



PAINS OF RISING DRUG COSTS

Recent legislative actions have focused on capping insulin co-pays, regulating pharmacy benefit managers — but other policy ideas are under consideration

by Jon Davis (jdavis@csq.org)

Of all pre-pandemic problems vexing state health policymakers, prescription drug pricing continues to draw legislative attention and action as rising costs create budgetary headaches for constituents and state programs alike.

States have responded in recent years with measures to regulate pharmacy benefit managers (the “middlemen” between health insurance plans and pharmacies), cap co-payments for some drugs such as insulin, and create task forces to explore the opaque world of prescription drug pricing.

Others have adopted or are considering the wholesale importation of drugs from

Canada, as well as newer ideas such as the creation of prescription drug affordability boards, the use of international price referencing and other models to bend the price curve downward.

NEW INSULIN COST CAPS

With last year’s passage of SB 677, Illinois became the first Midwestern state (and the second nationwide, behind Colorado) to limit insulin co-pays for health consumers. The Illinois cap is \$100 for a 30-day supply.

Minnesota followed in April 2020 with the Alec Smith Insulin Affordability Act (HF 3100), named for a 26-year-old who was unable to afford the \$1,300 monthly cost of insulin and diabetes supplies and died rationing insulin after aging out of his parents’ insurance plan.

Under this law, eligible individuals in urgent need of insulin can go to their pharmacy once in a 12-month period and receive a one-time, 30-day supply of insulin for a \$35 co-pay (applicants can receive a second 30-day supply in certain cases). Manufacturers

must reimburse pharmacies for the insulin they dispense or send replacement insulin at no cost.

Minnesota also requires manufacturers to provide insulin to eligible individuals for up to one year, with the option to renew annually, in 90-day increments for a co-pay of no more than \$50.

In March 2021, a U.S. District Court rejected a lawsuit challenging Minnesota’s law as unconstitutional.

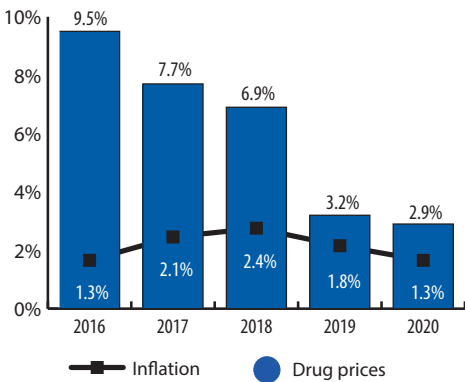
Rising prices have spurred these actions in Illinois and Minnesota, as well as in other Midwestern states.

“The average price of drugs prescribed to treat diabetes, heart disease, depression and other common conditions has more than doubled,” Michigan’s Prescription Drug Task Force noted in its December 2020 report, while prices of the most commonly prescribed drugs for older patients rose “more than 10 times the rate of inflation within five years.”

In January, a Rand Corporation study found that average list prices in the United States for prescription drugs in 2018 were “significantly higher” than in other countries — 2.56 times higher than those seen in 32 other developed



INCREASES IN AVERAGE ANNUAL PRICES FOR BRAND-NAME DRUGS USED BY OLDER AMERICANS VS. INFLATION, 2016-2020\*



\* The blue bars represent the average drug price changes for the 260 drugs most widely used by older Americans.

Source: AARP Public Policy Institute

SPENDING ON PRESCRIPTION DRUGS, 2019

State	Total charges	# of prescriptions
Illinois	\$6.8 billion	11.3 million
Indiana	\$2.6 billion	6.1 million
Iowa	\$2.6 billion	9.2 million
Kansas	\$2.2 billion	7.5 million
Michigan	\$8.9 billion	26.9 million
Minnesota	\$3.4 billion	13.9 million
Nebraska	\$1.5 billion	4.1 million
North Dakota	\$1.5 billion	6.2 million
Ohio	\$11.6 billion	28.8 million
South Dakota	\$486.3 million	1.5 million
Wisconsin	\$3.6 billion	10.6 million

Source: Definitive Healthcare, September 2020

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EDUCATION

Several states have decided to expand school-choice programs in 2021, including three in the Midwest

by Tim Anderson (tanderson@csg.org)

By the start of June, 13 U.S. states had enacted various types of laws on educational choice in 2021, creating a total of five new programs and expanding 13 existing ones.

“That is atypical; it’s a number much larger than what we’re used to seeing,” says Mike McShane, who tracks this state-level activity as director of national research for EdChoice, the nonprofit organization that advocates for such laws.

Three of those states were in the Midwest:

- Iowa’s expansion of a tax credit program for individuals who donate to organizations that raise money for students to attend private schools,
- Kansas’ increase in student eligibility for an existing scholarship program, and
- Indiana’s new budget that includes a mix of new initiatives and enlargement of an existing voucher program.

Why did this surge in legislative activity occur?

McShane believes it’s at least partially due to the effects of the COVID-19 pandemic, which has included conflicts over school policies in areas such as in-person vs. remote vs. hybrid learning and masks vs. no masks, as well as the experience of discovering new ways of getting education delivered. (For example, a surprising number of parents say they liked the hybrid model, McShane says, and there was a spike in homeschooling and “micro-schooling.”)

And he sees interest in school-choice

policies only growing as families, schools and states adjust to the post-pandemic world of K-12 education.

“Some kids are going to need remediation, some are going to need acceleration,” McShane says. “Some are going to need to refocus on the social aspects of school, some on the academic aspects.”

“So there’s not going to be one solution because the experiences were so different. We’re going to see so many families wanting different things.”

This year in Kansas, one version of a bill to create new education savings accounts for families to attend private schools would have included eligibility for any student who lacked an in-person learning option at his or her local public school.

No ESAs were established in Kansas this year. However, as part of a broader agreement between the Republican-led Legislature and Democrat Gov. Laura Kelly (HB 2134), the state altered its Tax Credit for Low Income Students Scholarship Program, which dates back to 2014.

Previously, the program was only open to low-income students attending one of the state’s 100 lowest-performing schools. Now, all low-income students will be eligible, a change that Kansas Rep. Kristey Williams says will greatly expand eligibility and participation.

During the 2020-’21 school year, 632 Kansas students were awarded scholarships totaling close to \$2 million.

They attended one of 39 qualified private schools. The total amount of tax credits was \$2.47 million; the leading scholarship-granting organization is the Catholic Education Foundation.

“There are many different reasons a parent would opt for this so their child can succeed,” Williams says. “Some kids need a little Jesus. Some need away from friends or the neighborhood, or don’t want to be distracted by peers. Some need more structure or just a different environment.”

This year’s expansion in Kansas came as part of an agreement to fully fund public schools.

In Indiana, already a state with one of the most expansive school-choice laws

in the country, lawmakers significantly increased eligibility for the existing Choice Scholarship Program as part of its new two-year budget (HB 1001). As a result, students living in households with incomes of up to 300 percent of eligibility can qualify; the cap had been 150 percent.

Additionally, the amount of scholarship money to attend a private school will be equal to 90 percent of the per-pupil funding level that is provided to the student’s public school. (Previously, the amount varied depending on the family’s income level; it was usually less than 90 percent.)

Lastly, the Indiana General Assembly



established new education savings accounts for the families of students with disabilities. Money from the accounts can be used to pay for specific therapies or classes or to attend private schools; it will come from a portion of the state dollars that go to the student’s local public school.

“Indiana has been much more of a story of slow growth [on school choice],” McShane says about its long legislative history of incremental increases in programs and eligibility.

“It had a small number of kids participate at first, and then more and more and more. They’ve had the opportunity to measure it and see how it’s going, and make sure people are benefiting.”

South Dakota Sen. Jim Bolin and Ohio Sen. Hearcel Craig serve as co-chairs of the Midwestern Legislative Conference Education Committee. Tim Anderson is CSG Midwest’s staff liaison to the committee.



Kansas Rep. Kristey Williams

FISCAL AFFAIRS

Sports betting set to spread to two more Midwest states as result of ballot measures, legislative actions

by Tim Anderson (tanderson@csg.org)

When it comes to expanded, legalized gambling, Nebraska Sen. Tom Briese says he has always been “skeptical about the purported benefits and concerned about the perceived costs.”

The majority of his colleagues in the Nebraska Unicameral Legislature agreed: Proposed expansions have stalled inside the Capitol.

But last fall, Briese found out that a majority of his fellow Nebraskans disagreed. They approved, by overwhelming margins, ballot proposals that authorize casino-style games of chance at Nebraska’s horse race tracks.

That put Briese in the unusual position this year of being the lead sponsor of legislation for an underlying public policy that he opposes.

“It was something that, as chair of the [Unicameral’s] General Affairs Committee, was important for me to take the lead on,” he says.



Nebraska Sen. Tom Briese

“On some of these issues, then, we were kind of walking a fine line of adhering to your concerns about expanded gambling with the need to respect the will of the voters.”

Ultimately, legislators passed LB 561 by a wide margin, after a series of negotiations during the 2021 session.

Early on, Briese determined that sports betting should be part of the expansion and that legislators should spell out rules for this type of gambling.

“As a matter of law, when the voters approved games of chance, they approved sports betting,” Briese says. “That seemed pretty clear to me, though there were some gambling opponents who didn’t agree with this assessment.”

One question, then, became whether to allow betting on college sports and, particularly, in-state teams, an area of high interest in a state where all eyes in the fall are on University of Nebraska football. The legislative compromise was this: Allow betting on in-state collegiate teams, but only on games being played outside the state.

“That provision may be unique in the country,” Briese notes.

LB 561 also only allows in-person gambling (no option for betting via the internet and on mobile phones) and prohibits credit card transactions.

Under language in the ballot proposals, gambling revenue will be taxed at 20 percent, a rate for casino operators in line with that of other states, Briese says, but “quite high” for sports betting. Only 2.5 percent of this new tax revenue will go to Nebraska’s general fund. Most of it (70 percent) will go to a statewide property tax relief fund.

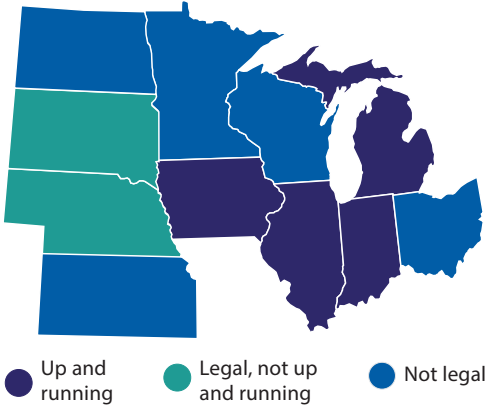
A legislative fiscal analysis estimates that the gambling expansion will generate \$49 million in tax revenue in fiscal year 2023.

Voters in a second Midwestern state, South Dakota, also approved a gambling expansion in fall 2020. That constitutional amendment authorized the Legislature to allow sports betting in the town of Deadwood, where limited gaming already is allowed. Legislators approved follow-up legislation (SB 44) earlier this year.

In South Dakota, the tax rate on sports betting will be 9 percent. No gambling on college sports will be allowed, and only in-person wages will be accepted.

As of June, legalized sports betting was up and running in Illinois, Indiana, Iowa and Michigan. Each of these states permits mobile/internet wagering and sports betting on college sports. In Illinois, wagers on in-state collegiate

STATUS OF LEGALIZED SPORTS BETTING IN MIDWEST (AS OF JUNE 2021)



teams are not allowed; in Iowa, prop bets (those not directly tied to the final score or final outcome of a game) on in-state collegiate athletes is prohibited.

According to the American Gaming Association, the tax rates on sports betting are 15 percent in Illinois, 9.5 percent in Indiana, 6.75 percent in Iowa and 8.4 percent in Michigan.

Minnesota Rep. Fue Lee and Kansas Rep. Troy Waymaster serve as co-chairs of the Midwestern Legislative Conference Fiscal Affairs Committee.



# CRIMINAL JUSTICE & PUBLIC SAFETY

Support for expanding expungement eligibility builds in Wisconsin as result of legislative changes

by Mitch Arvidson ([marvidson@csg.org](mailto:marvidson@csg.org))

Today, most Wisconsin residents convicted of a crime, even a nonviolent felony or a misdemeanor, have little chance of expunging the offense from their records.

One of these many Wisconsinites (an estimated 1.4 million have a criminal record) told his story to Rep. David Steffen. It made a lasting impression on the four-term lawmaker.

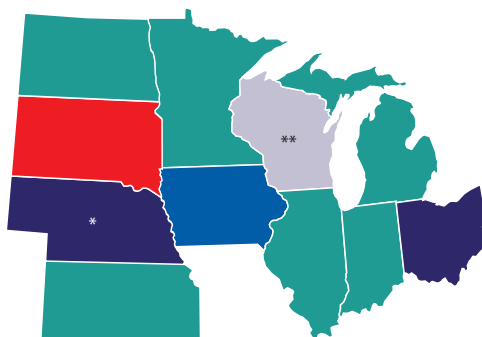
"I never realized my three-year probation actually was a life sentence," the man, 27 years old at the time, told Steffen.

That time on probation stemmed from a physical altercation as a 17-year-old. The man, a constituent of Steffen's, has had difficulty finding full-time employment since then because of his criminal record.

"Our criminal justice system is very good at establishing and using sticks," Steffen says. "However, it rarely finds effective ways to use carrots."

A new "carrot" approach is part of Steffen's bipartisan legislation this year that would greatly expand expungement eligibility in Wisconsin. This would not be done by changing the types of crimes that can be expunged, but by ending two relatively strict and unusual aspects of the state's laws on criminal records.

## REACH OF STATE LAWS THAT PROVIDE AUTHORITY FOR EXPUNGEMENT AND SEALING OF CRIMINAL RECORDS AND/OR SET-ASIDE OF CRIMINAL CONVICTIONS



● No general sealing, expungement or set-aside

● Misdemeanor relief only

● Misdemeanor relief and relief from pardoned felonies

● Misdemeanor relief and limited felony relief

● Misdemeanor relief and broader felony relief

\* In Nebraska, only pardoned convictions are eligible for sealing. Set-aside authority is provided for certain felonies and for misdemeanors.

\*\* Wisconsin has narrow, specialized authority for expunging convictions.

Source: Collateral Consequences Legal Center

First, Wisconsin is one of only a few states with an age limit for expungement. An offender must be 25 years old or younger at the time he or she commits the crime in order to

be eligible. Second, Wisconsin is the only U.S. state that requires expungement decisions to be made by the judge at the time of sentencing.

The proposed reforms would eliminate the age limit and allow for post-sentence expungement, an incentive for offenders to successfully complete their sentences and pay all fines, fees and restitution to the victim.

Steffen, a Republican, and Rep. Evan Goyke, a Democrat, first sought to expand expungement eligibility in 2017. Bills have failed to advance in previous sessions, but the proposal's sponsors and supporters are more hopeful this year.

First, law-enforcement groups such as the Wisconsin Chiefs of Police Association and the Milwaukee Police Association are backing AB 69/SB 78. This session's version of the bill includes an exception for police departments, which will still have access to a job applicant's publicly expunged convictions.

Another key change: language requiring that a crime victim be notified if the offender is seeking expungement and be allowed to provide comments to the judge.

A primary goal of AB 69/SB 78 is to give Wisconsinites a greater chance at redemption, employment and a normal life.

But Steffen also points to another



positive effect of changing the state's laws on expungement: a greater pool of workers as the pandemic ends, the economy reopens, and some businesses report difficulty filling open positions. (Wisconsin's unemployment rate in April was 3.9 percent.)

"Because our legislation is retroactive, we have an opportunity to, in short order, add thousands of people to the workforce that were previously ineligible to participate," he says.

"Expungement is a cost-free option of workforce development."

North Dakota Rep. Shannon Roers Jones and Illinois Sen. Robert Peters serve as co-chairs of the Midwestern Legislative Conference Criminal Justice & Public Safety Committee. Nebraska Sen. John McCollister is the vice chair. Mitch Arvidson is CSG Midwest's staff liaison to the committee.

# GREAT LAKES

New online tool helps legislators measure progress in protecting lakes and compare policies across basin

by Carolyn Orr ([carolyn@strawridgefarm.us](mailto:carolyn@strawridgefarm.us))

Will this investment of taxpayer dollars lead to better outcomes? Has a legislative-initiated program or law had its intended effects?

These questions are at the top of policymakers' minds across all issue areas. For legislators working to protect and restore the Great Lakes, a new web-based tool being developed by the Great Lakes Commission will provide some answers.

Blue Accounting ([blueaccounting.org](http://blueaccounting.org)) has been years in the making, a response to calls among the region's leaders to take a "smarter and more comprehensive approach to monitoring Great Lakes resources," Erika Jensen, the commission's interim executive director, said during a web-based meeting held this year by The Council of State Governments' Great Lakes-St. Lawrence Legislative Caucus (GLLC).

The new Blue Accounting site, which is being rolled out this year, will track progress on a series of regionwide or jurisdiction-specific Great Lakes objectives. For example, under the binational Great Lakes Water Quality Agreement, one core goal is to reduce phosphorus loads into Lake Erie by 40 percent.

How well is the region doing in meeting this target?

Blue Accounting will provide specific

data on nutrient runoff — by year and by tributary, for instance.

Likewise, legislators will be able to compare policies in place in different states and provinces. What programs are in place to curb nonpoint source pollution? Or what are Great Lakes jurisdictions doing to regulate and prevent the spread of invasive species?

"That's where I think it's really going to help you legislatively," Nicole Zacharda, program manager for the commission, told lawmakers.

"You're going to be able to see some of the good things happening in your neighboring jurisdictions, or maybe you're going to see where your jurisdiction isn't doing what its neighbors are doing."

This virtual meeting on Blue Accounting was held as part of the ongoing work of the caucus's Task Force on Nutrient Management. Led by Wisconsin Sen. André Jacque, this binational, interstate group of legislators has explored and developed model policies for states to curb nutrient runoff.

Zacharda showed policymakers how they could use Blue Accounting to monitor phosphorus loads from a single watershed — in this case, the Maumee River, which drains into Lake Erie (see graphic).

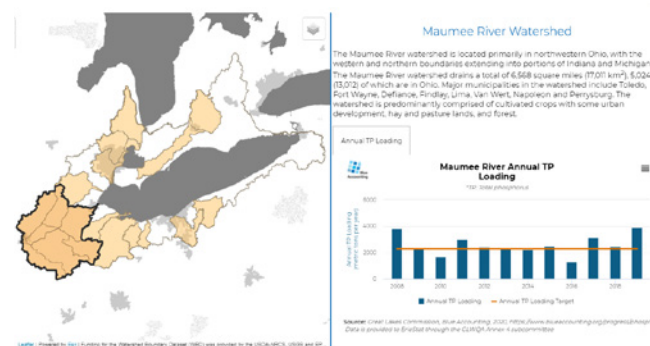
Viewing just one bar chart on the site shows the impact of extreme rainfall

events from 2019. In the years prior, phosphorus loads were near or even below the 40 percent reduction target. That changed because of the impact of those heavy rains.

That example shows how difficult measuring the impact of various state programs and investments can be. Phosphorus loads didn't spike in 2019 because of a change that year in state policy, but rather because of the weather. But such data can point to the need for Great Lakes jurisdictions to do more.

The initial rollout of Blue Accounting is focusing on invasive species and Lake Erie nutrient management. Eventually, progress on a whole range of issue areas will be tracked — from maritime trade and drinking water, to wetlands protection and coastal resiliency to climate change. Pages of in-depth information on each topic will be available, along with progress icons and a list of metrics.

In developing the site, the Great Lakes Commission received input from the caucus and its members. Likewise,



legislative input will be sought in the months and years ahead.

"We heard from members of the GLLC through our surveys and workshops that legislators want to know what policies are working, how well they're working, and how to measure and replicate successes," says Eric Brown, senior advisor for external relations at the commission.

CSG Midwest provides staff support to the Great Lakes Legislative Caucus, a nonpartisan, binational group of state and provincial legislators. Illinois Rep. Robyn Gabel serves as caucus chair; Minnesota Rep. Jennifer Schultz is the vice chair. Carolyn Orr helps with CSG Midwest's staffing of the GLLC. She also is CSG Midwest staff liaison to the Midwestern Legislative Conference's Agriculture & Natural Resources Committee.

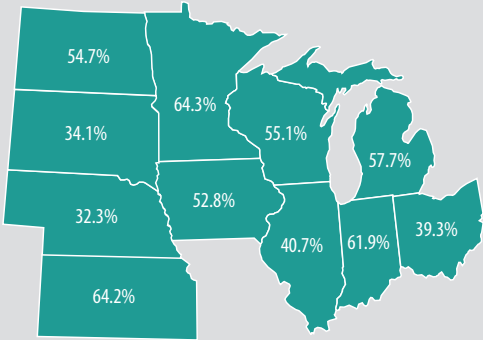
HOW MUCH? WHERE FROM? A LOOK AT HOW STATE EDUCATION SYSTEMS ARE FUNDED IN MIDWEST

Per pupil spending in the nation’s pre-K-12 education system now eclipses \$13,000, and in four Midwestern states — **Illinois, Minnesota, Ohio** and **North Dakota** — these levels are even higher, according to data released in May by the U.S. Census Bureau. The new data also shed light on other notable trends and differences in this critical issue area for state governments. For example:

- In fiscal year 2019, per pupil expenditures in the Midwest ranged from a high of \$16,227 in Illinois to a low of \$10,139 in **South Dakota**. These amounts include federal, state and local government spending. All of the biggest-spending U.S. states are in the Northeast. (New York tops the list, at \$25,139 per pupil; Idaho has the lowest spending level, \$7,985 per student.)
- The sources of revenue for pre-K-12 schools are the same across the states: local, state and federal. However, considerable variations exist in how much these sources account for total revenue collections. For example, in the Midwest, state-based revenue (from income taxes, sales taxes, etc.) accounted for 64 percent of total collections for pre-K-12 schools in **Kansas** and Minnesota. In contrast, states such as Illinois, **Nebraska**, Ohio and South Dakota are more reliant on local sources of revenue such as property taxes (see map).
- Overall K-12 spending in FY 2019 (the year before the COVID-19 pandemic) rose 4.7 percent over the previous year. No state in the Midwest matched this rate of growth; Ohio came closest (4.6 percent). The Census Bureau data show that overall pre-K-12 expenditures fell in Illinois, Nebraska and South Dakota between FY 2018 and 2019.

Spending on elementary and secondary education makes up the single largest amount of U.S. states’ general fund budgets, 35.5 percent of expenditures in fiscal year 2020, according to the National Association of State Budget Officers.

STATE REVENUE FOR PRE-K-12 EDUCATION:  
% OF TOTAL REVENUE FOR SCHOOLS



Source: U.S. Census Bureau

MINIMUM-WAGE HIKE COMING IN SASKATCHEWAN AS RESULT OF INDEX BASED ON INFLATION, AVERAGE SALARIES

The hourly minimum wage for **Saskatchewan** workers will increase by 36 cents in October as the result of the province’s annual review of changes in the cost of living and average wages. Those two factors are weighted equally under Saskatchewan’s indexing formula. The minimum wage will be raised to \$11.81 per hour (Canadian dollars). In Canada, the setting of a minimum wage is left solely to the provinces — currently as high as \$15.20 in British Columbia and as low as \$11.45 in Saskatchewan, according to the Retail Council of Canada.

Like Saskatchewan, three states in the Midwest do some kind of indexing to regularly adjust the minimum wage: **Minnesota, Ohio** and **South Dakota**. None of these states accounts for changes in the average wage, they instead are adjusted based on the consumer price index. According to the Economic Policy Institute, **Illinois** has the highest minimum wage among the 11 Midwestern states. It is \$11 per hour and scheduled to reach \$15 per hour by 2025.

In Saskatchewan, there have been 13 raises in the minimum wage, for a total increase of more than 48 percent, since 2007.



MINNESOTA LOOKS TO BUILD ON REGION-LEADING EFFORTS IN ENERGY CONSERVATION

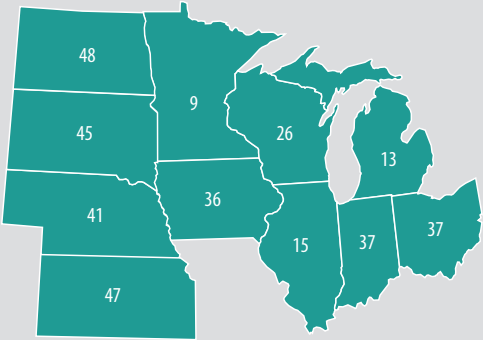
Already a regional leader in energy conservation, **Minnesota** has a new law that its supporters say will provide more choices to consumers as well as a mix of investments and incentives to reduce energy use and encourage a switch to cleaner power sources.

The bipartisan Energy Conservation and Optimization Act (HF 164) was signed into law in May. It builds on the state’s existing, ratepayer-funded Conservation Improvement Program, which offers various ways for households and businesses to achieve energy savings — for example, the use of energy audits and rebates to install high-efficiency appliances, lighting, and heating and cooling systems. Among this year’s legislative changes, according to *MinnPost*:

- more investments through the Conservation Improvement Program to help low-income households achieve energy savings;
- a higher energy-savings goal for Minnesota’s investor-owned electric utilities — 1.75 percent of annual retail sales instead of 1.5 percent;
- a rise in the statewide energy savings goal, from 1.5 percent to 2.5 percent of annual retail sales of electricity and natural gas;
- greater flexibility in how utilities can reach their savings goals, including through improved “load management” and financial incentives for consumers to move away from fossil fuel sources toward the use of low-carbon or carbon-free alternatives.

The American Council for an Energy-Efficient Economy ranked Minnesota ninth among U.S. states in its “2020 State Energy Efficiency Scorecard,” which compares and analyzes policies across the country. The council singled out Minnesota’s energy policies related to building codes and state-owned buildings. **Michigan** is the second-highest-ranked state in the Midwest (see map), due in large part to a 2016 law (SB 438) that extended electric and natural gas savings targets and offered additional financial incentives to utilities.

U.S. RANKINGS ON ‘2020 STATE ENERGY  
EFFICIENCY SCORECARD’



Source: American Council for an Energy-Efficient Economy

PAIR OF LAWS IN IOWA SEEK TO IMPROVE STATE’S RESPONSE TO SEXUAL ASSAULT, HELP VICTIMS

In an effort to help victims of sexual assault, **Iowa** is creating a new unit within the state attorney general’s office that will train nurses on how to conduct exams, collect evidence and share information with survivors. States such as **Illinois** and **Nebraska** already have lead agencies that oversee training efforts and maintain a list of trained examiners, according to the Iowa attorney general’s office.

This new sexual assault forensic examiner program was created with passage of HF 603. A second measure, SF 451, establishes an automated system for victims and local prosecutors to track sexual assault evidence kits. Money for this new system will come from Iowa’s Victim Compensation Fund, whose sources of revenue include criminal fines and penalties, victim restitution and federal funds.



NEW INDIANA LAW ESTABLISHES SPECIALIZED UNITS TO HELP PROSECUTORS WITH HIGH-TECH CRIMES

**Indiana** legislators are seeking to crack down on high-tech crimes, with plans to provide technical assistance and training to local prosecutors related to the collection of evidence and other investigatory needs.

HB 1082, signed into law in April, defines a high-tech crime as a criminal act “committed with or assisted by digital evidence, network or communications technology.” It calls for the creation of high-tech crime units representing the north, south, east and west parts of Indiana. The Indiana Prosecuting Attorneys Council — a nonpartisan, independent state judicial branch agency composed of Indiana’s 91 prosecuting attorneys — is authorized to seek proposals from up to 10 counties to create these high-tech crime units.

According to the FBI, the top three internet crimes reported by victims in 2020 were phishing scams, non-payment/non-delivery scams and extortion. The FBI’s Internet Crime Complaint Center reported the following number of complaints made in each Midwestern state:

- |                     |                     |                      |                      |
|---------------------|---------------------|----------------------|----------------------|
| • Illinois — 20,185 | • Kansas — 3,457    | • Nebraska — 2,166   | • South Dakota — 777 |
| • Indiana — 12,786  | • Michigan — 12,521 | • North Dakota — 760 | • Wisconsin — 8,308  |
| • Iowa — 9,367      | • Minnesota — 6,847 | • Ohio — 13,421      |                      |





# IN WISCONSIN, STATE GRANTS HELP FARMERS LEAD ON IMPROVING WATER QUALITY

by Tim Anderson ([tanderson@csg.org](mailto:tanderson@csg.org))

More than 14 million acres of farmland stretch across Wisconsin's 330 watersheds. And as much as the agricultural activity on all of this land is essential to the state's way of life and prosperity (it accounts for close to 12 percent of the jobs in Wisconsin and contributes more than \$100 billion annually to the economy), there can be consequences.

Nonpoint source pollution, for instance, is a leading contributor to water quality problems in the state.

A top-down, state-initiated response is the most common way of dealing with these issues, through new laws and regulations on agriculture producers and their practices.

But what if the farmers themselves could actually help lead the way in finding solutions?

That's the idea behind a five-year-old initiative in Wisconsin, which has been in place for two gubernatorial administrations (one Republican, one Democrat) and received increasing levels of legislative appropriations.

The Producer-Led Watershed Protection Program provides grants (a maximum of \$40,000 per grantee) to groups of farmers who work together

## MLC Chair's Initiative



and lead local efforts to control nonpoint source pollution in a single watershed.

Overseen by the Department of Agriculture, Trade & Consumer Protection, the program provided a total of \$750,000 to 27 different farmer-led groups in 2020.

"It's been very little of us reaching out and trying to get groups to apply," says Rachel Rushmann, manager of the program.

"The interest really has come from the grassroots level, from the ground up. So either the farmers approach their local conservation departments [about creating a producer-led initiative], or a group of farmers already knows each other through the Farm Bureau."

Interest is driven by one of two factors, she says, and often a combination of both of them: one, wanting to address a local water quality problem and improve land stewardship; and two, understanding that better nutrient management practices can bolster bottom lines and longer-term sustainability.

"We're really trying to elevate that message about farm profitability, and about what makes sense for future generations and how we can build healthy soil," Rushmann says.

"One of the biggest things that farmers want is healthy soil. If you, say, do no-till and cover crops, you're building your soil health. You have more soil that stays in its place. You need less fertilizer, less equipment, less fuel."

Milwaukee River Watershed Clean Families is one of the producer-led groups receiving a grant from the state. Among its activities: conducting farmer-to-farmer outreach on practices to prevent nutrient runoff, partnering with the county on a long-term demonstration plot to experiment with cover crops and different seed types, and field days and conferences focused on agriculture and water quality.

"They are great spokesmen and spokeswomen for conservation," Rushmann says. "They are excited about it."

For this particular program, the department does not offer direct incentives to producers to adopt various conservation practices. That is left to other programs and grants, both state and federal.

"We provide a lot of training and education on how to be successful [as a producer-led group]," Rushmann adds.

In the program's first year, 2016, a total of \$242,550 was made available. The Legislature allocated \$750,000 in fiscal year 2020, and the state budget for the next biennium is likely to include \$1 million a year for these producer-led watershed protection grants.



Another change since the program's inception has been an increased focus on results, due to feedback from legislators and the producer-led groups themselves. The department now has a full-time specialist to track and identify water-quality benefits that have resulted from the grant program.

"That was one comment we got consistently: 'OK, they're doing all of these things, but what are they accomplishing?'" Rushmann says.

"Now we have an answer to that, at least as best as we can without putting a major burden on the farmers themselves."

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South Dakota Senate Majority Leader Gary Cammack has chosen agriculture conservation as the focus of his Midwestern Legislative Conference Chair's Initiative for 2021. A series of articles will appear in *Stateline Midwest* this year in support of this initiative.

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# QUESTION OF THE MONTH

## QUESTION | How have states in the Midwest regulated naturopathic doctors?

States regulate medical professions almost as a matter of course, but such is not the case for naturopathic doctors, who rely on the use of "natural healing" techniques such as herbal medicines, homeopathy, and changes in lifestyle and/or diet.

According to the American Association of Naturopathic Physicians, its members employ therapeutic methods and substances that encourage individuals' inherent self-healing process. Naturopathic medicine includes modern and traditional, scientific and empirical methods. Some critics, though, have said naturopathic techniques are at best untested and unproven or are outright quackery.

As of March, **Kansas, Minnesota** and **North Dakota** were among 19 U.S. states that regulated or offered licensure for naturopathy, according to the association. Naturopathic doctors are licensed and regulated by the State Board of Healing Arts in Kansas, the Board of Medical Practice in Minnesota, and the 10-year-old State Board of Integrative Health Care in North Dakota. (This board also regulates acupuncturists and music therapists in North Dakota.)

While the precise language varies, states' statutory definitions of naturopathy typically describe it as a system of health care that supports and stimulates a patient's "inherent" or "intrinsic" self-healing processes.

Kansas, Minnesota and North Dakota do not allow naturopaths to perform surgery or prescribe medication.

This year, naturopathy-related legislation was introduced in at least three other Midwestern

states: **Illinois** (HB 1801 and SB 1951), **Iowa** (HF 404) and **Wisconsin** (SB 98 and AB 86).

The Illinois bills would simply add naturopaths to the list of medical professions already licensed by the state. Wisconsin's bills take a different path — they would include naturopaths among practitioners of "complementary and alternative health care practices."

This would exempt naturopaths from licensure, provided they give patients the following:

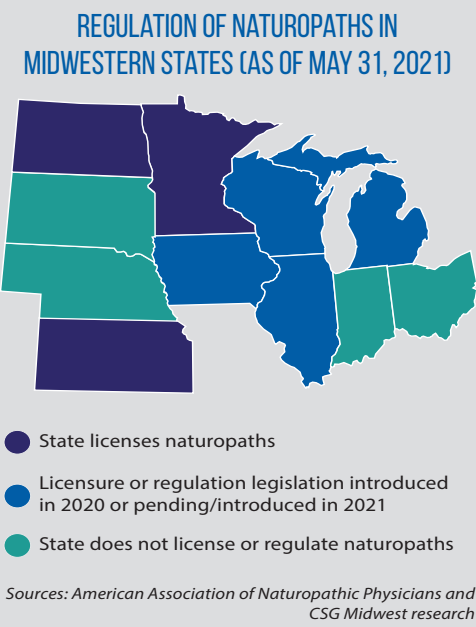
- a "plainly worded" written statement detailing information about the practitioner (including training and credentials);
- a notice explaining that the practitioner "is not practicing under a health care-related credential granted by the state"; and
- information about the nature of the service to be provided.

Wisconsin's AB 86 and SB 98 (the latter passed the Senate in April) would require a written and signed acknowledgment from the patient stating that he or she had received this information.

Iowa's HF 404 is similar to the Wisconsin legislation; it did not advance this session.

Naturopathy is also regulated and licensed in **Saskatchewan, Alberta, Ontario** and **Manitoba**, according to the Canadian Association of Naturopathic Doctors.

The U.S. Indian Health Service has accepted naturopaths since 2013; in 2018, IHS made them



eligible for its qualified student loan repayment program.

Outside the Midwest, naturopathy is banned in South Carolina and Tennessee. A bill pending in Alaska (SB 38) would license naturopaths and allow them to prescribe medication, perform surgery and refer to themselves as naturopathic "physicians" — provisions strongly opposed by the American Medical Association.

Question of the Month response by Jon Davis ([jdavis@csg.org](mailto:jdavis@csg.org)), policy analyst 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](mailto:csgm@csg.org).

# A LOOK AT THE ‘YEAR OF BROADBAND’: HOW STATES ARE ADDRESSING DIGITAL INCLUSION, GAPS IN ACCESS

by Tim Anderson ([tanderson@csg.org](mailto:tanderson@csg.org))

Early in 2021, Wisconsin Gov. Tony Evers declared it the “year of broadband access” in his home state. The same can be said across the Midwest, where a mix of new state-level initiatives, a ramping up of existing programs, and an influx of federal dollars will lead to unprecedented investments in broadband over the next year.

One continuing area of emphasis is getting this infrastructure out to the region’s rural communities, but the push to close other digital gaps also has accelerated, particularly in low-income, urban areas. “In some communities, it’s one-third of households, sometimes more, where the infrastructure exists but folks don’t subscribe,” says Angela Siefer, executive director of the National Digital Inclusion Alliance.

## NEW DIGITAL-EQUITY STRATEGIES

For a large number of households not subscribing to available services, Siefer says, the reason is costs. And last year, with the sudden rise of remote learning, states, cities, school districts and other entities sought ways of connecting students and their families.

Part of this assistance came via the funds made available through the federal CARES Act of 2020. But Siefer notes some more sustainable, locally driven programs have been developed as well. For example, through partnerships with businesses, community groups and philanthropic organizations, Chicago Public Schools has enrolled 40,000 families through a type of bulk-purchasing program that brings no-cost, high-speed internet service to the homes of low-income students.

Key to the program’s success, Siefer says, is the involvement of community groups in signing up families and providing digital literacy training. “You need trusted intermediaries involved because it’s not just costs [for households],” she adds. “The other major barrier is digital literacy, and connected to that are concerns about privacy, about safety.”

Ohio is part of a multi-organizational initiative bringing lower-cost, high-speed internet service to 2,000 households in East Cleveland. The nonprofit PCs for People, which works on digital-inclusion initiatives across the country, is serving as the internet provider; it will distribute free modems for residents so they can connect to nearby antenna tower sites.

Siefer recommends that all states establish digital inclusion offices to develop and lead policy strategies. She notes, too, that the state of New York’s new budget includes \$15 million for digital-inclusion grants.

“There has been huge progress because people now recognize that the digital divide is real and not just a rural issue,” Siefer says. “There’s also more awareness about why it’s important to address. Nobody ever asks anymore, ‘Is the internet important?’”

## MORE INVESTMENTS IN RURAL BROADBAND

One reason that question is not being asked is because of the pandemic-induced move to remote learning: Over the past two years, students have needed the internet to go to school.

One state lauded for its rapid response to close student gaps in digital access was North Dakota. There,

the state helped identify young people in homes who lacked internet access, and then teamed up with providers to ensure affordability and adoption. Many of the students lived in households that could get internet almost immediately, and at least initially, providers offered the service at no cost.

But people of all ages are wanting and needing broadband, and access to this infrastructure is particularly lacking in some rural areas of the Midwest.

According to the *Wisconsin State Journal*, approximately 400,000 residents in the state lack access to high-speed broadband; state estimates show that building out this infrastructure to all rural areas would cost anywhere between \$740 million and \$1.4 billion.

Competing legislative proposals this year would get Wisconsin part of the way there. Gov. Evers included \$200 million in his proposed budget for the new biennium; as of late June, the Republican-led Legislature was eyeing a plan to borrow \$125 million for broadband. In addition, starting in June, the Wisconsin Public Service Commission began making available \$100 million from the American Rescue Plan Act.

## RESCUE PLAN ALLOWS STATE TO DO MORE

According to the Pew Charitable Trusts, the ARPA creates the first federal program for state and local governments to deploy broadband. This money, plus other assistance from Washington, D.C., is freeing up states to do more.

In Indiana, an existing \$100 million Next Level Connections Broadband Grant Program was providing up to \$5 million in matching grants to local projects. The state’s new biennial budget dedicates \$250 million in ARPA money for broadband grants.

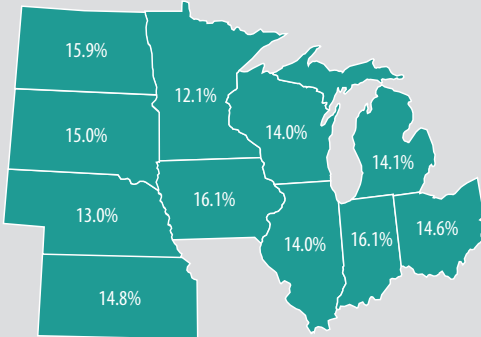
The Indiana General Assembly also passed HB 1447. Among its provisions: Creation of a “reverse auction” process in which households with students can report a lack of access to the state, broadband companies submit bids to fill these gaps, and the state then awards a grant to the winning bidder. The same measure also prioritizes funding for projects that provide high-speed access to public schools, rural health clinics and K-12 students, and establishes minimum speeds for these broadband deployments.

Iowa’s HF 848 (signed into law in April) now requires that state broadband grants go to projects that ensure minimum download and upload speeds of 100 Mbps. Separately, the Legislature allocated \$100 million for broadband in the new fiscal year (HF 867), and Gov. Kim Reynolds has said additional federal dollars will be used as well. Other examples of broadband investments in the Midwest include:

- Michigan’s plan to use \$363 million in federal dollars over the next 10 years, along with a state-funded program that will provide \$14.3 million in grants in 2021.
- The Nebraska Legislature’s passage of LB 388, which allocates \$20 million a year in matching grants.
- South Dakota’s \$100 million investment to expand high-speed broadband to rural areas. SB 34, signed into law in March, allocates \$75 million in state general fund dollars along with \$25 million from the CARES Act.
- A total of \$100 million from SaskTel — the Canadian crown-owned telecommunications firm — for an initiative to bring fiber optic broadband to Saskatchewan’s rural communities.
- An agreement in Minnesota (SF 9) to spend \$70 million in federal funds on broadband development.
- A 10-year plan in Kansas to provide \$85 million in broadband grants.
- Ohio’s enactment in May of HB 2, which creates the Residential Broadband Expansion Grant Program with an initial funding commitment of \$20 million.

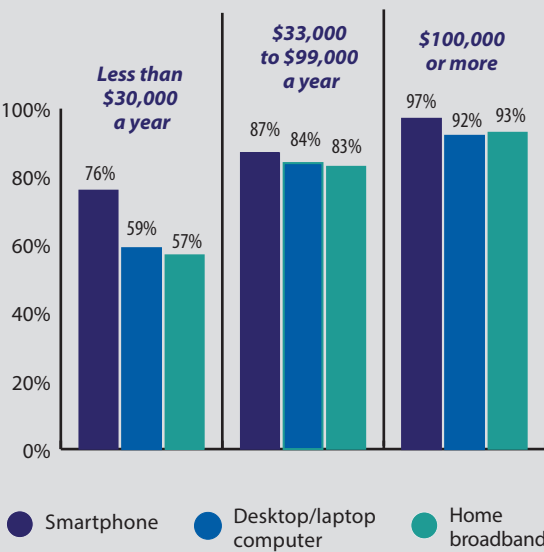
Typically, states do not have a dedicated revenue source for financing broadband projects; investments instead come from their general funds. Illinois, though, included broadband in its \$45 billion capital construction plan. Rebuild Illinois became law in 2019 and includes \$400 million for broadband grants. Funding comes from a raise in the motor fuel tax, increases in other transportation-related fees and an expansion of gambling (SB 690 and SB 1939).

ESTIMATED % OF HOUSEHOLDS WITHOUT AN INTERNET SUBSCRIPTION (2019)



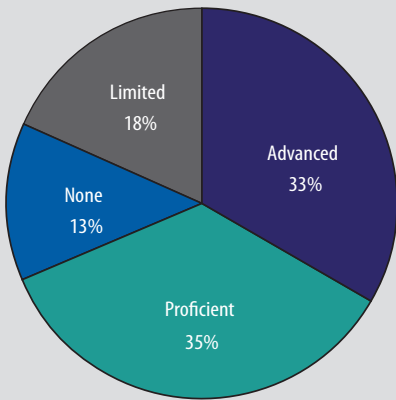
Source: U.S. Census Bureau, American Community Survey

% OF U.S. ADULTS WHO SAY THEY HAVE A SMARTPHONE, DESKTOP/LAPTOP COMPUTER AND HOME BROADBAND, BY HOUSEHOLD INCOME



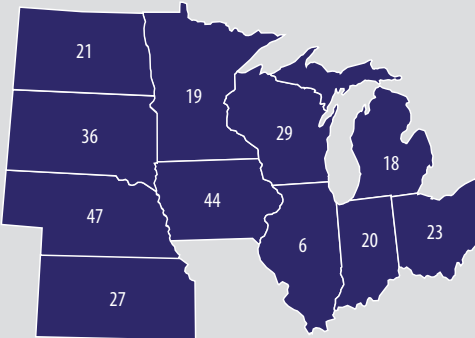
Source: Pew Research Center

LEVEL OF DIGITAL SKILLS AMONG U.S. WORKFORCE



Source: National Skills Coalition

U.S. STATE RANKINGS ON INTERNET COVERAGE, PRICES AND SPEEDS (2020)



Source: BroadbandNow





# MICHIGAN, OHIO AND WISCONSIN HAVE NEW POLICY IDEAS TO CONTROL RISE IN DRUG COSTS

» CONTINUED FROM PAGE 1

countries, while brand-name drug prices averaged 3.44 times higher.

In a July 2020 presentation to the Ohio Prescription Drug Transparency and Affordability Council, the drug manufacturers’ industry group PhRMA noted that prescription drug prices have actually been stable since 2010, and that 46 percent of spending on brand-name drugs goes to entities other than the manufacturer.

In that presentation, Kipp Snider, PhRMA’s national vice president for state policy, said most insured patients’ out-of-pocket spending is based on a drug’s full list price (the price set by a manufacturer) and that negotiated savings should be shared with patients.

PhRMA supports state policies to pass these rebates directly on to patients at pharmacy counters, allowing patients to apply manufacturer coupons toward their deductibles, and having medications covered from the first day of insurance coverage, Snider said.

### ‘UNSUSTAINABLE TRACK’

So, what can states do to address concerns about rising prices?

This question was central to the work of task forces in at least three Midwestern states: Michigan’s and Wisconsin’s panels were created by pre-pandemic executive orders, Ohio’s was legislated as part of the state’s FY 2021 operating budget (HB 166).

“To solve the problem, you have to see the problem. Transparency is the biggest issue facing our health care system,” says Ohio Rep. Thomas West, co-sponsor with Rep. P. Scott Lipps of HB 336.

That bill would further regulate PBMs and require that cancer patients be given prescriptions for oncological drugs within 72 hours. Transparency throughout the prescription drug supply chain is also important to find savings after manufacturers

set their list prices, says the October 2020 final report from the Wisconsin Governor’s Task Force on Reducing Prescription Drug Prices.

“Detailed and often opaque agreements between entities throughout the supply chain” make finding savings difficult, a situation unlikely to change “until greater transparency is infused throughout [the chain],” the report says

While these state task forces drew similar conclusions on the need for more supply-chain transparency, as well as varying degrees of new PBM regulation, each panel’s recommendations have — so far — met different fates.

Michigan’s Prescription Drug Task Force also suggested co-pay caps on insulin and other drugs, the use of international reference rate pricing, and setting price controls and rebates for consumer cost-sharing.

As part of its work, the group reviewed relevant bills proposed during the Michigan Legislature’s 2020 session, none of which

advanced. Some were revived this year as part of a 15-bill package (HBs 4345-4359) approved in March by the House.

Among those bills are co-pay caps of no more than \$50 for a 30-day supply of insulin (HB 4346) and pricing transparency requirements for manufacturers (HB 4347), hospitals (HB 4349) and pharmacies (HB 4352).

The idea of focusing on transparency, or “enlightening the murky middle” of the pharmaceutical distribution chain, is to understand how prices change on the path from manufacturer to end user, says Michigan Rep. Bronna Kahle, vice chair of the CSG Midwestern Legislative Conference’s Health & Human Services Committee.

That benefits patients and others at different points of the chain, she says.

HB 4353, which Kahle sponsored, would allow patients to apply the value of manufacturer’s coupons toward their deductible and out-of-pocket maximum.

“We have to do something,” Kahle says. “Something has to happen here because [prescription drug pricing is] arguably on an unsustainable track.”

In his proposed 2021-23 budget, Wisconsin Gov. Tony Evers incorporated 20 of 27 suggestions made by his Task Force on Reducing Prescription Drug Prices, including an insulin co-pay cap, required reporting of drug price increases by different actors in the supply chain to identify where savings can be found, and drug importation from Canada.

All 20 proposals were struck from the budget by the Legislature’s Joint Committee on Finance. But Task Force Chair Nathan Houdek, Wisconsin’s deputy commissioner of insurance, says some of them may return as stand-alone legislation.

In its 2020 report, Ohio’s Prescription Drug Transparency and Affordability Council suggested legislators consider:

- establishing a single drug purchasing plan for all public (not just state) employees and a single, statewide formulary (list of covered drugs) for all state entities;
- requiring more clarity and



Michigan Rep. Bronna Kahle

accountability in PBM contracts;

- ensuring health equity is a consideration when developing prescription drug policies; and
- seeking “additional ways to benefit consumers,” such as applying manufacturer coupons to deductibles, covering drugs without deductibles in high-deductible health plans, and applying rebates to patients at the point of sale.

Another recommendation: consider whether a New Jersey-style “reverse auction” for PBM services could work in Ohio.

A 2016 New Jersey law (S 2749) authorized reverse auctions for PBM services in which bidders must agree to offer the same contract terms and compete only on price, with the least expensive offer winning.

New Jersey officials estimate the process will save \$2.5 billion from 2017 through 2022.

### REGULATING ‘MIDDLEMEN’

In Wisconsin, one measure that did advance to become law was SB 3, which requires pharmacy benefit managers to be licensed by the Office of the Commissioner of Insurance and to provide annual reports on rebates received from manufacturers but not passed on to health plan sponsors.

With the signing of this law, Wisconsin became the latest Midwestern state to license and regulate PBMs (Indiana and Minnesota also require them to be licensed).

Ideally, a pharmacy benefit manager leverages the aggregate purchasing power of health insurance policyholders by negotiating price discounts with pharmacies or prescription home-delivery services, as well as securing rebates from pharmaceutical manufacturers.

To many, however, PBMs have become pricey middlemen cutting secret deals and prohibiting insurance companies and pharmacies from discussing costs and/or reimbursements with patients.

In recent years, Illinois, Indiana, Iowa and Minnesota have passed laws requiring PBMs to share information transparency on pricing and rebates with pharmacies and/or administrative organizations.

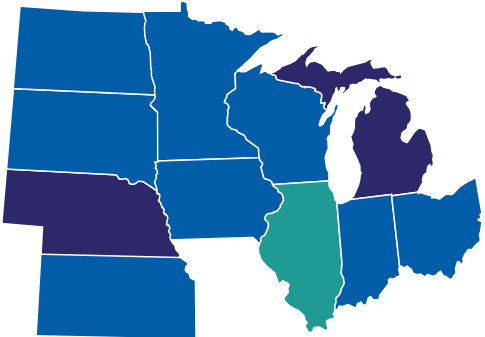
Iowa in 2018 also restricted PBMs from prohibiting pharmacies or pharmacists from discussing cost information with covered individuals, or from selling more-affordable drug alternatives.

South Dakota in 2019 enacted HB 1137, which limits what PBMs can charge and bars them from discriminating against pharmacies participating in certain health plans. It also prohibits PBMs from setting patient co-pays/co-insurance higher than the cost of a prescribed drug.

Houdek says PBM regulation is a piece of a holistic approach to prescription drug prices, “but, in and of itself, isn’t enough to solve the drug price issue.”

He also cautions that time will tell whether PBM regulation will help bend the price curve downward. “An argument could be made

### STATE LAWS ON LICENSURE/REGISTRATION OF PHARMACY BENEFIT MANAGERS IN MIDWEST (AS OF JUNE 2021)



- PBMs must be licensed
- PBMs don't need to be licensed but must be registered
- No licensure or registration required

Sources: National Community Pharmacists Association and CSG Midwest research

that we haven’t had enough time yet to see if it’s having an impact,” he says.

### NEW IDEAS, NEW SOLUTIONS?

A newer policy idea from the National Academy for State Health Policy is international price referencing — looking to cap drug prices at no more than what’s paid in Canada’s four most populous provinces (Alberta, British Columbia, Ontario and Québec).

North Dakota lawmakers considered but didn’t pass SB 2170, which was based on the academy’s model bill for such a program.

It would have annually determined maximum retail prices for the 250 most expensive prescription drugs identified by the state’s public employees’ retirement system by comparing the wholesale acquisition cost to price data from those provinces. Cost savings would have been passed on to consumers.

While unsuccessful, the North Dakota measure shows that interest in international price referencing is “building,” says Maureen Hensley-Quinn, the academy’s senior program director.

“I won’t be surprised to see a bill pass in two to three years,” she says.

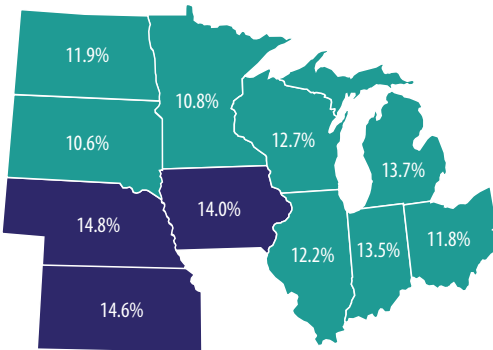
Another academy policy idea is establishing “prescription drug affordability boards,” similar in intent to existing state public utility commissions.

According to the organization’s website, the boards “investigate high-priced drugs and, when necessary, set more-affordable rates for certain drugs for purchasers within a state” and could establish health care provider and hospital payment rates.

In 2019, Maryland became the first state to enact legislation creating such a board. In 2021, nine states — including Minnesota (HF 1032/SF 972) and Wisconsin in the Midwest — are considering doing so. In Wisconsin, however, it was one of the ideas stripped from Gov. Evers’ proposed budget.

“[This was] kind of an odd year because pandemic response dominated a lot of states’ legislative sessions,” Hensley-Quinn says, adding she expects to see more action on prescription drug prices in 2022.

### PRESCRIPTION DRUGS AND OTHER MEDICAL NON-DURABLES AS % OF HEALTH CARE EXPENDITURES (2014)\*



- Share was higher than the national rate of 13.8%
- Share was lower than the national rate of 13.8%

Source: Kaiser Family Foundation





# PROFILE: OHIO SPEAKER OF THE HOUSE ROBERT CUPP

For decades — as a prosecutor, Supreme Court justice and lawmaker — Ohio native has served his state; he’s putting those experiences to use as a top legislative leader

by Laura Tomaka ([ltomaka@csg.org](mailto:ltomaka@csg.org))

Growing up on a farm in rural northwestern Ohio, Robert Cupp’s family wasn’t particularly involved in politics. But they did talk about it, and those dinner conversations about the news and issues of the day always intrigued Cupp.

An eighth-grade teacher took notice of Cupp’s interest and, with a simple question, planted the seed for what would grow into a lifetime of public service — across different levels and all three branches of Ohio government.

“Have you considered making government and politics a career?” the teacher asked.

Until that very moment, Cupp had not. “I didn’t know a farm kid could make a career of that sort of thing,” he says.

With the seed planted, he pursued degrees in political science and the law, and then began his extraordinary public life.

Municipal prosecutor.  
County commissioner.  
Sixteen years as a state senator.  
Legal counsel for the state auditor.  
Member of the Ohio Supreme Court.  
And now, speaker of the Ohio House.

“Each has its own attractions and challenges,” Cupp says of his experience in those varied positions. “They’ve all been fascinating learning experiences and an opportunity to accomplish things for the common good.”

Most of his time in government has been spent in the legislature, and Cupp learned early on the difference that people in this position could make.

“Work at the local level is limited to what the legislature authorizes,” Cupp says, recalling his time as county commissioner, “and I thought there could be a better way to do things.”

Among his most valued legislative accomplishments: a reform of Ohio’s workers’ compensation system, enhanced rights for crime victims, and greater accountability in K-12 school funding.

In an interview with CSG Midwest earlier this year, Speaker Cupp reflected on his career, and talked about his legislative priorities and leadership style. Here are excerpts.

Q After serving in the Senate for 16 years, you were elected to the state Supreme Court, and then returned to the legislature in 2015. How have you used that experience as a justice?

A One of the things that I found was that many things in statute are more ambiguous than they should be, and [that] raises disputes. So now



## BIO-SKETCH: OHIO SPEAKER ROBERT CUPP

- ✓ elected speaker in 2020; first elected to the Ohio House in 2014 and served in Ohio Senate from 1985-2000, including as president pro tempore for four years
- ✓ elected to Ohio Supreme Court in 2006; served as justice through 2012
- ✓ serves as co-chair of CSG’s Midwestern Legislative Conference (MLC) Midwest-Canada Relations Committee and is a member of the MLC Executive Committee
- ✓ lives in Lima, Ohio, with his wife, Libby, a retired educator; they have two sons and three grandchildren and are joint recipients of the Founder’s Award from the Ohio Center for Law-Related Education

“I believe in a collaborative style and empowering members to work on the policy that they’re interested in. ... That produces the best legislative proposals and law.”

back in the legislature, one of my goals is to try to make sure that statutory language is as clear as possible so that, one, there will be fewer disputes; and two, if there are disputes, the court will have a better guideline as to the intent of the legislature.

Every appellate court should have a former legislator to help inform judicial colleagues about how the legislature works. We need understanding of statutory interpretation; conversely, I think it’s helpful for every legislature to have a former judge to help legislative colleagues understand how courts interpret and apply the law, and what the limitations are when they do that.

Q How would you describe your leadership style?

A I believe in a collaborative style and empowering members to work on the policy they’re interested in. When we assigned members to committees, we did it based on the request that members had as to their interest, as well as their knowledge and experience. I believe [this approach] produces the best legislative proposals and law. I also like to empower the committee chairs to make decisions about all but the most controversial pieces of legislation, so they have an opportunity to work with their vice chairs and do what they believe will produce the best legislation.

Q What are some of the biggest challenges that you and your legislative colleagues are dealing with now?

A Clearly the impact of the COVID-19 pandemic is front

and center, and it colors about everything we do. We have families and businesses that continue to struggle. Many students in our schools are experiencing a significant learning delay, and we will have to determine a way to measure that for each student and how to remediate it.

We have to be mindful [in budget planning] about what future costs might be, as well as what anticipated revenue might be impacted.

We also want to continue developing and preparing a well-trained and capable workforce. Many people were laid off, and on the other hand, employers are having difficulty hiring the workers they need.

And, of course, we’ve all learned that in the pandemic and when schools went to remote learning that broadband internet is so very uneven. Parts of Ohio have little or no access to it, and so broadband expansion is a very significant effort that we want to make progress on.

Q You also recently helped lead a three-year bipartisan study of a perennially difficult issue in Ohio — the funding formula for K-12 schools. How did you try to tackle that issue?

A We decided we would do our best to see if we could enlist the help of school superintendents and treasurers and school finance experts to develop a better framework. ... Any legislator who has worked on school funding knows that it’s complicated and has lots of twists and turns that make it a challenge to do fairly and effectively.

Q The three-year study was both collaborative and bipartisan, and it resulted in a new K-12 funding plan that got passed last fall by the House. Is there a chance it could still move in the Senate?

A It’s in the hopper again, and we are hopeful that [HB 1] will be enacted and we’ll finally get a workable school funding formula. ... People across party lines want to see education adequately funded so children can get a quality education that will prepare them for life. The best way to do that is to work together.

Q You’ve been in the Ohio General Assembly in two different eras — before and after term limits. How would you evaluate the impact?

A When many members come in, they don’t have the wide range of knowledge about things that the legislature has to deal with, and they acquire those over time.

About the time they’re really good at knowing the nuances of policy, they are forced out of the legislature, so it’s a continuous learning process and relearning process as members come and go.

The good news is that the legislature is still attracting quality candidates; the downside is that those new members don’t always know or understand or appreciate the legislative traditions that have produced good legislation in the past.



# FIRST PERSON: TEACHING ABOUT THE HOLOCAUST IS HOW WE CAN PREVENT IT FROM HAPPENING AGAIN

Wisconsin lawmaker's haunting visit to Dachau led to bill that is now law



by Wisconsin Sen. Alberta Darling  
([Sen.Darling@legis.wisconsin.gov](mailto:Sen.Darling@legis.wisconsin.gov))

On some trips, you bring back memories and souvenirs. When I visited Germany years ago, I brought back a lot more.

During my visit, I made a trip to the Dachau concentration camp, which is about 10 miles outside of Munich.

Dachau was the Nazis' longest-operating camp and housed more than 200,000 prisoners from March 1933 to April 1945. Thousands of Jewish and other prisoners were murdered there.

I still struggle with that visit. I remember not wanting to make eye contact with other people there. I remember thinking, "How could this happen?"

But the image that still haunts me is a picture at Dachau of a mom with a small child. The baby couldn't have been much more than 5 years old and looked at his mother with the trust any child would have.

It makes me cry to think about the mother having to be strong for her baby and knowing what would happen next. It is heartbreaking. That memory will always be with me.

## IMPETUS FOR LEGISLATION: TRUTH AND KNOWLEDGE ABOUT PAST

A few years ago, I ran into my friend and constituent, Bev Greenberg. She told me about a nationwide movement to guarantee the teaching of the Holocaust in our schools.

What she shared was shocking: Polls showed that two-thirds of American millennials surveyed could not identify Auschwitz. Twenty-two percent of millennials said they hadn't heard of the Holocaust or weren't sure whether they had heard of it — twice the percentage of U.S. adults who said the same. We

can't expect kids to know better if no one is teaching them the truth about what happened during the Holocaust.

While we couldn't get every student in Wisconsin on a plane to see first-hand what I saw in Dachau, I knew we had to do something about this knowledge gap.

I began working on legislation that adds Holocaust education to the model academic standards for social studies. In addition, it guarantees that Wisconsin students learn about the Holocaust at least once during middle school and once during high school. I'm a former teacher, so I know how important repetition is to learning.

As a lawmaker, I had some initial concerns about the potential cost of this new mandate on schools. Those concerns were short-lived.

In Wisconsin, we are blessed to have the amazing Nathan and Esther Pelz Holocaust Education Resource Center in Milwaukee.

It is an incredible resource, and the center agreed to provide the materials, programming and professional development necessary to implement our requirement on Holocaust education at no additional costs to schools.

Over the past few months, the center has built a comprehensive website that includes more than 140 lesson plans (with even more in development) for schools to use free of charge.

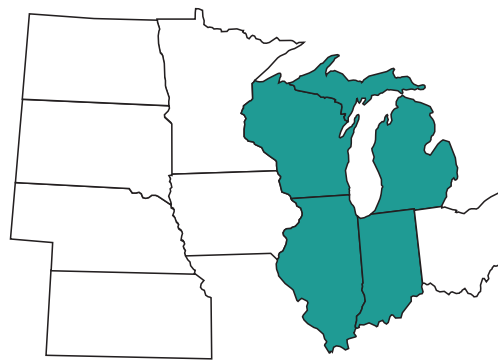
We introduced the bill (2019 SB 744) in January 2020 with bipartisan support and held two packed public hearings. Students, teachers and Holocaust survivors came to Madison to testify.

Some of their stories were incredible.

## COMPELLING TESTIMONY FROM A HOLOCAUST SURVIVOR

My friend Rep. Jon Plumer, author of our companion bill on Holocaust education (AB 816), told the story of how his father served in World War II and helped liberate a concentration camp.

## MIDWESTERN STATES THAT REQUIRE HOLOCAUST EDUCATION AS PART OF SECONDARY SCHOOL CURRICULUM



State requirement in place

Source: United States Holocaust Memorial Museum

Jon's dad never told those stories until they were sharing a beer together and his dad opened up. It was the first time that Rep. Plumer saw his father cry.

One of the most compelling speakers at our legislative hearings was my friend Eva Zaret.

Eva is a Holocaust survivor, and one of the most positive and uplifting people I have ever met. Telling her story is Eva's passion now.

She was just a child when the Nazis took her father away and shot him. (You can learn more about how Eva escaped the Holocaust and the Hungarian Revolution of 1956 at the Holocaust Center of Milwaukee's website: [holocaustcentermilwaukee.org](http://holocaustcentermilwaukee.org).)

Eva is one of the few people who can tell the story of the Holocaust from a first-hand perspective. Unfortunately, there are fewer and fewer Holocaust survivors each year, and that makes this legislation more urgent.

I knew we were running out of time,

but what I didn't know was that soon, everything would stop.

Shortly after the bill received unanimous support in the Wisconsin State Assembly, the COVID-19 pandemic hit, and our legislative session ended early.

I wasn't sure we would get another shot. Thankfully, we did. In February of this year, I introduced the bill (SB 69) again with more than 70 co-sponsors from both sides of the aisle.

Once again, we heard the moving stories of students, teachers and Holocaust survivors. Only this time, they were told and heard virtually.

The impact was the same.

## INSTRUCTION WILL LEAVE A LASTING, POSITIVE IMPACT

Our bill passed unanimously in both houses and was signed into law by Gov. Tony Evers on April 29 at the Milwaukee Jewish Federation.

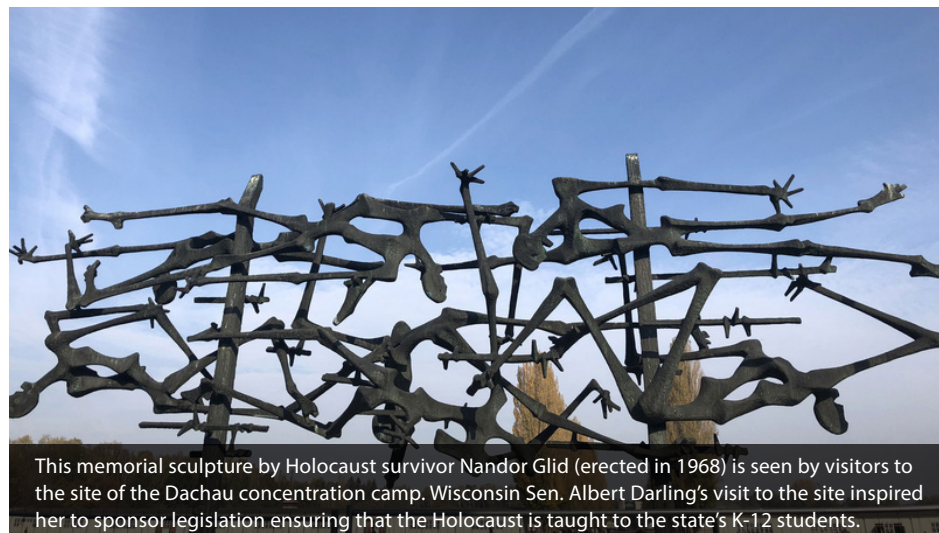
It truly was a group effort to pass this important bill into law. We couldn't have gotten this far without amazing people like Bev Greenberg, Eva Zaret and an unnamed woman and child who paid the ultimate price for their faith.

I'm optimistic that Holocaust education will do more than teach about the past. I believe it will foster empathy and understanding for different people and cultures. We can't let the horrors of the Holocaust be repeated.

Sen. Alberta Darling was first elected to the Wisconsin Assembly in 1990 and has been a member of the state Senate since 1992. Sen. Darling is a 1995 graduate of CSG Midwest's Bowhay Institute for Legislative Leadership Development.

## SUBMISSIONS WELCOME

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwest 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](mailto:tanderson@csg.org).



This memorial sculpture by Holocaust survivor Nandor Glid (erected in 1968) is seen by visitors to the site of the Dachau concentration camp. Wisconsin Sen. Albert Darling's visit to the site inspired her to sponsor legislation ensuring that the Holocaust is taught to the state's K-12 students.



WITH HELP FROM CSG JUSTICE CENTER, KANSAS HAS NEW LAWS TO IMPROVE PUBLIC SAFETY, COMMUNITY SUPERVISION

Kansas Gov. Laura Kelly signed into law in 2021 a package of bipartisan criminal justice bills that aims to increase public safety and improve community supervision.

The policy changes are the result of the Kansas Justice Reinvestment Initiative, which the state embarked on in 2020 with intensive technical assistance from experts at The Council of State Governments Justice Center, as well as support from The Pew Charitable Trusts and the U.S. Department of Justice’s Bureau of Justice Assistance.

The Kansas Criminal Justice Reform Commission — a bipartisan group of stakeholders from across the state’s criminal justice system — worked with CSG Justice Center staff to develop policy options based on a data-driven analysis of the current system and the potential use of

evidence-based practices to improve outcomes. Recommendations were introduced to the Kansas Legislature for actions during the 2021 session. Rep. Stephen Owens is vice chair of the commission and helped lead legislative efforts.



Kansas Rep. Stephen Owens

With this year’s passage of HB 2026, more people charged with drug offenses will be diverted to treatment and supervision.

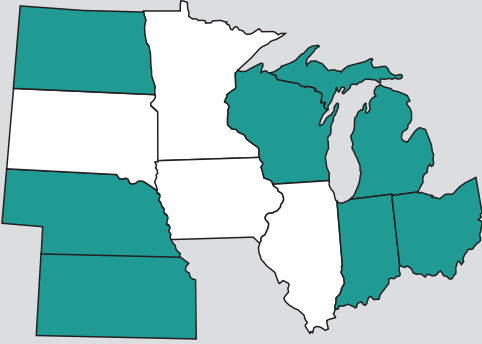
The bill expands Kansas’ existing drug-treatment infrastructure to encourage more prosecutor diversions and to provide certified treatment to more people before they are convicted of crimes. Community supervision will be improved by strengthening evidence-based practices and reducing inefficiencies to focus efforts where they can be most effective.

A second bill, HB 2077, will extend the Kansas Criminal Justice Reform Commission through the end of this year to help oversee implementation of the reforms.

HB 2121 requires the Kansas Department of Corrections to establish standards for parole behavior responses that follow evidence-based practices. This includes the use of incentives for compliant behavior and appropriate interventions for violations. This bill also explicitly defines what it means to abscond from supervision, which directly ties into a non-statutory administrative recommendation to develop an interagency re-engagement unit. This unit will target people who fail to report, are on absconder status, or are at risk of revocation. The goal is to connect these individuals to resources and to successfully re-engage them in supervision.

Through its work in all 50 states, the CSG Justice Center helps develop research-driven strategies to increase public safety and strengthen communities. The goal of its Justice Reinvestment initiative is to reduce corrections and related criminal justice spending, and then reinvest the savings in strategies that can decrease crime and reduce recidivism.

MIDWESTERN STATES THAT HAVE RECEIVED OR ARE RECEIVING TECHNICAL ASSISTANCE FROM THE CSG JUSTICE CENTER



Received/is receiving assistance

BIPARTISAN GROUP OF LEGISLATORS CHOSEN TO LEAD INTERSTATE, BINATIONAL COMMITTEES OF CSG’S MIDWESTERN LEGISLATIVE CONFERENCE

Legislators representing states and provinces from across the Midwest will lead seven binational policy committees through 2022.

The bipartisan, diverse group of co-chairs and vice chairs was chosen by South Dakota Senate Majority Leader Gary Cammack, this year’s chair of the Midwestern Legislative Conference.

All legislators from 11 Midwestern states and four Canadian provinces are members or affiliate members of the MLC. The Midwestern Office of The Council of State Governments provides staff support to the MLC.

The MLC’s interstate, binational committees provide a forum for the exchange of information, ideas and strategies related to key policy issues in the Midwest and its state and provincial governments.

The legislative officers (see pictures below) guide the work of the committee and help plan

sessions of the MLC Annual Meeting. Six of the seven MLC committees have been in place for several years. The Fiscal Affairs Committee is new; it will address issues related to state tax policy, revenue estimating, budget-making procedures and more.

Also new this year is the MLC Forum on Social Justice, which is providing the region’s legislators with an opportunity to address a wide range of racial and social justice issues, including economic equity, systemic racism and discrimination, racial disparities in public health, education and corrections, and more.

Other interstate groups supported by CSG Midwest include the Great Lakes-St. Lawrence Legislative Caucus, the Midwest Interstate Passenger Rail Commission, and the Midwestern Radioactive Materials Transportation Committee.

AGRICULTURE & NATURAL RESOURCES



Minnesota Rep. Paul Anderson, co-chair



Illinois Rep. Norine Hammond, co-chair



Saskatchewan MLA Steven Bonk, co-vice chair



Kansas Sen. Marci Francisco, co-vice chair

FISCAL AFFAIRS\*



Minnesota Rep. Fue Lee, co-chair



Kansas Rep. Troy Waymaster, co-chair

\* No vice chair as of early June

ECONOMIC DEVELOPMENT



Illinois Sen. Linda Holmes, co-chair



Wisconsin Rep. Robert Wittke, co-chair



Indiana Rep. Ethan Manning, vice chair

HEALTH & HUMAN SERVICES



Iowa Rep. Shannon Lundgren, co-chair



Minnesota Rep. Jennifer Schultz, co-chair



Minnesota Rep. Bronna Kahle, vice chair

MIDWEST-CANADA RELATIONS



Ohio House Speaker Robert Cupp, co-chair



Manitoba Minister Kelvin Goertzen, co-chair



Ontario MPP Percy Hatfield, co-vice chair



Michigan Sen. Jim Stamas, co-vice chair

EDUCATION\*



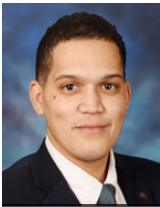
South Dakota Sen. Jim Bolin, co-chair



Ohio Sen. Hearcel Craig, co-chair

\* No vice chair as of early June

CRIMINAL JUSTICE & PUBLIC SAFETY



Illinois Sen. Robert Peters, co-chair



North Dakota Rep. Shannon Roers Jones, co-chair



Nebraska Sen. John McCollister, vice chair

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.



BILLD ALUMNI NOTES:  
NEW LEADERSHIP TEAM  
IN PLACE FOR BILLD  
STEERING COMMITTEE

In May, a new slate of committee officers was appointed to lead the nonpartisan, binational Bowhay Institute for Legislative Leadership Development Steering Committee.

**Iowa Sen. Amy Sinclair** (BILLD class of 2016) will serve as co-chair after having served as co-vice chair for nearly three years. Sinclair was first elected to the Legislature in 2014. She currently serves as majority whip and as chair of the Iowa Senate Education Committee. In addition, she is chair of the joint School Finance Formula Review Committee.



“Developing great legislative leaders is essential to having effective and responsive state legislatures,” Sinclair says.

“The Bowhay Institute is the premier training program that targets up-and-coming elected officials to fill those roles in the future, and I’m pleased and honored to have been chosen to partner with my colleagues from across the Midwest to ensure the ongoing success of the fellowship.”

The other new co-chair is **Illinois Rep. Anna Moeller** (BILLD class of 2017), who has been a member of the BILLD Steering Committee since 2018. Now in her eighth year in the Illinois House of Representatives, Moeller is chair of the Human Services Committee and vice chair of the Human Services Appropriations Committee.



“I’m excited to be part of the BILLD leadership team,” Moeller says. “It is an honor to support this premier fellowship program and strengthen its mission to give legislators the opportunities to share ideas, enhance their skills and training to better serve their states.”

**Michigan Rep. Ann Bollin** (BILLD class of 2019) has been named co-vice chair of the Steering Committee, along with **Kansas Rep. Jarrod Ousley** (BILLD class of 2018).

Bollin was first elected to the Michigan House of Representatives in 2018 and currently serves as chair of the House Elections and Ethics Committee and as vice chair of the General Government Appropriations Subcommittee.



“I have come to appreciate my time at BILLD more as time passes,” Bollin says. “I look forward to working with the committee to help develop tomorrow’s state leaders.”

Ousley was first elected to the Kansas House in 2014 and currently serves as the ranking minority member of the Children and Seniors Committee, a position he has held since 2017.

“I am honored and excited to continue to be able to support statesmanship and opportunities for growth for legislators with BILLD,” Ousley says. “The relationships built through this program, and the skills gained, benefit our constituents and communities every day.”



Please submit Alumni News to Laura Tomaka, CSG Midwest program manager for BILLD. She can be reached at [ltomaka@csg.org](mailto:ltomaka@csg.org).

PARTNERING WITH YOUR BRAIN: HOW TO FUNCTION  
AT A HIGH LEVEL AND AVOID COGNITIVE OVERLOAD

During the height of the pandemic, you likely noticed that requests to “just show up and say a few words” at the state fair, Kiwanis club meeting or the July 4 parade faded. You hadn’t seen that much white space on your calendar since your first run for office. You may have even welcomed some extended recess time to work on policy. After all, it was temporary. Things would go back to normal.

Instead, life as you knew it became unpredictable. Even how you secured your food and interacted with others left familiarity behind.

Your constituents turned to you for ballast on the state’s ship navigating uncharted territory. What time you would allot for making policy now competed for primacy with constituent requests for assistance with unemployment issues, clarification on the Paycheck Protection Program, devastating business closures and monumental school issues.

The word “shutdown” did not apply to you. It was business as usual on steroids.

Our brains prefer a state of homeostasis, but they have been functioning in a state of chaos for months.

As we begin a “return to normal,” is there a way for you and your brain to recover? “Follow the science” has become a modern-day mantra, but in this case, brain science offers insight and possible quick fixes to make the adjustments you must make as a legislator.

As you read this article, you are using your working brain. It is limited in capacity. It can take in three to seven novel ideas at a time, and it starts putting the information into schemas or what it knows so that it can store it into the indefinite long-term memory for your use.

Cognitive load theory proposes that if our working brain gets overloaded with too many novel pieces of information in a short time, it reduces the important transfer from working brain to long-term memory. You were on overload and so were those you serve. Although these suggestions might seem simple, your brain will appreciate the understanding of its function, likes and dislikes, and your attempt to create a better partnership.

These tips will help you create a game plan to regulate cognitive load (manageable by your brain) and reduce cognitive overload (unproductive and stressful states for your brain).

1 CREATE CALMNESS TO GIVE  
YOUR BRAIN A BREAK

The working brain needs a recess. Providing deliberate calm is like pressing a reset button:

- Baroque music has been proven to quiet the brain, as reported in the *Journal of the Acoustical Society of America*, because it has 60 to 80 beats per minute and has no words to distract. Try the app *Brain.fm*.
- Pet your pets. Research from the Cleveland Clinic indicates decreases in stress hormone levels and increases in “happy hormone” levels by giving some loving attention to Fluffy and Mitten.

2 ESTABLISH ROUTINES TO HELP  
YOUR BRAIN FUNCTION

The working brain can multi-task if priorities

Guest Author: Pam Vaccaro

Pam Vaccaro is a nationally recognized expert in the field of time and priority management and is the founder and president of Designs on Time. She has trained hundreds of Midwestern legislators as a member of the BILLD faculty since 1997.



If our working brain gets overloaded with too many novel pieces of information in a short time, it reduces the important transfer from working brain to long-term memory.

don’t compete. The brain calls on familiar patterns that require less working brain and more long-term memory. This auto-pilot state creates the predictability it likes. Consider the following:

- Establish morning and evening-hour routines.
- Novelty is always welcome, but Maria Popova’s classic “Brain Pickings” makes a strong case for the advantages of routines.

3 REDUCE CHOICES, ASK  
QUESTIONS

Both American psychologist Barry Schwartz and astrophysicist Neil deGrasse Tyson make strong cases that fewer choices increase the working brain’s ability to function at maximum productivity.

- When constituents ask for your assistance, say: “Here are two things you can do right now.” Legislators know a lot more than needs to be said. Remember your constituents are in working brain when communicating with them.
- Ask as many questions as you can to pinpoint what colleagues or constituents are saying to you. This reduces the number of essential pieces of information your working brain needs to process in order to reach that “aha moment” necessary for completion of a task or course of action.

4 FOCUS ON MEANING; CREATE  
RITUALS

Scientists watch our brains light up, literally, when a person experiences a meaningful connection.

Where routine creates predictability, rituals create connectivity with meaning.

I’ve interviewed hundreds of legislators over 20-plus years, and as they tell me the difficulty of getting so much done (well before 2020), I ask them: “So what makes you choose to do public service as a legislator? You seem to love it.”

The answer is consistent, and from the brain and heart: “I want to make a difference.”

BILLD Steering Committee Officers | Co-Chairs: Illinois Rep. Anna Moeller and Iowa Sen. Amy Sinclair | Co-Vice Chairs: Michigan Rep. Ann Bollin and Kansas Rep. Jarrod Ousley

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](http://csgmidwest.org) to find dates of upcoming webinars and view recordings of past webinars on public policy, professional development and leadership training.



### CSG: Virtual Sessions

Visit [csg.org](http://csg.org) to find dates of upcoming sessions covering various topics on public policy and legislating.



### Great Lakes-St. Lawrence Legislative Caucus Annual Meeting

September 24-25, 2021 | Québec City, QC  
Contact: Mike McCabe ~ [mmccabe@csg.org](mailto:mmccabe@csg.org)  
630.925.1922 | [greatlakeslegislators.org](http://greatlakeslegislators.org)



### Bowhay Institute for Legislative Leadership Development

October 1-5, 2021 | Minneapolis, Minnesota  
Contact: Laura Tomaka ~ [ltomaka@csg.org](mailto:ltomaka@csg.org)  
630.925.1922 | [csgmidwest.org](http://csgmidwest.org)



### Midwest Interstate Passenger Rail Commission Meeting

October 13-15, 2021 | Detroit, Michigan  
Contact: Laura Kliewer ~ [lkliewer@csg.org](mailto:lkliewer@csg.org)  
630.925.1922 | [csgmidwest.org](http://csgmidwest.org)



### CSG National Conference

December 1-4, 2021 | Santa Fe, New Mexico  
Contact: [membership@csg.org](mailto:membership@csg.org)  
630.859.244.8000 | [web.csg.org](http://web.csg.org)



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