billion	7%
South Dakota	\$1.25 billion	\$1.25 billion	42%
Wisconsin	\$2.26 billion	\$2.00 billion	5%
* Under the CARES Act, local governments with a population of 500,000 or more were able to seek direct assistance.			
** Estimate is based on CARES Act payment to state governments and state spending in FY 2019 — general funds and other state funds, but excluding bonds and federal funds — as reported in the National Association of State Budget Officers’ “2020 State Expenditure Report.”			
Sources: U.S. Department of Treasury, National Association of State Budget Officers and CSG Midwest calculations			

how much can be deposited into its rainy day fund: 50 percent of surplus revenues at the close of the fiscal year. According to the Legislative Fiscal Bureau, the next deposit is expected to be \$232 million, which will bring the fund up to nearly \$1 billion.

“I don’t want to touch it if we don’t have to,” Marklein says.

“It’s still there for unforeseen circumstances, and right now, with the revenue projections that we’ve gotten, it certainly looks like we’re not going to need to tap into the fund in the near future.”

CHALLENGE, UNCERTAINTY AHEAD

Sigritz says “states are not out of the woods yet.”

“They’re still contending with increased spending related to the pandemic, and also less revenue than what they were expecting to receive before the pandemic hit,” he says.

There also remains uncertainty about the future of federal aid, as well as the rollout of the vaccine and whether it will allow for a return to normalcy.

“At the end of day, consumers have to feel safe increasing their interactions, resuming their normal shopping habits, or just spending money at brick-and-mortar retailers,” Stadelman says.

“Their ability to have confidence that they are going to be safe ... will go a long ways to having an economy that is closer to where it was before the pandemic began.”



Wisconsin Sen. Howard Marklein



PROFILE: NORTH DAKOTA HOUSE ASSISTANT MAJORITY LEADER SCOTT LOUSER

A little 'nudge' brought the North Dakota native to the House; 10 years later, he is helping the state through a legislative session like none other in its history

by Laura Tomaka (ltomaka@csg.org)

A decade ago, Scott Louser got the nudge he needed to run for office. It came from his best friend's father, a longtime leader in his home community.

"He said he heard a rumor that I was interested in running for office," Louser recalls. "I don't know where he heard that, and I suspect now he made it up. "But he got my interest."

And it led Louser to work that, 10 years later, he still relishes: "Even on the toughest days, I enjoy being a legislator."

Some of those toughest days came early in his career. In the spring of 2011, his hometown of Minot was hit by one of the worst natural disasters in state history; the Souris River rose over its banks and levees, resulting in record-level floods, mass evacuations and extensive property damage.

Louser's role as a legislator, as well as a local real estate agent, has put him in the middle of Minot's efforts to recover ever since, from securing funds for various infrastructure upgrades to ensuring the completion of flood control projects that protect homes and businesses.

"We are not even close to being done in trying to recover from that flood," he says.

While protecting Minot from a repeat of the 2011 flood remains a priority for Louser, his legislative focus has taken on a larger, and more personal, mission since he became House assistant majority leader in 2018.

"I like being able to have an impact for the whole state, not just my district," he says.

"I'm inspired by my kids, and I want to make this state as welcoming as I can ... I want it to be the best state in the country for my children and I want them to have more opportunities than I did, so I make decisions on a daily basis with that in mind — just trying to be a good dad."

In a recent interview with CSG Midwest, Rep. Louser discussed his views on leadership, the challenges facing North Dakota, and how he and his colleagues are conducting session in 2021 during the COVID-19 pandemic.

Here are excerpts.

Q You are in your second session in the No. 2 leadership spot in your caucus. What are your views on leadership and your specific role as House assistant majority leader?

A I've got a basketball background, and I liken this role to that of a point guard. I'm happy to



distribute the ball, play defense, maybe cause a couple steals once in a while, and then make sure that our leading scorers help our team win.

It's about communicating with everybody and being the liaison between our caucus and majority leader and speaker. ...

And this session, more than any other, it's being the technology guy that people can come to and say, 'How does this work?' My role is really a support role — communication and being able to help people be better at what they do.

Q As you mention, this has been a landmark session for North Dakota on the technology front. What were some of the big changes made in 2021, and how has it been going early on?

A Not only can the public watch [committee meetings] live or archived, but they can testify and weigh in remotely. We as legislators are able to participate [in committee hearings and floor session] remotely. I'm really proud of how we have been able to incorporate all these technological changes to accommodate anybody, COVID-related or not. I can't say enough about our IT division. Whether or not everybody is using the tools is one thing, but the fact that they exist is really impressive.

Q What kind of impact could these changes have on public participation?

They are going to create a lot more engagement. You get some kind of controversial or passionate bill, and it used to be that maybe 20 people wanted to testify. It could now be 1,000 people saying I want my voice heard.

While practically that can't happen, it's going to lead to a lot more

BIO-SKETCH: NORTH DAKOTA REP. SCOTT LOUSER

- ✓ has served as assistant majority leader since 2018
- ✓ first elected to North Dakota House in 2010
- ✓ is a licensed Realtor and owns a real estate brokerage in Minot that has expanded to have offices in Bismarck, Grand Forks, Fargo and Dickinson
- ✓ once served as president of the national Association of Realtors (in 2005) and has been on its board of directors since 2002
- ✓ lives in hometown of Minot and has three children, ages 6, 8 and 18

"This year, more than any other, it's being the technology guy that people can come to and say, 'How does this work?' My role is really a support role."

engagement, as well as awareness [of the work we do]. ... People think it's just a lot of fun coming to Bismarck for four months. I enjoy every day, but getting up at 5:30 and being in the Capitol from the time it's dark in the morning until it's dark at night? That's not everybody's idea of fun. The work we all put in will now be on display.

Q How has the pandemic, and the government's response to it, impacted the relationship between your state's legislative and executive branches?

A Because of the pandemic, we have recognized that we ceded to our governor and our executive branch a lot of authority over the years that the legislature probably should have maintained. And so we're trying to strike that balance between the executive branch and the legislative branch. That's really a top issue right now.

Q Most states are dealing with budget challenges this year. How is North Dakota faring on the fiscal front?

A I'm feeling better when I see oil at \$50 a barrel than at \$40, because we are very dependent on that revenue. ...

We've always prepared for the worst, and we're going to be in pretty good shape coming out of the session. But there's so much uncertainty with the

new [Biden] administration and all the discussions about tax policy and banning fracking ... If that [ban] comes to fruition, it's going to really hurt our state.

Q If you could accomplish just one thing this legislative session, what would it be?

A We have a Legacy Fund that was set up by the voters. It is constitutionally protected and takes in 30 percent of the oil tax revenue. That fund is now generating returns that allow us to fund some of our general fund obligations, and there's discussions about bonding against the future revenue. That is a large, large lift this session and an overriding issue. I want to ensure our ability to protect that fund and use it according to what the voters want. It's going to be the biggest fight this session.

Q Taking a broader look at the North Dakota legislature and its accomplishments, what are some areas you would put at the top of that list?

A Many of them are ongoing. For example, security of the elections in North Dakota. We are consistently rated the top state for election security and transparency. I'm very proud of that. I'm also proud that we have protected private property rights in our state and that we've been able to keep taxes low while being able to fund critical infrastructure.

FIRST PERSON: MANY MONTHS OF PLANNING, NEW PARTNERSHIPS HELPED OHIO SHINE ON ELECTION DAY

Challenges of past year led to innovations on voting security, poll worker recruitment



by Ohio Secretary of State Frank LaRose

In the days following Nov. 3, the eyes of the world focused on several states around this great nation as they worked to count every legally cast ballot.

Breathless political analysts tapped at massive screens — zooming in on counties like Maricopa, Clayton and Allegheny, watching and waiting for a result to be determined.

Not in Ohio.

Over a year ago, I wrote on my chief of staff's white board that "on Nov. 4, the world will know and believe the results of Ohio's presidential election."

That mission was accomplished, and it has far more to do with the months of work preceding Election Day than the speed of counting on election night.

After the spring primary, my office outlined four challenges we needed to overcome in order to run a successful election for Ohio voters.

DETAILS ON HOW WE MET FOUR ELECTION CHALLENGES

The global pandemic made the 2020 election the most unique — the most challenging — of our lifetime.

With that in mind, we had to focus first on something that's never needed to be a consideration in the administration of an election — the health and safety of voters and poll workers.

In response, we partnered with the U.S. Centers for Disease Control and Prevention and the Ohio Department of Health to formulate a 61-point Voter Safety Plan for our 88 county boards of elections.

We also worked with Ohio businesses and Gov. Mike DeWine to provide the necessary masks, sanitizers and personal protective equipment for thousands of polling locations across the state.

With these assurances in mind, Ohioans

knew that if they could go to the grocery store, they could go to the polls on Election Day.

But it's not just safety that made a successful election. Our second challenge was security.

Last year, we launched the most ambitious election security plan in the nation. County boards of elections were issued a 34-point checklist of separate requirements that they had to meet in order to be considered compliant — physical security assessments and cyber-attack detection, for example, and much more.

As a result, Ohio became a model for states seeking to be more resilient to the possibility of cyber attacks from enemies, both foreign and domestic.

We also prepared for what we knew would be an aggressive disinformation campaign by educating and training community leaders, especially in the minority community, so they could better recognize disinformation when it happens and partner with us to swiftly respond when it did.

We held regional disinformation sessions to show minority leaders what they were up against. This training included an understanding of what a disinformation campaign involves, determining who the bad actors are, and what to do if you come across it.

Our next challenge was the expected shortage of poll workers. Even before the election, we knew tens of thousands of poll workers were older Ohioans who had served for many years and that a younger generation of patriotic Ohioans was needed.

We launched over a half dozen programs — such as Lawyers for Liberty, where attorneys received required continuing legal education credits for being a poll worker this year; and Youth at the Booth, where high school seniors (17-year-olds) could work the polls for school credit.

Thanks to these aggressive recruitment campaigns, more than 56,000 trained poll workers stood ready to open nearly 4,000 polling locations on Nov. 3.

Finally, keeping Ohioans safe also meant easing the burden on polling locations on Election Day, and that required an intentional and unprecedented effort to maximize early and absentee voting.

In response to our efforts, Ohioans cast 3.4 million early or absentee ballots, essentially doubling our state record. It marked the first time that more than half of the votes in Ohio had already been cast before polls opened on Election Day.

As a result, our state shattered its all-time record for voter turnout, with nearly 6 million Ohioans making their voice heard. Fifty-nine percent of all ballots were cast either early in-person or by mail, with a 94 percent return rate for absentee ballots.

TIME NOW TO BUILD ON OUR SUCCESS

No matter the metric, Ohio ran its most successful election ever.

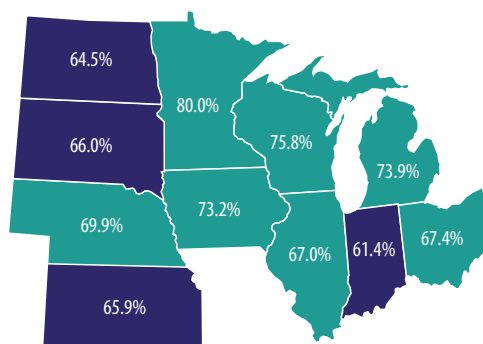
We should be proud of our 88 county boards of elections for running a safe, secure, accessible, and accurate election — and Ohioans need to be congratulated for participating in this great civic exercise in record numbers.

They made their voice heard and proved the fear-mongers wrong. They showed the world that it's easy to vote in Ohio, but that doesn't mean we'll rest on our laurels.

Our state has become a model for how to run an election. But winners don't stagnate, they innovate — they improve.

In the weeks and months to come, I look forward to partnering with the

ESTIMATED TURNOUT RATE OF VOTING-ELIGIBLE POPULATION IN NOVEMBER 2020 ELECTION



● Lower than estimated U.S. turnout rate: 66.7%

● Higher than estimated U.S. turnout rate: 66.7%

Source: U.S. Elections Project

legislature on some important changes to make Ohio's elections even better.

In the Army, we often said "we sweat in peacetime so that we don't bleed in battle," and that was never more true than in the run-up to the 2020 general election. Our team at the Secretary of State's Office — along with Ohio's bipartisan boards of elections, voting rights advocates and dedicated poll workers — did our "sweating" in the spring and summer.

As a result, Ohio was ready to shine when the world was watching on Tuesday, Nov. 3.

Frank LaRose was elected Ohio secretary of state in 2018 and previously served two terms in the state Senate. He is a 2013 graduate of CSG Midwest's Bowhay Institute for Legislative Leadership Development (BILLD).

SUBMISSIONS WELCOME

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



CSG JUSTICE CENTER DETAILS BARRIERS TO WORKFORCE RE-ENTRY, AND HOW STATES CAN REMOVE THEM

More than 40,000 state and federal laws make finding jobs and careers harder for people leaving prison and returning to the workforce, according to a new report from The Council of State Governments' Justice Center.

"After the Sentence, More Consequences: A National Report of Barriers to Work" provides a state-by-state snapshot of these barriers, as well as a policy playbook for removing them.

The new report is available at csgjusticecenter.org.

CSG POINTS WAY TO MORE-INCLUSIVE STATE TELEWORK POLICIES FOR DISABLED

States are increasingly developing and implementing telework programs for state government employees.

What policies are needed to increase access and inclusion for people with disabilities? A new CSG study, "Disability-Inclusive Telework for States," provides some answers by highlighting state approaches. It can be found at csgovts.info/392FB8h.

The Council of State Governments partnered with the U.S. Department of Labor's Office of Disability Employment Policy to produce the study, which includes an overview of work-place protections under the Americans with Disabilities Act, the components of state telework programs, and an analysis of how these programs can be modified to better accommodate all employees.

BIRKHOLZ INSTITUTE TO FOCUS ON CLIMATE RESILIENCE IN GREAT LAKES COMMUNITIES

The 2021 Patricia Birkholz Institute for Great Lakes-St. Lawrence Policy will kick off later this year with a focus on helping the region's coastal communities to become more climate resilient.

These institutes are a biennial event of the Great Lakes-St. Lawrence Legislative Caucus: the leading binational organization of state and provincial legislators promoting the restoration, protection, economy, and sustainable use of the Great Lakes and St. Lawrence River.



CSG Midwest provides staff support to the caucus.

Legislators interested in participating in this year's institute can contact CSG Midwest director Mike McCabe at mmccabe@csg.org.

Previous institutes focused on reducing lead in drinking water and nutrient pollution; model policies were released in July 2019 and September 2020, respectively.

Membership in the caucus is open to legislators in the eight U.S. states and two Canadian provinces in the Great Lakes region. More information is available at greatlakeslegislators.org.

LATEST 'BOOK OF THE STATES' AVAILABLE

Since 1933, The Council of State Governments has served as a resource for state leaders and a catalyst for innovation and excellence. "The Book of the States" has been an annual reference tool of choice since 1935, providing relevant, accurate and timely information, answers and comparisons for all 56 U.S. states, commonwealths and territories. The latest edition, and other CSG publications, is available at <https://issuu.com/csg.publications>.

CSG'S ONLINE 'UNIVERSITY' AIMS TO HELP NEWER LEGISLATORS FIND EARLY SUCCESS

To help new state policymakers jump-start their time in legislative service and find success in their roles, The Council of State Governments has launched "CSG University" — a four-part Zoom series that introduces legislators to their veteran peers from around the country.

Each session aims to equip new legislators with best practices and resources on topics from communicating with constituents to leading a committee hearing as they begin their service in the legislature.

MARCH 8 SESSION ON DRAFTING, AND CHAMPIONING, LEGISLATION

Many new lawmakers run on issues that they plan to champion in the legislature, but hundreds, and in some states thousands, of bills are introduced each year. This session will be led by longtime senior legislative staff and policymakers. They will explain best practices for drafting and championing successful legislation, and share their experiences on getting legislation from the idea stage to the governor's desk for signing.

MARCH 22 SESSION ON HOW TO BE AN EFFECTIVE COMMITTEE LEADER, MEMBER

This session will help new lawmakers who have



The Council of State Governments

been tapped to serve in committee leadership or who want to make the most of their work as committee members. Hear from seasoned committee leaders and senior staff on the elements of planning a productive committee meeting.

PREVIOUS SESSIONS

The first CSG University session, held in early February, featured state senate presidents and house speakers sharing their perspectives on successful lawmaking. During a second session, veteran lawmakers shared practices and protocols that have worked (or not) in helping and communicating with their constituents.

More information, and recordings of past sessions, are available at web.csg.org/csgu/introduction/.

MORE TO COME

CSG Midwest is once again planning a series of virtual sessions tailored for the region's legislators. Details can be found at csgmidwest.org.

PROGRAM LEADER, GREAT LAKES CAUCUS DIRECTOR LISA JANAIRO RETIRES FROM CSG MIDWEST

After more than 29 years of dedicated service to The Council of State Governments, program director Lisa Janairo has announced her retirement, effective at the end of February.

Lisa joined the CSG Midwest staff in 1991, after earning an undergraduate degree in geology from Lawrence University and a master's degree in public policy from the University of Chicago.

Since then, she has successfully managed the Midwestern Radioactive

Materials Transportation Project for more than 25 years. More recently, she has also skillfully directed CSG's staff support of the Great Lakes-St. Lawrence Legislative Caucus.

A talented analyst and manager, Lisa has made enormous contributions to the success of both groups, and she will be missed by the many CSG members, partners and colleagues with whom she worked most closely through the years.

Her friends in the CSG Midwestern Office join in wishing Lisa and her family all the best in the years to come.



Lisa Janairo

CSG MIDWEST HOLDING VIRTUAL VISITS WITH LEGISLATORS

CSG Midwest is holding one-on-one virtual meetings with legislators from across the Midwest.

The purpose of these visits is to introduce or update members on the various products, services and opportunities available to them through The Council of State Governments — for example, individualized research assistance, involvement in CSG's many interstate working groups and committees, and participation in the nonpartisan organization's meetings and leadership training programs.

CSG's Midwestern Legislative Conference includes all legislators from 11 Midwestern states and the Canadian province of Saskatchewan. Three provinces are affiliate members of the MLC.

Please contact CSG Midwest's liaison for each jurisdiction:

- **Illinois** and **Minnesota**: Mitch Arvidson, marvidson@csg.org
- **Indiana** and **Iowa**: Ilene Grossman, igrossman@csg.org
- **Kansas** and **Michigan**: Laura Kliewer, lkiewer@csg.org
- **Nebraska**: Tim Anderson, tanderson@csg.org
- **North Dakota** and **Ohio**: Laura Tomaka, ltomaka@csg.org
- **Saskatchewan, Alberta, Manitoba** and **Ontario**: Ilene Grossman, igrossman@csg.org; and Mike McCabe, mmccabe@csg.org
- **South Dakota** and **Wisconsin**: Jon Davis, jdavis@csg.org

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 representing 11 states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin) and the Canadian province of Saskatchewan. The provinces of Alberta, Manitoba and Ontario are MLC affiliate members.

NUMBERS ON BILLD AND ITS LEGISLATIVE GRADUATES

876 | # OF LEGISLATORS WHO HAVE GRADUATED FROM BILLD SINCE ITS INCEPTION IN 1995

232 | # OF CURRENT LEGISLATORS IN 11-STATE MIDWEST WHO ARE BILLD GRADUATES

31 | # OF CURRENT LEGISLATORS IN CANADIAN PROVINCES WHO ARE BILLD GRADUATES

7 | # OF BILLD GRADUATES CURRENTLY SERVING AS TOP CAUCUS LEADERS IN THEIR RESPECTIVE STATES

11 | # OF BILLD GRADUATES WHO HAVE SERVED OR ARE CURRENTLY SERVING IN U.S. CONGRESS

16 | # OF BILLD GRADUATES WHO HAVE SERVED OR ARE CURRENTLY SERVING AS STATEWIDE ELECTED OFFICIALS

MORE THAN 140 | # OF BILLD GRADUATES SERVING AS LEGISLATIVE COMMITTEE CHAIRS, VICE CHAIRS AND RANKING MEMBERS IN 2021

15 | # OF BILLD GRADUATES WHO HAVE SERVED AS CHAIR OF CSG'S MIDWESTERN LEGISLATIVE CONFERENCE

26 | # OF BILLD GRADUATES WHO SERVED AS MEMBERS OF CSG'S MIDWESTERN LEGISLATIVE CONFERENCE EXECUTIVE COMMITTEE IN 2019-2020



BILLD

CSG Midwest is always looking to keep up to date on the work and accomplishments of BILLD graduates. Please submit Alumni News to Laura Tomaka, CSG Midwest program manager for BILLD. She can be reached at ltomaka@csg.org.

FOR NEWER STATE LEGISLATORS, BILLD PROGRAM OFFERS ONE-OF-A-KIND CHANCE TO DEVELOP SKILLS NEEDED FOR EFFECTIVE LEADERSHIP, POLICYMAKING

April 9 is deadline to apply for fellowship; 5-day program begins July 30

The Council of State Governments' Midwestern Legislative Conference is seeking applicants for the 26th annual Bowhay Institute for Legislative Leadership Development. Conducted in partnership with the Center for the Study of Politics and Governance at the University of Minnesota's Humphrey School of Public Affairs, BILLD's intensive five-day program includes a mix of sessions on leadership training, professional development and policy. Thirty-nine fellowships will be awarded this year to state and provincial lawmakers. The program's competitive application process is overseen by the MLC's BILLD Steering Committee, a bipartisan group of legislators from each of the MLC member states. Applications are due by April 9 and available at csgmidwest.org. Please contact Laura Tomaka, CSG Midwest's program manager for BILLD, for more information: ltomaka@csg.org or 630.925.1922.

26th Annual BILLD Program

- July 30 - August 3, 2021
- Minneapolis, Minnesota
- BILLD Fellowships cover the cost of tuition, meals and lodging
- Each Fellow is eligible for a partial travel stipend to help offset the cost of transportation to and from Minneapolis
- Application Deadline: April 9, 2021

4 REASONS TO APPLY: REFLECTIONS FROM BILLD GRADUATES

1 ADVANCE CRITICAL LEADERSHIP SKILLS WITH GUIDANCE FROM TOP PROFESSIONAL DEVELOPMENT EXPERTS AND LEGISLATIVE LEADERS

"BILLD really taught me the importance of finding a partner across the aisle to work with. It was an important lesson to learn early on in my legislative career, and I've used those lessons to pass meaningful legislation when I was both in the majority and minority." -- Indiana House Minority Leader Phil GiaQuinta, class of 2009

"The aspect of BILLD that has helped me most is the ability to form coalitions and to listen. This ability, I believe, has helped me become the speaker pro tem." -- Iowa House Speaker Pro Tempore John Wills, class of 2016

2 GAIN EXPERTISE ON KEY POLICIES FROM LEADING UNIVERSITY SCHOLARS AND LEARN POLICYMAKING STRATEGIES FROM SKILLED PRACTITIONERS

"I learned the importance of research, listening, planning and meeting before acting and advancing ideas. Additionally, the value of having regular conversations on understanding what people truly hear from what you are saying." -- Michigan Sen. Aric Nesbitt, class of 2012

"I now have a network of individuals to reach out to on a variety of proposals and solutions. I found many states face some of the issues my state faces. It provided a great opportunity to hear proposals and solutions in other states." -- Nebraska Sen. Suzanne Geist, class of 2018

3 EXPLORE THE CRITICAL ROLE THAT STATE LEGISLATURES PLAY IN THE U.S., AND HOW YOU CAN HELP PROTECT THESE INSTITUTIONS AS A LAWMAKER

"My BILLD experience carried over into my daily work as a legislator in the sense that I worked hard to build consensus and move past ideology to focus on policy decisions that best served the public. This is what a successful legislature needs to have." -- former Nebraska Speaker Jim Scheer, class of 2013

"Legislative skill development and learning how to better leverage state government networks and resources were the most impactful experiences I had with the BILLD program. It brought home the need to take advantage of the work we've all done — looking to each other for ideas for better policy and investment and to champion state issues at the national level." -- former Michigan House Minority Leader Christine Greig, class of 2015

4 MEET, LEARN FROM AND NETWORK WITH YOUR COLLEAGUES — SOME OF THE BEST AND BRIGHTEST EMERGING LEGISLATIVE LEADERS IN THE MIDWEST

"There are many legislative colleagues I have met through BILLD and CSG on whom I can rely for support, insight and education. I know there is always someone through my BILLD/CSG network I can contact to help work through an issue." -- Illinois Rep. Tim Butler, class of 2016

"BILLD was one of the first real experiences I had to work constructively with other legislators without seeing each other in a 'red' or 'blue' jersey. BILLD invited me to focus on the person I'm working with, and not get distracted by the title or reputation. BILLD humanized politics in a way I wish every legislator, and every constituent, could experience." -- North Dakota Rep. Corey Mock, class of 2011

Through the Bowhay Institute for Legislative Leadership Development, or BILLD, CSG Midwest provides annual training on leadership and professional development for newer state and provincial legislators from this region. This page provides information related to the BILLD program, leadership development and legislative leadership. CSG's Midwestern Legislative Conference BILLD Steering Committee — a bipartisan group of state and provincial legislators from the Midwest — oversees the program, including the annual selection of BILLD Fellows.

STATELINE MIDWEST

THE COUNCIL OF STATE GOVERNMENTS | MIDWESTERN OFFICE

CSG EVENTS

CSG Midwestern Legislative Conference Virtual Events for Legislators

Visit csgmidwest.org to find dates of upcoming webinars and view recordings of past webinars on public policy, professional development and leadership training.



CSG University: Virtual Sessions

Visit csg.org to find dates of upcoming sessions covering various topics on public policy and legislating



Midwestern Legislative Conference Annual Meeting

July 11-14, 2021 | Rapid City, South Dakota
Contact: Cindy Andrews ~ candrews@csg.org
630.925.1922 | csgmidwest.org



Bowhay Institute for Legislative Leadership Development

July 30-August 3, 2021 | Minneapolis, Minnesota
Contact: Laura Tomaka ~ ltomaka@csg.org
630.925.1922 | csgmidwest.org



CSG Henry Toll Fellowship Program

August 20-24, 2021 | Lexington, KY
Contact: Kelley Arnold ~ karnold@csg.org
800.800.1910 | csg.org



Great Lakes-St. Lawrence Legislative Caucus Annual Meeting

September 24-25, 2021 | Québec City, QC
Contact: Lisa Janairo ~ ljanairo@csg.org
630.925.1922 | greatlakeslegislators.org



STATELINE MIDWEST

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