

STATELINE MIDWEST



MIDWEST

SEPTEMBER 2021 | VOLUME 30, NO. 8
THE COUNCIL OF STATE GOVERNMENTS | MIDWESTERN OFFICE

BIG FUNDING BOOST FOR SCHOOLS

With state finances strong, Michigan closes 'equity gap' and Ohio enacts new aid formula; challenges for states remain in adequately funding supports for at-risk students

by Tim Anderson (tanderson@csg.org)

For many years, Michigan legislators have been chipping away at a persistent disparity in how the state's schools are funded. It is known as the "equity gap": higher-wealth districts with greater amounts of per-pupil spending than those of their lower-wealth counterparts. Though in part the legacy of an old system largely reliant on local property taxes, the gap continued long after enactment of a new funding model (added to the state Constitution in 1994) that had the state take over the funding of school operations.

This year, with Michigan's fiscal health strong, a bipartisan budget agreement was reached to spend \$723 million to finally close that gap, with a disproportionate share of new state dollars going to lower-funded, lower-wealth districts. All districts will now receive \$8,700

per-pupil — a milestone that both Democratic Gov. Gretchen Whitmer and the Republican-led Legislature hailed as "historic."

"It's been a priority of mine since I got in the Legislature," says Sen. Wayne Schmidt, a state legislator since 2009 who represents a part of Michigan with some of those traditionally lower-funded schools.

"It's going to make a big difference. Yes, the problem was acute in northern Michigan and the Upper Peninsula, but you also see the gap across the state, including Detroit Public Schools. Closing it means we have more money to attract and retain quality teachers, and to make improvements in the technology of our classrooms."

A year ago, few would have predicted that Michigan would be in a strong enough fiscal position to close that gap as early as 2021. Amid a collapsing state and national economy at the onset of the COVID-19 pandemic, Schmidt says, the talk had been of potential cuts in school funding.

"As quickly as some of our revenues were drying up, we saw some rebounds later on that were beyond our beliefs," he says.

Michael Griffith, a senior researcher and policy analyst for the Learning Policy Institute, says it's been a roller-coaster period across the country for school funding and related state policies.

First, there were big fears about the pandemic's impact on school finances, but what followed was an economic recovery and an unprecedented federal relief package. The American Rescue Plan Act alone sets aside \$123 billion for states and school districts to spend on education between now and 2026. (Michigan is using own-state funding to close the equity gap.)

"Coming up with plans and recommendations on how to spend their share has been so overwhelming that it's taken up everyone's time [on school funding]," Griffith says. "Just now, in the last couple of months, states have had some breathing space to start thinking about some of the areas they were thinking about prior to the pandemic."

'FAIR FUNDING' IN OHIO

One state that seemingly got a head start is Ohio.



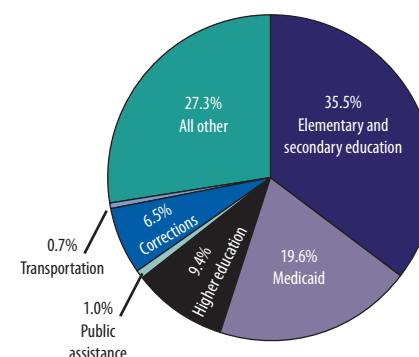
Michigan Sen. Wayne Schmidt

REVENUE SOURCES FOR K-12 SCHOOLS IN MIDWEST (2019)

State	Federal	State	Local
Illinois	6.3%	40.7%	53.1%
Indiana	7.4%	61.9%	30.8%
Iowa	6.9%	52.8%	40.3%
Kansas	8.4%	64.2%	27.4%
Michigan	8.0%	57.7%	34.3%
Minnesota	5.1%	64.3%	30.6%
Nebraska	7.1%	32.3%	60.6%
North Dakota	10.5%	54.7%	34.8%
Ohio	6.9%	39.9%	53.8%
South Dakota	13.7%	34.1%	52.3%
Wisconsin	6.6%	55.1%	38.3%

Source: CSG Midwest calculations using U.S. Census Bureau data

STATE GENERAL-FUND SPENDING IN FY 2020



Source: National Association of State Budget Officers, "State Expenditure Report"



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CRIMINAL JUSTICE & PUBLIC SAFETY

Iowa adds statutory language that aims to retain qualified-immunity protections for police officers

by Derek Cantù (dcantu@csg.org)

A provision in Iowa’s so-called “Back the Blue Act” cements in state statute liability protections known as “qualified immunity” for government officials and law enforcement. Although certain government actors already enjoy legal protections, the new law supplements what was previously just judicial doctrine.

This year’s passage of SF 342 in Iowa reflects increased legislative activity around the country on qualified immunity, a type of liability protection that dates back decades and has more recently become the focus of various police-reform measures — in state capitols and Washington, D.C.

The recent changes in Iowa stand out, though, because they seek to fortify legal protections for police officers. In contrast, legislatures in Colorado, Connecticut and New Mexico have passed measures limiting the ability for law enforcement to seek qualified-immunity protections.

During legislative discussions on SF 342, Iowa Rep. Jon Thorup spoke of the difficult decision-making that officers encounter on a regular basis.

“Attorneys and judges have hours; management has hours, weeks, months to decide if what [police officers] did was right or wrong,” Thorup, an Iowa state trooper himself, said. “We only have a few seconds.”

SF 342 spells out when employees of

the state “shall not be liable for monetary damages”: if the right, privilege or immunity alleged to have been deprived “was not clearly established [in law] at the time” or if it was “not sufficiently clear that every reasonable employee would have understood that the conduct [being] alleged constituted a violation of the law.”

Three years ago, in *Baldwin v. City of Estherville*, the Iowa Supreme Court settled on a “due care” standard (based on an existing statute on state tort claims). “To be entitled to qualified immunity,” the justices wrote, “a defendant must plead and prove as an affirmative defense that he or she exercised all due care to comply with law.”

Iowa Rep. Christina Bohannon argued in favor of this criterion, rather than the language in SF 342. “[Due care] is a better standard because it does provide immunity, but it bases that immunity on the reasonableness of the officer’s conduct,” she said.

SF 342, though, follows the direction that qualified immunity has taken as the result of a series of U.S. Supreme Court decisions: this liability protection applies except in instances where “clearly established” rights or laws have been violated, and where such violations would be clear to “every reasonable employee.”

Writing for the majority in the *Baldwin* case, Iowa Supreme Court Justice Edward Mansfield argued that this approach by the federal judiciary “gives undue weight to one factor: how clear the underlying

constitutional law was.”

Some lawmakers have suggested that because SF 342 has language on qualified immunity that conflicts with the Iowa Supreme Court’s due care requirement, it could be deemed unconstitutional.

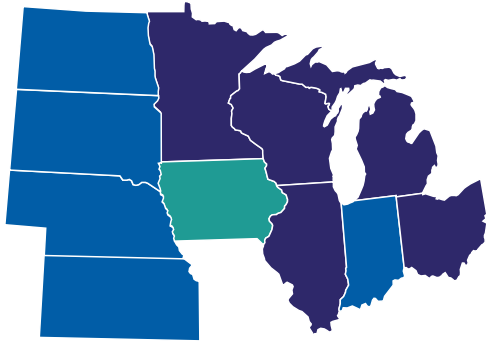
“It’s not as if we’re dusting off a decision from 40 or 50 years ago to find out if it’s still relevant,” Iowa Sen. Nate Boulton says. “Passing a questionably constitutional statute does not help us have the best training and education for officers on the streets; it only adds more questions, less clarity and frankly makes the job of a police officer more dangerous.”

Dave Roland of the nonprofit Freedom Center of Missouri notes that while “states have no authority over federal law or how [it] is interpreted or applied, they can pass their own versions of civil rights acts that allow citizens, pursuant to state law, to pursue constitutional claims against officials.”

Last year, Colorado became the first U.S. state to act on this authority. SB 217 allows individuals to initiate civil actions against an officer for violating their rights under the state Constitution. The law also specifies that qualified immunity is not a defense to these civil actions.

Meanwhile, certain federal court systems have begun to push back on excusing liability. This year, in two separate cases,

STATE ACTIVITY ON QUALIFIED IMMUNITY (AS OF AUGUST 2021)



- Legislation introduced (not passed) to limit use of qualified immunity as it applies to police officers
- Legislation introduced and signed into law to fortify qualified immunity for police officers
- No legislation found

Source: CSG Midwest research

the 8th Circuit Court of Appeals — which encompasses multiple Midwestern states, including Iowa — ruled in part against officers’ requests for qualified-immunity recognition.

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. Derek Cantù is CSG Midwest’s staff liaison to the committee.

FISCAL AFFAIRS

With revenue growth strong, Iowa, Nebraska, Ohio and Wisconsin legislatures cut income taxes in 2021

by Tim Anderson (tanderson@csg.org)

States’ unexpectedly strong revenue growth since the COVID-19 pandemic allowed for a policy trend that few fiscal analysts would have predicted at the start of this year — cuts in individual and corporate income taxes.

“In a lot of states, some of those plans may have been in the works for a while, but that growth provided the opportunity to get them done,” says Katherine Loughhead, senior policy analyst for the Tax Foundation.

As of July, four of the 11 U.S. states to enact these tax cuts in 2021 were in the Midwest: Iowa, Ohio and Wisconsin (reductions in the individual income tax) and Nebraska (corporate income tax).

Loughhead co-authored a July study on these changes, and one commonality among all 11 states was a jump in general fund revenues between fiscal years 2019 and 2021: increases of 9 percent in Wisconsin, 13 percent in Iowa and Ohio, and 23 percent in Nebraska.

Three years ago, Iowa legislators passed a measure tying future tax cuts to specific revenue targets. As of March, growth was slightly below target, but this year’s SF 619 removed those triggers.

As a result, starting in 2023, the number of tax brackets in Iowa will fall from nine to four and the top marginal

rate from 8.53 percent to 6.5 percent. For tax year 2021, Iowa’s top rate applies to incomes of \$75,420 or more.

Ohio also is consolidating tax brackets, and reducing rates in the ones that remain. At the higher end, the top marginal rate is being dropped from 4.797 percent to 3.99 percent; in tax year 2020, this rate applied to incomes of more than \$221,200.

In addition, income in Ohio will now begin to be taxed at \$25,000, rather than \$22,150. According to Gov. Mike DeWine, this change in HB 110 means that 125,000 lower-wage earners will pay no state income tax at all.

Wisconsin’s top marginal rate of 7.65 percent will stay the same, and its four tax brackets remain in place. Its new cuts (AB 68) are targeted for incomes between \$24,250 and \$266,930 for single filers and between \$32,330 and \$355,910 for joint filers. The rate for these income levels is falling from 6.27 percent to 5.3 percent.

Over the next two years, individual income tax collections will fall by \$2 billion due to the changes, according to a Wisconsin Legislative Fiscal Bureau analysis.

Nebraska’s tax rates on individual income were left untouched this year, but the state’s top corporate rate (for incomes of \$100,000 or more) is being reduced from 7.81 percent to 7.25 percent by 2023. LB 432 also includes

language expressing “the intent of the Legislature” to drop the rate even further in 2024 and 2025.

According to Loughhead, many of the changes were made possible by the influx of federal stimulus dollars, which helped to stabilize states’ income and sales tax revenues.

Consumers continued to spend during the pandemic, and tended to do so more on items that most states tax (goods) vs. not tax (services).

Still, she warns that today’s uncertain economic conditions merit caution: “You want to make sure future tax cuts are sustainable.”

Options for states wanting to make such reductions include providing for

INDIVIDUAL INCOME TAX STRUCTURES (AS OF JANUARY 2021)

State	# of brackets	Top marginal rate	Highest income bracket
Illinois	1	Flat rate: 4.95%	N/A (flat rate)
Indiana	1	Flat rate: 3.23%	N/A (flat rate)
Iowa	9	8.53%	Over \$75,420
Kansas	3	5.70%	Over \$30,000 (single filers)
Michigan	1	Flat rate: 4.25%	N/A (flat rate)
Minnesota	4	9.85%	Over \$166,040 (single filers)
Nebraska	4	6.84%	Over \$32,210 (single filers)
North Dakota	5	2.90%	\$445,000
Ohio	6*	4.797%	\$221,300
South Dakota	No tax	N/A	N/A
Wisconsin	4	7.65%	Over \$266,930 (single filers)

Source: Federation of Tax Administrators

phase-in periods or creating triggers such as Iowa’s 2018 law.

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

AGRICULTURE & NATURAL RESOURCES

In Nebraska, new law allows meat consumers to own 'herd shares,' and producers to make direct sales

by Carolyn Orr (carolyn@strawridgefarm.us)

When it first hit, the COVID-19 pandemic turned much of the Midwest's meat processing industry upside down.

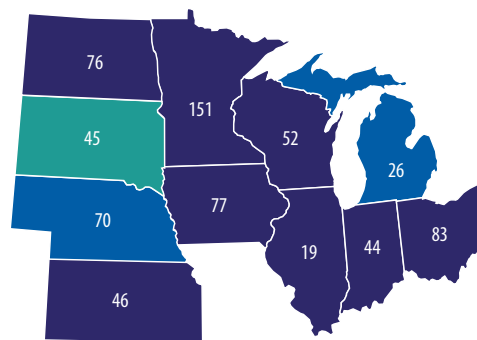
And though normalcy has largely returned to this sector, some changes appear to be more permanent: greater consumer demand for locally grown and processed meat, and new economic opportunities for smaller-scale producers and processing facilities.

For states, the most common response has been to establish grant programs (often with the help of federal dollars) for smaller processing plants to increase capacity and modernize operations.

Nebraska included this approach in LB 324, a measure passed earlier this year without a single "no" vote. But the new state law also includes a more novel approach to help the state's livestock producers — allow their consumers to have a form of ownership, through what Nebraska Sen. Tom Brandt refers to as a "herd share agreement."

"[It] expands the definition of ownership to allow livestock producers to offer home-raised meat that is processed at custom-exempt plants," says Brandt, who has a background in commercial meat processing and livestock production.

STATE INSPECTION PROGRAMS FOR LIVESTOCK SLAUGHTER PLANTS IN MIDWEST; ESTIMATED # OF CUSTOM-EXEMPT PLANTS IN OPERATION*



- State operates inspection program for meat, poultry
- State operates inspection program for meat only
- State does not have inspection program; only options for processors are federal inspections and custom-exempt

* Meat processing facilities fall under one of four inspection regimes:

- 1) inspected by the U.S. Department of Agriculture Food Safety Inspection Service;
- 2) the Cooperative Interstate Shipping Program, a joint venture between the USDA and state meat inspection programs allowing qualified facilities to ship across state lines;
- 3) state-run inspections in which the meat can only be sold within the state's borders; and
- 4) custom-exempt facilities that are only inspected periodically (the meat is not labeled for sale and only the owner of the meat can consume it).

Sources: U.S. Department of Agriculture and CSG Midwest

He sponsored LB 324, which took effect in August.

Under a herd share agreement, a consumer is able to buy a steak or hamburger from the farmer by purchasing a share of the live animal

before it is processed at a custom-exempt plant.

This change in state law provides a workaround of a federal requirement that the meat from custom-exempt plants be consumed only by the owner of the animal. (These plants are only reviewed periodically by federal inspectors.)

To participate in a herd share agreement, a producer must provide the share owner with a description of livestock health and processing standards, as well as maintain a record of each animal share sold.

"LB 324 established a set of guidelines to ensure compliance with state and federal law and documentation to prove ownership and to address food safety concerns," Brandt says. The producer must reside in Nebraska and register with, and report sales to, the state Department of Agriculture.

Nebraska is one of two states in the Midwest (Michigan is the other) without a state-run meat inspection program. As a result, only one of two kinds of meat processing plants operate in Nebraska: those that are federally inspected or custom-exempt.

According to the Center for Rural Affairs, some smaller-scale operations prefer state-run programs, noting federal inspectors are more accustomed to working with larger plants. (For instance, facilities are expected to construct a designated

office and have a shower available for the inspector.)

"State inspections ... help decrease the burden of opening or maintaining a small locker or processing facility," the center says.

Cost concerns ended Nebraska's state-run inspection program decades ago, and Brandt says that remains an obstacle to re-establishing one. While the U.S. Department of Agriculture fully funds federal meat inspections, states are expected to cover half of the costs of their own programs.

Still, most states in this region have chosen to offer inspections. This then enables a fourth type of inspection program, a state-federal collaborative that permits interstate shipments and sales of meat from state-inspected facilities.



Nebraska Sen. Tom Brandt

Minnesota Rep. Paul Anderson and Illinois Rep. Norine Hammond serve as co-chairs of the Midwestern Legislative Conference Agriculture & Natural Resources Committee. The co-vice chairs are Saskatchewan MLA Steven Bonk and Kansas Sen. Marci Francisco. Carolyn Orr serves as CSG Midwest staff liaison to the committee.

HEALTH & HUMAN SERVICES

Illinois requiring more coordination to ensure 911 responses meet needs of people in mental health crisis

by Jon Davis (jdavis@csq.org)

One year from now, a mental health crisis and suicide prevention hotline will be in place across the country. The hope is that "988" eventually becomes as known to people in need of assistance as "911."

In Illinois, a first-of-its-kind law aims to ensure that whatever number gets called — 911 or 988 — and wherever the call gets made, the emergency will get the appropriate response.

"We know the way we're doing it isn't working, and that's for the people responding to calls as well as the people

who are the subjects of these calls," says Kelly Cassidy, the primary House sponsor of HB 2784.

The fix in HB 2784 is to better train dispatchers and responders, and to charge the state's Division of Mental Health with

developing a new mobile system of mental and behavioral health services. Local 911 operators will then coordinate emergency responses with the division's new mobile mental-health system and teams.



Illinois Rep. Kelly Cassidy

"Fundamentally, my hope is that all mental health crises are met with the services that are needed," Cassidy says.

Whenever possible, for example, individuals in crisis will be connected to local services, rather than be hospitalized or incarcerated.

The Illinois Division of Mental Health also will train first-responders in de-escalation techniques and best practices for interacting with people in crisis.

Regional and statewide advisory committees will develop protocols as well as collect and analyze data on emergency responses. These regional committees will review procedures every two years.

Even prior to passage of HB 2784, Cassidy says, many emergency response systems in Illinois were discussing how to incorporate 988.

The new three-digit number was authorized by federal law in 2020, one year after a Federal Communications Commission report suggested it as an easy-to-remember shortcut to the extant 10-digit National Suicide Prevention Hotline. All phone providers must be able to connect 988 callers to the hotline by July 16, 2022.

This federal law has triggered activity in several states. For example:

- In Indiana, legislators approved a measure this year (HB 1468) requiring

school-issued student ID cards for sixth- through- 12th-graders to include the 988 number.

- Illinois has similar requirements for the student IDs of middle school, high school and college students as the result of a trio of recently enacted bills: HB 597, HB 1778 and SB 2014.

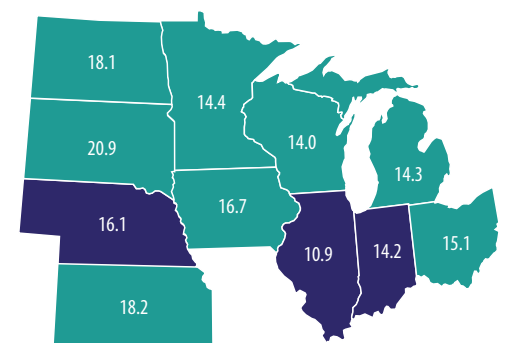
- Nebraska has established a Mental Health Crisis Hotline Task Force (LB 247, signed into law in May). It is responsible for developing policies that ensure every person who calls a local mental health crisis hotline gets connected to a qualified professional. This new task force also will address an issue facing all states: development of a fee structure to cover the costs of the 988 hotline.

As of July, no Midwestern state had passed legislation to adequately fund and implement a local 988 infrastructure, according to The Kennedy Forum.

A May 2021 report from Trust For America's Health, "Pain in the Nation: Alcohol, Drug and Suicide Epidemics," shows that a record-number 156,242 Americans died in 2019 from alcohol/drug overdoses or suicide. That marks a 52 percent increase from 2009.

The COVID-19 pandemic made matters

LEGISLATIVE ACTIVITY ON '988' LAWS IN 2021; SUICIDE RATES PER 100,000 PEOPLE IN MIDWEST IN 2019



- Legislation passed in 2021
- Legislation not passed as of August 2021

Sources: U.S. Centers for Disease Control and Prevention, National Alliance on Mental Illness

even worse by increasing stress and worsening health inequities, says John Auerbach, the Trust's president and CEO.

Iowa Rep. Shannon Lundgren and Minnesota Rep. Jennifer Schultz serve as co-chairs of the Midwestern Legislative Conference Health & Human Services Committee. The vice chair is Minnesota Rep. Bronna Kahle. Jon Davis serves as CSG Midwest staff liaison to the committee.

MORE CHILD CARE CENTERS, AT LOWER COST FOR FAMILIES, COMING TO SASKATCHEWAN

Day care for \$10 a day. Within the next five years, that will be the average cost for families in **Saskatchewan** under an agreement reached between the province and federal government.

Announced in August, this plan is being made possible by new funding in the government of Canada’s budget for a community-based system of high-quality early learning and child care across the country. By the end of next year, the cost of regulated child care in Saskatchewan for children under the age of 6 will be reduced by 50 percent. The agreement and additional federal funding also will create 28,000 new regulated early learning and child care spaces in Saskatchewan. In addition, more public dollars are being committed to increase the wages of child care workers in the province.

Saskatchewan’s most recent budget included \$101 million for child care and early learning, a \$2 million increase over the previous year. In part, that money goes to grants for new and existing home child care providers.

According to Statistics Canada, 47 percent of Saskatchewan children between the ages of 0 and 5 were in regulated or unregulated day care in 2020.



INDIANA JOINS ILLINOIS IN ADDING NEW CIVICS EDUCATION REQUIREMENT FOR MIDDLE SCHOOL STUDENTS

Indiana has become the second Midwestern state in recent years to require its middle school students to complete a semester-long course in civics education. Under HB 1384, this new requirement will take effect during the 2023-’24 school year.

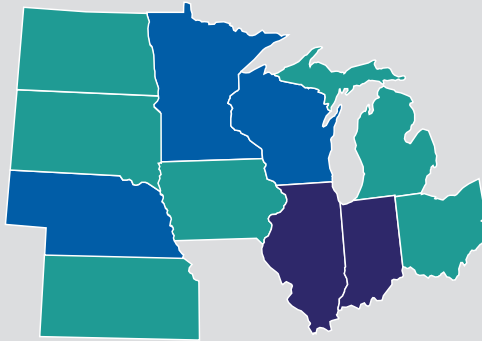
The new law also establishes a 15-member Civics Education Commission to recommend new instructional standards that reflect “best practices, pedagogy and policy.” The commission includes four legislators, representatives from the state’s other two branches of government, teachers and school leaders. The Indiana State Board of Education will adopt new civics standards by July of next year.

In 2019, **Illinois** adopted its own middle-school requirement for civics education. That measure (HB 2265) calls for semester-long courses in Illinois schools that “focus on government institutions, the discussion of current and societal issues, service learning and simulations of the democratic process.” It builds on a law from 2015 (HB 4025) that strengthened Illinois’ high school requirements for civics education while also revising how the subject is taught — in part through a public-private partnership with the McCormick Foundation to train teachers on evidence-based instructional practices.

According to the most recent National Assessment of Educational Progress (from 2018), 24 percent of eighth-graders had scores at or above proficiency on the civics assessment; 27 percent scored below the basic level.

Those results are partly behind the recent push in state capitols to review how civics and U.S. government are being taught, as well as to strengthen course requirements. States such as **Minnesota**, **North Dakota** and **Wisconsin** also are now requiring schools to administer civics exams to high school students. Passage of the exam is a prerequisite of high school graduation in North Dakota and Wisconsin. **Kansas** legislators passed such a requirement this year, but the measure (HB 2039) was vetoed by Gov. Laura Kelly.

CIVICS/GOVERNMENT COURSE REQUIREMENTS



- Stand-alone course for middle, high school students
- Stand-alone course for high school students
- No specific stand-alone course requirement, but teaching of civics/U.S. government is part of broader social studies requirements in high school

Sources: Education Week and CSG Midwest research

OHIO ADDING PARTY AFFILIATION TO BALLOTS IN RACES FOR STATE SUPREME COURT

In future elections for state Supreme Court in **Ohio**, the partisan affiliation of judicial candidates will appear on the ballot. Lawmakers made the change this summer with the passage of SB 80, a move that proponents say will help voters make more-informed choices. Opponents argue the addition of party affiliation will further politicize the judiciary.

Ohio Supreme Court candidates already were being chosen in partisan primary nominations, according to The Council of State Governments’ “The Book of the States.” A second provision in SB 80 requires a higher placement on the ballot for candidates for supreme court — between the candidates for statewide elected office and those running for the U.S. Senate and House.

Ohio is one of six Midwestern states in which competitive elections are held for positions on the supreme court. These elections are nonpartisan in **Minnesota**, **North Dakota** and **Wisconsin**, and partisan in **Michigan** and Ohio. (Michigan’s process is similar to Ohio’s old system: Candidates are nominated by political parties, but elected on a nonpartisan ballot.) In **Illinois**, justices seek an initial 10-year term on the court through partisan elections; once on the bench, a Supreme Court judge is then subject to a once-a-decade retention election.

Retention elections also are used in **Indiana**, **Iowa**, **Kansas**, **Nebraska** and **South Dakota**. In these five states, justices are initially appointed by the governor from a slate of names chosen by a judicial nominating commission — a process known as merit selection.



GOVERNOR’S POWERS IN MICHIGAN CURTAILED THROUGH USE OF ‘INDIRECT INITIATIVE’

In the tug-of-war over pandemic-related powers between the legislative and executive branches in **Michigan**, opponents of the governor’s actions have pulled out a constitutional tool available in only a handful of states: the ability of citizens to initiate petition drives for new statutes and, after the collection of enough valid signatures, to have them voted on by the legislature. This method is known as “indirect initiative,” and is only in place in one other Midwestern state: **Ohio**.

In July, the Michigan Legislature approved an indirect initiative that repealed a 1945 law giving the governor broad powers to declare an emergency and to “promulgate reasonable orders, rules and regulations as he or she considers necessary to protect life and property.”

Approval of indirect initiatives requires a simple majority vote in both legislative chambers; the governor has no veto authority. A second petition drive is seeking to change another decades-old law. It grants to Michigan’s director of public health various emergency powers to control an epidemic, including the authority to “prohibit the gathering of people for any purpose.” Under the initiated state statute, adoption of a legislative resolution would be required to extend these powers beyond 28 days.

According to the Michigan secretary of state’s office, between 1963 and 2018, the Legislature enacted nine legislative proposals presented by petition. It has 40 days to act on an indirect initiative. If not enacted, the measure becomes a ballot proposal.

MIDWEST STATES THAT ALLOW FOR CITIZEN-INITIATED STATUTES, CONSTITUTIONAL AMENDMENTS

Illinois	Allows for amendments to legislative article of constitution
Michigan	Allows for initiated statutes, amendments
Nebraska	Allows for initiated statutes, amendments
North Dakota	Allows for initiated statutes, amendments
Ohio	Allows for initiated statutes, amendments
South Dakota	Allows for initiated statutes, amendments

MINNESOTA ESTABLISHES STATEWIDE STANDARDS ON SECURITY OF BALLOT DROP BOXES

Following a year of record absentee voting, **Minnesota** has new standards in place to ensure the security of around-the-clock ballot drop boxes. For future elections, these drop boxes must be continually recorded on video during the absentee voting period, designed to prevent removal or tampering, and secured against damage due to weather. Local officials also must empty the ballots from drop boxes at least once per business day. Ballots must then be date-stamped and stored in a locked ballot container or other secured space.

These provisions were included in a broader state finance bill (SF 2) passed during special session. The Legislature also allocated \$2 million for local governments to adopt the new standards. According to Secretary of State Steve Simon, 58 percent of Minnesotans voted by absentee ballot in 2020; that compares to 24 percent in 2018.



INDIANA GOVERNOR, LEGISLATURE AT ODDS OVER POWER TO CALL SPECIAL SESSIONS

by Jon Davis (jdavis@csg.org)

In some of the Midwest’s state constitutions, the language on special sessions is clear: The legislature itself can initiate them.

That’s done by a two-thirds vote of legislators (in states such as Iowa, Kansas, Nebraska and South Dakota) or a joint call of legislative leaders (in Illinois and Ohio).

Across the country, in fact, most legislatures have some clearly established authority and means for calling themselves into session, according to The Council of State Governments’ “The Book of the States.”

Not always, though.

In Indiana, for instance, no such constitutional language exists, with only the governor being given this explicit authority.

But this year’s HB 1123 established new statutory authority for the Indiana General Assembly to call itself into “emergency sessions” in order to address and pass bills related to a governor-declared state of emergency.

Gov. Eric Holcomb vetoed HB 1123.

He contends that the Indiana Constitution gives the governor — and only the governor — the authority to call for a special session.

The General Assembly overrode his veto, leading to one of the more unique

lawsuits in the country stemming from recent disputes between states’ legislative and executive branches over COVID-related policies and governor-declared emergencies.

GOVERNOR’S SOLE AUTHORITY VS. LEGISLATURES’ PLENARY POWER

Holcomb sued the legislature, and as of late August, the case was before the Indiana Supreme Court.

Law professor Cynthia Baker frames the two sides’ legal arguments this way:

“Does the Indiana Constitution give the governor sole authority to call the General Assembly into a special session, or can the General Assembly do so under a fundamental rule in reading state constitutions

that a legislature has plenary powers to act unless specifically limited by the respective state constitution?”

On the one hand, Baker notes, the Indiana Constitution distributes powers among the three branches, and specifies that “no person, charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution *expressly provided*.”

The language on the calling of special sessions is clear. It “expressly provides” this authority to the governor, says Baker,

director of the Program on Law and State Government at Indiana University’s Robert H. McKinney School of Law.

On the other hand, state constitutions generally limit, rather than grant, powers.

So unless there is language specifically limiting a legislature’s ability to do something, Baker says, “it’s understood that the legislature does have plenary power.”

As part of HB 1123, too, legislators included language citing their constitutional authority to adopt laws that “determine the length and frequency of ... sessions.

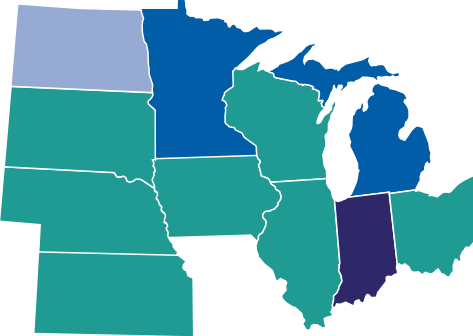
EXTRAORDINARY SESSIONS ALLOWED IN WISCONSIN

Two years ago, the Wisconsin Supreme Court ruled that “extraordinary sessions” called by the Legislature are constitutional.

Wisconsin’s Constitution (like Indiana’s) only gives the governor authority to call a special session. But in its decision, court cited other constitutional language directing the Legislature to meet “as provided by law,” along with a specific state statute giving the legislature the discretion to determine its own “work schedule.”

This schedule can include setting aside

WHO CAN CALL A SPECIAL LEGISLATIVE SESSION IN MIDWESTERN STATES?



- Only governor can call special session
- Governor can call special session; legislature can call one if it has not reached its constitutional cap on session days for biennium (80 days)
- Governor or legislature can call special session (“extraordinary session” if legislature calls it)
- Governor can call special session; dispute pending before state Supreme Court over legislative authority (as of late August)

Sources: The Council of State Governments’ “The Book of the States” and CSG Midwest research

time to meet in extraordinary session, the justices ruled in a 4-3 decision.

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 Midwestern states have laws banning schools’ use of physical restraints, and if so, did such laws include a phase-in period?

Earlier this year, **Illinois** became one of the latest states to update its laws on how and when schools can physically restrain students and place them in seclusion.

HB 219 bars school workers from locking children alone in seclusion spaces and limits the use of isolated timeout and restraints to situations in which there is “imminent danger of physical harm.” These new restrictions will be phased in over the next three years as school staff across the state receive training in areas such as crisis intervention and positive behavioral supports.

As initially passed by the House, HB 219 also allowed for a two-year phase-in of a ban on prone restraint, in which a student is held face down on the floor. However, subsequent legislative negotiations banned the use of prone restraint after this school year, and it only can be used this year if the school staff member has been properly trained and if prior restraint is allowed in the student’s behavioral intervention plan.

In the Midwest, seven states (including Illinois; see map) have bans on the use of prone restraint. At least three of these states also allowed for some kind of phase-in before the prohibition took effect: one year in **Kansas** and **Michigan**, for example, and one month in **Iowa**.

Prior to this year, Illinois had existing statutory language and regulations that limited the use of seclusion and restraint.

However, in late 2019, a collaborative investigation between ProPublica and the *Chicago Tribune* found that seclusion rooms and

physical restraint were being used in Illinois schools far more often than reported to the federal government, and for reasons not allowed under state law.

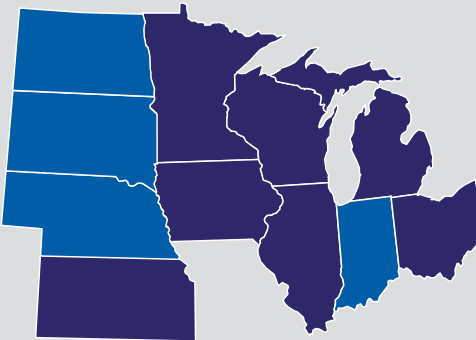
Investigators found that of 35,000 documented incidents in 100 school districts from fall 2017 through December 2018, one-third of seclusions and one-fourth of restraints did not list safety as the reason for the actions taken. There were also major issues with the schools’ self-reporting. One school district reported only four seclusion incidents to the U.S. Department of Education in 2015-’16, but district records showed 848 isolated timeouts during the following year and a half.

In some schools, investigators found, isolated seclusion (sometimes combined with prone restraint) became the go-to punishment — for offenses as minor as pushing a book off a desk.

That investigation led the Illinois State Board of Education to institute an immediate ban on seclusion and floor restraints. At the time, 19 U.S. states prohibited seclusion of children in locked rooms and four prohibited seclusions of any kind.

Illinois’ ban on seclusion was lifted shortly thereafter, but much stricter rules on when isolated timeouts could be used remained and state oversight was increased. Then, in April 2020, the State Board of Education lifted the ban on prone restraints after some schools complained that they did not have enough time to transition to other methods.

DOES STATE BAN USE OF PRONE RESTRAINTS BY SCHOOLS?



- Yes
- No

Sources: “How Safe is the Schoolhouse? An Analysis of State Seclusion and Restraint Laws and Policies” (2019) and CSG Midwest research

The General Assembly then intervened this year with the passage of HB 219.

In 2020, **Wisconsin** legislators passed a measure explicitly banning the use of prone restraints on all students. SB 527 also created new rules on training, data collection and parental notification of incidents involving seclusion and physical restraint.

Question of the Month response by Mitch Arvidson (marvidson@csg.org), program manager 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.



2020 CENSUS SHOWS BIG INTRASTATE SHIFTS IN POPULATION, AND A MORE DIVERSE MIDWEST

by Jon Davis (jdavis@csg.org)

Ten of the 11 Midwestern states increased in population while all became more urban and got more diverse, according to the 2020 Census.

The region as a whole (Missouri included) grew by 3.1 percent, to 68,985,454 people, over the past decade — the lowest rate of growth among the four regions (see table).

Illinois remains the Midwest’s most populous state, with 12,812,508 people, but was the only state in the region to lose people (down 0.1 percent). North Dakota is still the Midwest’s least populous state but had the highest growth rate, 15.8 percent (now a total of 779,094 residents).

Within states, urban and suburban areas either generally gained population or grew at faster rates than rural areas, many of which lost people between 2010 and 2020.

North Dakota is a notable exception: while Cass County — home to Fargo, the state’s largest city — grew by more than 20 percent, so did seven western rural counties, thanks to the state’s oil boom.

More typical for the Midwest is the population pattern being seen in Kansas.

“The five fastest-growing counties in Kansas — Pottawatomie, Johnson, Wyandotte, Leavenworth and Douglas — grew by 10.4 percent on average,” the Kansas Health Institute noted in an August article. “All five counties are located in the northeast part of the state, and all but Pottawatomie are urban. Sedgwick County, which includes Wichita and is the second most populous county in the state, grew 5.1 percent.”

MORE LEGISLATIVE SEATS FOR METRO AREAS

In Nebraska, which grew 7.4 percent to 1,961,504 people, most of the population increase was concentrated in just three urban counties: Sarpy (20 percent) and Douglas (13 percent) in the Omaha metropolitan area, and Lancaster (up 13 percent), home to the state capital, Lincoln.

One consequence of those population trends: the potential for an urban-majority Nebraska Unicameral Legislature in the decade ahead, once the state’s new political boundaries are in place after redistricting, David Drozd, research coordinator at the University of Nebraska at Omaha’s Center for Public Affairs Research, told the Associated Press.

A similar shift in intrastate balances of power is likely to play out in South Dakota, where much of the state’s overall 8.9 percent growth (up to 886,667 people) was concentrated in counties containing the state’s largest city and its suburbs: Minnehaha County (home to Sioux Falls), 16.4 percent; and Lincoln County (suburban Sioux Falls and part of the city), 45.4 percent.

South Dakota lawmakers on redistricting committees must now figure out how to redraw 35 legislative districts, each containing as close as possible to 25,300 people, before a scheduled special session in November to approve the new maps.

In Ohio, where a new bipartisan process for redrawing state legislative and congressional districts is in place for the first time, more legislative power will shift toward the Cincinnati and Columbus metropolitan areas.

“You’ll begin to see more Latinx and Asian legislators, and more political empowerment for those groups. It’s already underway.”

Dick Simpson, professor of political science, University of Illinois-Chicago

The population of Columbus itself jumped by 15.1 percent, and population growth was 20 percent or more in two counties adjacent to Ohio’s largest city. Cincinnati grew by a more-modest 4.2 percent, but in nearby Warren County, the number of residents increased by 13.9 percent between 2010 and 2020.

IMPACTS OF DIVERSIFYING POPULATION

Over the past decade, the United States became more diverse, with a rise in the number of “majority minority” counties (meaning most of the population is non-white). Minority populations also grew in almost every county in the Midwest.

David Egan-Robertson, a demographer at the University of Wisconsin-Madison’s Applied Population Lab, cautions that some comparisons of racial and ethnic diversity to previous U.S. Census results aren’t possible due to a “sea change” in how the bureau captures and reports such data.

Previous censuses offered as racial/ethnic identifiers White, Black or African American, Hispanic or Latino, Asian, Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native.

In 2020, those categories were tweaked to add “alone” to all options except Hispanic or Latino, and new multi-racial options were added.

In previous years, Egan-Robertson says, the Census Bureau programmed optical scanners to read only the first 30 characters of a census form’s answer box; but the 2020 census had an online response option which meant up to 200 characters could be read, and more self-reported data could be sought.

“Was there this much racial and ethnic diversity in 2010? Maybe the diversity was there in 2010, but the Census just didn’t capture it very well,” he adds.

Even so, “the biggest thing that happened during the last decade, that the census is reflecting, is that many immigrant groups, Latinx or Asians, skipped the cities and moved directly to the suburbs,” says Dick Simpson, a professor of political science at the University of Illinois at Chicago and a former Chicago alderman.

“You’ll begin to see more Latinx and Asian legislators, and more political empowerment for those groups,” Simpson says. “It’s already under way.”

In recent years in the Midwest, for example, Illinois Rep. Theresa Mah and Wisconsin Rep. Francesca Hong became their states’ first Asian legislators — in 2016 and 2020, respectively. Also in 2020, Illinois Sen. Ram Villivalam became his chamber’s first Asian (and first Indian-American) member.

The suburbs’ increasing diversity can also bring surprising shifts in power, Simpson says.

Not too long ago, for example, a very heavily Republican DuPage County acted as a counterweight to equally Democratic Cook County, keeping Illinois more or less equally divided politically, he says.

But because Democrats made major inroads in the suburbs in the last 20 to 30 years, Republicans now struggle much more than before, which leaves the Democrats in control at the state level.

POPULATION CHANGES: 2000 TO 2020

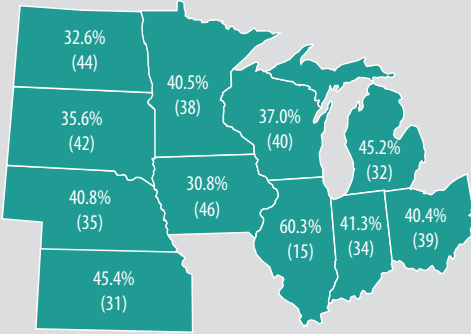
State	2020 population (U.S. rank)	% change: 2010 to 2020	% change: 2000 to 2010
Illinois	12,812,508 (6)	-0.1%	+3.3%
Indiana	6,785,528 (17)	+4.7%	+6.6%
Iowa	3,190,369 (31)	+4.7%	+4.1%
Kansas	2,937,880 (35)	+3.0%	+6.1%
Michigan	10,077,331 (10)	+2.0%	-0.6%
Minnesota	5,706,494 (22)	+7.6%	+7.8%
Nebraska	1,961,504 (37)	+3.7%	+6.7%
North Dakota	779,094 (47)	+15.8%	+4.7%
Ohio	11,799,448 (7)	+2.3%	+1.6%
South Dakota	886,667 (46)	+8.9%	+7.9%
Wisconsin	5,893,718 (20)	+3.6%	+6.0%
Midwest*	68,985,454	+3.0%	+4.0%
Northeast	57,609,148	+4.0%	+3.3%
South**	126,266,107	+9.9%	+14.6%
West	78,588,572	+9.0%	+14.0%
United States	331,449,281	+7.4%	+9.7%

* Missouri included in Midwest

** District of Columbia included in South

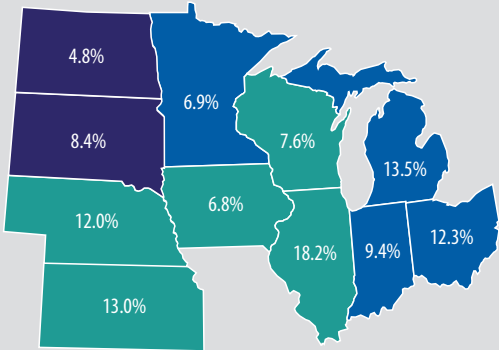
Source: U.S. Census Bureau

DIVERSITY OF MIDWESTERN STATES (AND THEIR NATIONAL RANKING) AS MEASURED IN THE 2020 CENSUS*



* The Census Bureau’s Diversity Index measures the chance that two people chosen randomly will be of a different race or ethnicity. The state’s ranking is of the 50 states and the District of Columbia. The nation’s diversity rate is 61.1 percent.

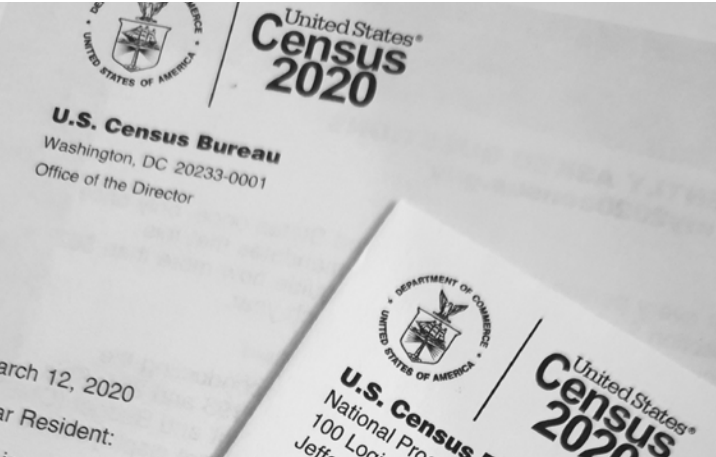
SECOND LARGEST RACIAL/ETHNIC GROUP IN MIDWESTERN STATES, AND ITS % OF TOTAL STATE POPULATION*



- Black/African American
- Hispanic/Latino
- American Indian

* Whites are the largest racial/ethnic group in all Midwestern states, ranging from 58.3 percent of the total population in Illinois to 82.7 percent in Iowa.

Source: 2020 U.S. Census



STATE SCHOOL FUNDING OFTEN IS LIFELINE FOR LOW-WEALTH DISTRICTS, AT-RISK STUDENTS

» CONTINUED FROM PAGE 1

As in Michigan, legislators in Ohio are putting more money into K-12 schools, an increase of 8.7 percent this biennium, according to Gov. Mike DeWine. And the General Assembly also tackled a pre-pandemic priority for many Ohio school administrators and legislators: an overhaul of the school funding formula.

Enactment of HB 110 marked the culmination of years of work in developing what’s known as the “Fair School Funding Plan,” says Katie Johnson, deputy executive director of the Ohio Association of School Business Officials.

Yes, improved fiscal conditions helped get this funding overhaul to the finish line. But Johnson says the real key to success was the process established from the start by two legislators, one Republican (Rep. Bob Cupp, now speaker of the House) and one Democrat (Rep. John Patterson, since term-limited out of office).

“They were committed to it being a bipartisan effort, and they brought in a working group of practitioners, local superintendents and school treasurers, at the very beginning in order to develop the plan,” Johnson says.

“That was the key. They all rolled up their sleeves and dug into the details, and developed the formula together.”

costs,” the formula uses factors such as student-to-staff ratios; the average statewide salaries of teachers and other school employees (from superintendents on down); and each district’s expenses related to technology, building operations and employee benefits.

Secondly, legislators crafted a new way of “equalizing” state funding, a way to ensure lower-wealth districts receive more money from the state in order to reach per-pupil funding levels that cover their base costs. Two factors now will be used to determine the relative wealth of each district: property values and the income levels of residents.

If the school funding formula is fully implemented over the next six years, the average per-pupil funding level in Ohio will reach \$7,200. That compares to \$6,020 during the last school year, according to the Thomas B. Fordham Institute.

Johnson says the third big change involves the funding of charter schools and scholarship programs for students to attend private schools. The state now will directly provide these dollars, rather than the previous approach of deducting a portion of the aid going to local public school districts.

to the property value of entire districts.

“For a state, then, you’re getting the balance right when you have a school district like Aspen covering almost all funding itself, and then you’re devoting the state dollars to boost up the low-wealth districts,” he says. “Because there are places that just don’t have any wealth, and they are struggling.”

The new formula in Ohio and a closing of the equity gap in Michigan are examples of states trying to find a better balance in school funding.

That work is far from done. In Ohio, for example, it remains to be seen whether the legislature can or will fully implement the Fair School Funding Plan over the next six years. HB 110 only commits to using the new formula for the next two years, and more state dollars will be needed in future budgets to reach the average spending level of \$7,200 per pupil.

According to Michigan State University professor David Arsen, Michigan’s foundation formula for schools has long failed to recognize the costs of providing an adequate education, or to account for the variance in these costs across districts — greater transportation expenses in rural areas, for example, or the additional resources needed in schools with larger



the program can now expand to enroll 22,000 more children, ensuring preschool access to all who qualify.

In Ohio, extra aid goes to schools based on their number of distinct student populations: gifted, low-income, special needs and English language learners. What’s new in HB 110 is dedicated funding in the formula for districts to provide physical and mental health services, after-school programming and family supports.

MULTIPLE NEEDS, WEIGHTS

Looking ahead, Griffith expects states across the country to focus more on better serving at-risk students. That means clearly defining what “at risk” means, better identifying students in need of additional supports, and then providing adequate levels of funding.

“What I’m starting to talk to states about is when you think about at-risk, think about it as levels,” he says.

“So maybe you have a general at-risk student, but then you’re going to provide more resources for kids with higher levels of need. Take, for example, foster youths experiencing homelessness or migrant student populations.

“They’re going to require all the wrap-around services. You have kids where the school is worried about finding them shelter for the night, or getting them food services.”

The way a state funds its schools, he adds, goes a long way in determining whether these students receive the supports and services that put them on a path toward educational success.

“My hope is that [legislators] will look at the research out there and then change at-risk funding accordingly, so that they do not have a single weight for ‘at risk’ but instead multiple weights based on student needs,” Griffith says.

“There are places that just don’t have any wealth, and they are struggling [to fund their schools].”

Michael Griffith, senior researcher and policy analyst, Learning Policy Institute

3 NOTABLE REFORMS IN OHIO

Johnson points to three fundamental changes in Ohio’s new funding formula.

First, she says, it better accounts for the actual costs of providing an education and making that the basis of the state’s statutory per-pupil funding levels.

For example, how much must a district spend to have class sizes of 23 in the younger grades or 27 in high school, to hire and retain a sufficient number of special education teachers, and to provide enough student supports (guidance counselors, librarians, etc.)?

The old model did not address those kinds of questions in any kind of rational or systematic way, Johnson says.

In contrast, the new one does. To determine each district’s “base

‘IS YOUR SYSTEM BALANCED?’

In every state, in every legislative year, the funding of K-12 schools is a high priority for lawmakers. It makes up more than one-third of state general-fund spending, according to the National Association of State Budget Officers.

Though exactly how schools are financed can vary considerably from state to state (local vs. state share, details of the funding formulas, etc.), Griffith says there are some underlying principles that should guide all legislatures.

“Are you taking care of everyone?” he says. “Is your system balanced so that every kid gets an adequate education?”

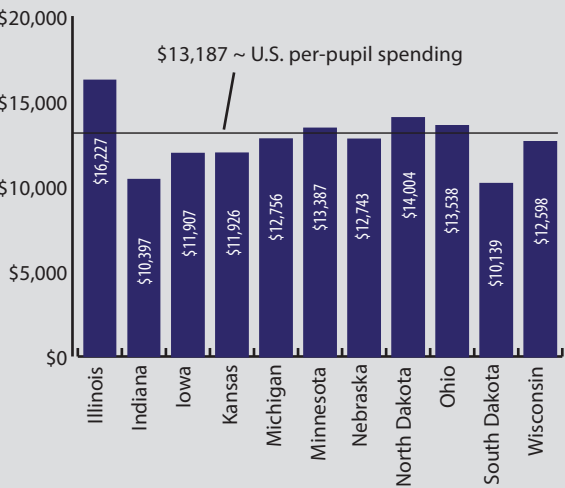
He notes that in his home state of Colorado, the property value of a single home in the town of Aspen can be equal

numbers of English language learners, special education students, or young people at risk of falling behind or failing.

Outside its unweighted foundation formula, Michigan does provide additional financial supports for higher-need schools and students, and its recently enacted education budget includes new money for school-based mental health programs as well as for districts to hire additional counselors, psychologists, nurses and social workers.

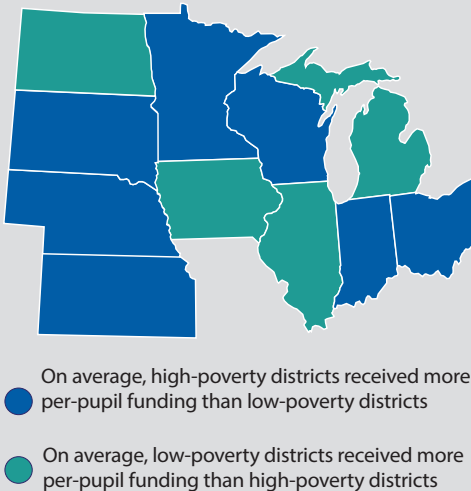
Lastly, more money will go to Michigan’s Great Start Readiness Program, a preschool initiative for 4-year-olds who are from lower-income families or who are at risk of school failure (due to neglect, a diagnosed disability, a developmental delay or other factors). Gov. Whitmer says

PER-PUPIL SPENDING IN MIDWEST, FROM ALL SOURCES, 2019



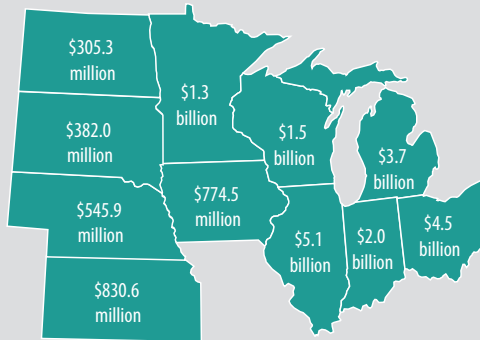
Source: U.S. Census Bureau

PER-PUPIL FUNDING: HIGH-POVERTY VS. LOW-POVERTY DISTRICTS IN 2018



Source: Education Law Center

\$ GOING TO STATE K-12 EDUCATION SYSTEMS FROM AMERICAN RESCUE PLAN ACT*



* Five percent of funds from the American Rescue Plan Act must be used to address learning loss, 1 percent for summer enrichment, and 1 percent for after-school programs. The federal law also sets aside money for services that help students experiencing homelessness.

Sources: U.S. Department of Education and The Council of State Governments



PROFILE: MICHIGAN HOUSE DEMOCRATIC LEADER DONNA LASINSKI

‘Chance for transformational change’: Third-term lawmaker believes the Legislature has a unique opportunity in the months ahead to leave a lasting legacy

by Tim Anderson (tanderson@csg.org)

In her desk drawer at the Michigan Capitol, Donna Lasinski keeps a list of policy goals, a regular reminder for her of the legacy she wants to leave behind as a legislator and as one of the state’s top political leaders.

The list isn’t long, but neither is the time she has left to accomplish those objectives in term-limited Michigan.

“We have the chance to create transformational change for our state, and that will set us up for success for the next generation,” says Lasinski, now in her third, and final, term as a state representative.

The reasons for her optimism: One, federal dollars from the American Rescue Plan Act are giving the state once-in-a-lifetime opportunities to invest for the future; and two, she has seen firsthand the ability of her and other leaders from the two parties to work together.

For instance, that list in Lasinski’s desk includes closing achievement gaps and working to get every student ready for success from his or her first day in kindergarten. To that end, Michigan is making an unprecedented commitment to early learning, with enough funding now to offer high-quality preschool to all 4-year-olds from the state’s middle- and lower-income families.

She’s hopeful for similar successes in closing the state’s digital divides, shoring up local water infrastructure systems, and providing direct supports to small-business owners.

“Those are all fundamental, underlying issues for our state to address,” she says, “and we have a big bipartisan opportunity to address them.”

‘FIGURING A PATH FORWARD’

Lasinski has always thrived on trying to solve problems. “I love looking at complicated issues and figuring a path forward,” she says.

It’s what she did professionally as a business management consultant, as well as how and why she first got involved in her three children’s local schools. The problem then was addressing learning loss, and her solution was development of a high-quality academic summer program for families.

Hatched at her family’s kitchen table, the program grew and grew, turned into a successful company, and now operates in many states across the country.

Meanwhile, Lasinski emerged as a local and state leader on education policy.

“I had already run and won a seat for the school board [in Ann Arbor], and I thought, OK, there is a chance to make an even bigger difference at the state level,” she says.



BIO-SKETCH: MICHIGAN HOUSE DEMOCRATIC LEADER DONNA LASINSKI

- ✓ first elected to House in 2016; chosen top caucus leader in 2020
- ✓ is founder of ThinkStretch, LLC, a successful K-12 education company that operates in 38 states, emphasizing summer learning and retention
- ✓ has been longtime leader on education policy in her home district, including serving as treasurer of Ann Arbor School Board
- ✓ has bachelor’s degree in business administration from University of Michigan and MBA from Northwestern University
- ✓ is proud parent of three children with husband, Mike

“My advice is to pick one thing that inspires you, that you think your community and our state needs. Then become an expert on it. That is the quickest path to making meaningful change.”

She first won election in 2016. Four years later, Lasinski was chosen by her Democratic caucus to serve as leader. It marked the first time in Michigan history that the top post in a legislative caucus had been handed to one female legislator (Lasinski) from another (Christine Greig, the former Democratic leader who was term-limited out of office).

In a recent interview with CSG Midwest, Lasinski shared her views on leadership, what she has learned about serving in a term-limited legislature and her policy goals. Here are excerpts.

Q You are part of the first-ever female-majority Democratic caucus in Michigan history. What is the significance of that legislative “first”?

A Twenty-seven of our 52 members are women, and 25 of our members identify as Black or Brown. Those are historic numbers in terms of diversity. It’s important to me to honor that diversity and value it.

For example, it was imperative to me that the leadership team of our caucus — the group that I get together with around the table every week when we have session — looks like our caucus. We want to have people in decision-making positions that reflect the concerns, needs and diversity of the people of Michigan.

And that diversity of having members from all across the state helps me learn. So on high-speed internet, for instance, based on my district’s experience, I understood the problem as mostly being a lack of wires, the lack of an infrastructure to hook up to.

Now, through deep conversations with my colleagues, I understand it’s about much more than wires. It’s also about affordability and digital literacy.

Q You are a party leader in a state where powers are shared — Republicans have majorities in the legislative chambers, but the governor is a Democrat. How has that shared-power dynamic worked?

A There are places and spaces where leaders on the other side of the aisle and I will likely never come together. We have sincere value differences in a few key areas.

However, there is no uniform Republican caucus, and there is no uniform Democratic caucus. And the vast majority of bills that we consider are not particularly partisan. I would say 90 percent of the bills that pass through the House have bipartisan support.

So most of the work that we do is bipartisan. I’m glad to have a relationship with the speaker of the House [Jason Wentworth] that is open. We have regular conversations to find the places and spaces where we can work together. And then we’re open with each other about the places that aren’t going to work.

Q Your state is unique in terms of the stringency of its term limits, specifically the lifetime caps on legislative service. What advice do you give to legislators

about making the most of their limited time in office?

A For almost all of the legislators who come to Lansing, they got here because something inspired them to run. Maybe it was an education issue in their district. Or an environmental concern. Or social justice issues. My advice is to pick one thing that inspires you, that you think your community or our state needs. Then become an expert on it. That is the quickest path to making meaningful change.

Q On that theme, what inspired you to run for office and informs your policy goals as a leader and legislator?

A I want all Michiganders to be able to achieve their potential. That often starts in our education system, because when you start behind, you rarely end up ahead. But it goes to other issues such as investing in our water infrastructure and high-speed internet [access and affordability]. It’s also why I see it as so important to provide direct support to our small businesses. I’m a small-business owner, and I’ve also seen how much small businesses contribute to every community — by being good neighbors and by being folks who are deeply invested in their communities.

Those are the people and areas [in which] we need to invest in order for Michigan to be a place where our children and grandchildren can grow and thrive and want to live.

FIRST PERSON: A SAFER, HEALTHIER KANSAS IS WITHIN REACH — WITH LEGISLATIVE ACTION

Law improves drug-treatment access; more changes to justice system needed



by Kansas Rep. Stephen Owens
(Stephen.Owens@house.ks.gov)

Kansas' drug problem is a serious issue not only for people who are suffering from substance use disorders but also for those who work hard to keep them safe, including their families, communities and local law enforcement.

The problem is exacerbated by a flawed criminal justice system in our state that fails to appropriately treat substance use disorders and help people change their behavior. It's costly, it's bad for public safety, and it's now past time to fix it.

It's not uncommon for people with substance use disorders to cycle through arrest, incarceration, release and re-arrest without ever getting the treatment they need.

This pattern is harmful to those experiencing it, wastes hard-working law enforcement officers' time, and is a drain on valuable taxpayer dollars.

We can help break this cycle. By providing access to resources to help people suffering from addiction, we ultimately will reduce the number of people coming in and out of the criminal justice system.

This is why I urged my colleagues in the Kansas Legislature to join me in addressing these issues back in February.

During the last legislative session, a package of bills recommended by our Kansas Criminal Justice Reform Commission through the Justice Reinvestment Initiative offered a path forward. (I serve as vice chair of this commission; see sidebar.)

Some of those bills were signed into law, but a few pieces of legislation remain up for consideration next session.

I am urging my legislative colleagues

THE PATH TO REFORM IN KANSAS — AND THE ROLE PLAYED BY THE CSG JUSTICE CENTER

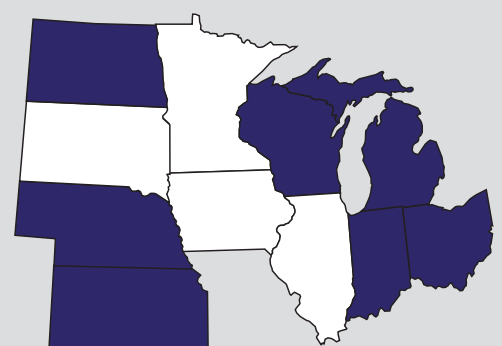
In 2019, the Kansas Legislature established the Criminal Justice Reform Commission — a multi-branch group of legislators, judges, defense and district attorneys, treatment providers, corrections officials and representatives from law enforcement. (Rep. Stephen Owens is the vice chair.)

One year later, the commission began partnering with The Council of State Governments Justice Center, which helped collect and analyze state data and to assist in developing appropriate policy recommendations. The CSG Justice Center has worked with numerous states (see map for the Midwest) on Justice Reinvestment: a data-driven approach to reduce corrections and related criminal justice spending, and reinvest these savings in strategies that improve public safety.

In Kansas, this collaboration led to a series of policy recommendations voted on by the commission in late 2020 (all but one received unanimous approval). These policy ideas were then presented to state leaders for consideration in early 2021, and some became law as the result of legislative actions this year (see main article for details). These measures focus on diverting people convicted of drug offenses and improving supervision by strengthening evidence-based practices.

From 2012 to 2013, the CSG Justice Center also worked with Kansas state leaders to develop data-driven policy options designed to reduce corrections spending and increase public safety. This Justice Reinvestment work resulted in the passage of HB 2170 in 2013.

MIDWEST STATES THAT HAVE RECEIVED OR ARE RECEIVING TECHNICAL ASSISTANCE ON 'JUSTICE REINVESTMENT' FROM THE CSG JUSTICE CENTER



● Received/is receiving assistance

“In 2019, a prison sentence for a drug offense cost our state \$26,188; that same year, a sentence to treatment in the community cost just \$3,143.”



to prioritize these remaining measures in the session ahead.

MIX OF POLICY SUCCESS, DISAPPOINTMENT IN 2021

HB 2026, signed into law in May, will allow people to receive drug treatment before conviction.

Another bill, HB 2146, would have strengthened the system further by updating Kansas' drug sentencing grid to help people access treatment and intensive community supervision sooner.

But this bill never made it to the governor's desk.

Research consistently shows that community-based treatment can reduce drug use and drug-related criminal behavior.

We also know that effective community supervision can make all the difference when it comes to motivating people to stay in treatment and start changing their behaviors.

In 2019, a prison sentence for a drug offense cost our state \$26,188; that same year, a sentence to treatment in the community cost just \$3,143. And prison costs nearly 10 times more than probation or parole.

The bottom line: Not only is treatment in the community a more cost-effective use of taxpayer dollars than prison, but it also works.

For people serving on community supervision to succeed, the people who work with them must have the tools, resources and continued support to do their jobs well.

Unfortunately, current inefficiencies have put people on supervision at risk of returning to prison even when they have not committed a new crime. HB 2077 and HB 2121, which passed last session, require the implementation of research-based supervision policies to help support behavior change.

These measures also task our Criminal Justice Reform Commission to work with practitioners to ensure that people on probation or parole will no longer be supervised by multiple agencies, as well as to correct the state's inconsistent conditions of supervision.

Through that work, people on probation or parole will soon no longer be at risk for violating a condition with one agency while simultaneously being compliant with another.

Next session, the Legislature will have the opportunity to continue exploring ways to increase success for people in the criminal justice system.

This must include updating the drug sentencing grid so more people can receive treatment after conviction (HB 2146) and fully funding the associated treatment costs.

We also should remove barriers to employment so people can afford to pay their fees, fines and restitution to victims; succeed on community supervision; and stay out of prison.

For example, another piece of legislation from 2021 (HB 2370) would reduce the number of regulations that currently prevent people with criminal records from working and contributing to our local economy.

People in the Kansas criminal justice system need more substantial support to change their behaviors and succeed in their communities. But right now, their options are extremely limited.

I urge my fellow legislators to act by prioritizing strategic improvements for a better, healthier and stronger Kansas.

Rep. Stephen Owens was first elected to the Kansas Legislature in 2018. He is vice chair of the House Corrections and Juvenile Justice Committee and of the Kansas Criminal Justice Reform Commission.

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@csq.org.

CSG NATIONAL CONFERENCE SET FOR DEC. 1-4; DISCOUNTED REGISTRATION AVAILABLE THROUGH OCTOBER

Registration is now open for The Council of State Governments 2021 National Conference, which will be held Dec. 1-4 in Santa Fe, New Mexico.

The meeting helps spotlight innovations and trends in state policy, and celebrates excellence in state government. Legislators and state leaders from across the country have the chance to learn from one another and various policy experts.

This year’s agenda includes policy academies on Medicaid and sustainability, as well as a series of sessions on a wide variety of topics — for example, behavioral and maternal health, infrastructure and workforce development, and interstate compacts.

A full agenda is available at web.csg.org/2021, where registration also can be completed. A registration discount is available through October. Hotel reservations must be made by Nov. 1 to guarantee CSG’s group rate of \$133 (excluding taxes).

Please note: attendees are expected to follow CSG’s code of conduct and COVID-19 protocols.



CSG LEADING WAY ON DEVELOPMENT OF OCCUPATIONAL LICENSURE COMPACTS

A partnership between The Council of State Governments and the U.S. Department of Defense is looking at how states can reduce barriers for military spouses (and others) working in licensed professions.

Five professions — cosmetology and barbering, dentistry and dental hygiene, massage therapy, social work and K-12 teaching — are the focus of this partnership. The CSG National Center for Interstate Compacts will develop model legislation to help military spouses and other practitioners gain professional license portability through interstate compacts.

Such compacts create reciprocity between states while protecting state sovereignty, and they can result in a more efficient distribution of licensed workers by supporting practitioner mobility.

“Military spouses work hard to earn professional credentials and establish themselves in licensed occupations while

also being willing to sacrifice their professional lives in support of their spouse so they can serve our country,” says Wisconsin Sen. Joan Ballweg, national CSG chair.



Wisconsin Sen. Joan Ballweg, CSG national chair

“Creating interstate compacts for these occupations will reduce regulatory burdens substantially and restore the career options they deserve. CSG and the Department of Defense chose worthy occupations.”

The CSG National Center for Interstate Compacts has previously led the development of interstate compacts for physicians, nurses, emergency medical services personnel, physical therapists, psychologists, occupational therapists, licensed professional counselors and audiologists/speech-language pathologists.

MICHIGAN PARTNERS WITH CSG TO IMPROVE STATE, LOCAL POLICIES ON JUVENILE JUSTICE

Michigan’s three-month-old Task Force on Juvenile Justice Reform’s job is to analyze how and why young people come into contact with the state’s juvenile justice system, and to explore alternatives such as diversions for low-risk youths and the use of community-based services.

The Council of State Governments’ Justice Center is helping this bipartisan, multi-branch group find a path to reform.

Through a mix of data analysis, focus groups and interviews with key stakeholders, the Justice Center has begun a comprehensive examination of Michigan’s juvenile justice system. Its findings will be shared with the task force in late July 2022.

Created by executive order in June, the task force’s membership includes representatives from all three branches of government along with:

- a prosecutor and a juvenile defense attorney;
- a police chief and a sheriff;
- two county board members, one from a county with more than 100,000 people, and one from a county with fewer than 100,000 people.

Among the group’s goals: reduce rates of juvenile detention (Michigan has one of the highest rates of detained youth in the country), close racial/ethnic disparities, and align policies with current research.

REFORMS IN PLACE IN NORTH DAKOTA

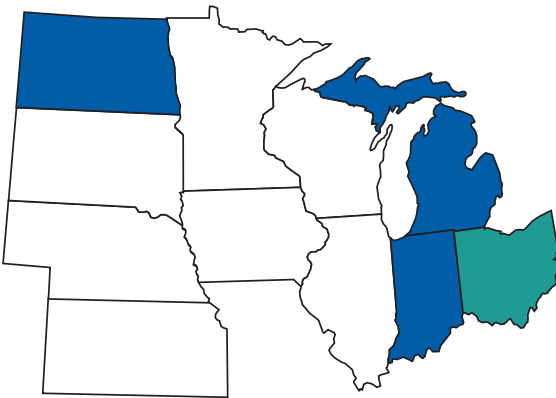
The CSG Justice Center is providing similar assistance in other states through its Improving Outcomes for Youth Initiative.

For example, recently enacted reforms in North Dakota resulted from the Justice Center’s work with the legislature’s Commission on Juvenile Justice.

The overarching objective of HB 1035 (signed into law in April) is to increase access to services and improve outcomes for young people involved in the juvenile justice system. It does so by:

- creating distinct categories in statute for juvenile delinquency, deprivation and child welfare in order

ACTIVITY OF CSG JUSTICE CENTER’S IMPROVING OUTCOMES FOR YOUTH INITIATIVE IN MIDWEST



- Justice Center is providing/has provided technical assistance for statewide initiative
- Justice Center is providing technical assistance for county initiative (Hamilton County)

to clearly delineate between these populations and reduce confusion on how to handle each type of case;

- replacing the designation of “unruly child” with a designation of “child in need of services,” which allows young people to access social services without formal involvement by the justice system;
- ensuring youths have access to counsel in delinquency proceedings by presuming that they are indigent rather than basing that access on their parents’ ability to pay;
- requiring the use of validated risk and needs assessment tools to support decisions about diversion and placement; and
- restricting the use of out-of-home placement solely to meet treatment needs.

Indiana’s Juvenile Justice Reform Task Force (formed in February 2020) tapped the CSG Justice Center last year to conduct a preliminary assessment of its state system as a prelude to reforms. Rep. Wendy McNamara and Sen. Michael Crider serve as the co-chairs of this task force.

MLC HOLDING SERIES OF VIRTUAL SESSIONS ON POLICIES TO PROMOTE GROWTH, PROSPERITY

This fall, the Midwestern Legislative Conference will launch a new six-part webinar series: “Promoting Growth and Shared Prosperity for a Better Midwest.”

For each virtual session, the MLC Economic Development Committee will partner with another MLC committee to explore an issue of mutual interest. For example, the first webinar will be co-hosted by the MLC Fiscal Affairs Committee and focus on states’ use of federal funds from the American Rescue Plan Act.

Here is the tentative schedule:

- Week of Oct. 11: Fiscal Affairs
- Week of Oct. 25: Agriculture and Natural Resources
- Week of Nov. 8: Education
- Week of Nov. 29: Criminal Justice & Public Safety
- Week of Dec. 13: Health and Human Services
- Early January: Midwest-Canada Relations



Illinois Sen. Linda Holmes



Wisconsin Rep. Robert Wittke



Indiana Rep. Ethan Manning

Illinois Sen. Linda Holmes and Wisconsin Rep. Robert Wittke serve as co-chairs of the MLC Economic Development Committee; Indiana Rep. Ethan Manning is the vice chair.

Registration and exact dates for each web meeting will be available at csgmidwest.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.

BILLD ALUMNI NOTES:
GRADUATES SERVING IN
MLC LEADERSHIP ROLES

In July, **Ohio Sen. Bill Reineke** (BILLD class of 2016) was named the newest officer of The Council of State Governments' Midwestern Legislative Conference. Elected by fellow legislators at the MLC Annual Meeting, he will serve in the position of second vice chair. Reineke also now is in line to be MLC chair in 2024.



"I am looking forward to assuming a leadership role as the Ohio representative working in a collaborative manner with the other states," Reineke says. "We have many new initiatives that promote growth, jobs and economic development. It is our goal to share Ohio's best, but to also learn from other states about their effective strategies, initiatives and best practices."

The MLC is a nonpartisan association of state and provincial legislators. CSG Midwest provides staff support to this group.

Reineke was first elected to the Ohio Senate in 2020 after serving three terms in the House. He currently is vice chair of the Transportation Committee.

Reineke will assume his new leadership position later this year, along with three other MLC officers: Kansas Sen. Carolyn McGinn, chair; Michigan Sen. John Bizon (BILLD class of 2017), vice chair; and South Dakota Sen. Gary Cammack, immediate past chair.

Much of the work of the MLC is accomplished through its binational, interstate policy committees. Composed of legislators from 11 Midwestern states and four Canadian provinces. Each committee is headed by a team of officers, many of whom are alumni of the BILLD program.

MLC AGRICULTURE & NATURAL RESOURCES COMMITTEE

- **Saskatchewan MLC Steven Bonk** (class of 2017), co-vice chair

MLC CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE

- **North Dakota Rep. Shannon Roers Jones** (class of 2017), co-chair
- **Nebraska Sen. John McCollister** (class of 2016), vice chair

MLC ECONOMIC DEVELOPMENT COMMITTEE

- **Wisconsin Rep. Robert Wittke** (class of 2019), co-chair
- **Indiana Rep. Ethan Manning** (class of 2019), vice chair

MLC EDUCATION COMMITTEE

- **South Dakota Sen. Jim Bolin** (class of 2012), co-chair
- **Ohio Sen. Hearcel Craig** (class of 2015), co-chair

MLC FISCAL AFFAIRS COMMITTEE

- **Minnesota Rep. Fue Lee** (class of 2019), co-chair
- **Kansas Rep. Troy Waymaster** (class of 2015), co-chair

MLC HEALTH & HUMAN SERVICES COMMITTEE

- **Iowa Rep. Shannon Lundgren** (class of 2018), co-chair

MLC MIDWEST-CANADA RELATIONS COMMITTEE

- **Manitoba Minister Kelvin Goertzen** (class of 2008), co-chair

Please submit Alumni News to Laura Tomaka, CSG Midwest program manager for BILLD. She can be reached at ltomaka@csq.org.

Q & A WITH BILLD ALUMS: WHAT TRAITS DO YOU
VIEW AS IMPORTANT FOR EFFECTIVE LEADERSHIP?

NORTH DAKOTA SEN. ERIN OBAN | CLASS OF 2017
ASSISTANT MINORITY LEADER



"When I make a list of people whom I identify as really effective leaders, either with whom I've worked directly or watched from afar, overwhelmingly, they all tend to share the same traits:

1. *Authenticity* — I find it difficult to trust or follow the lead of individuals who don't seem genuine and true to who they are, or dramatically change what they say, believe or think depending on who is in the room.
2. *Vulnerability* — The willingness to be vulnerable can be wrongly associated with being weak. To me, vulnerability takes incredible strength and resilience. It means you're willing to be wrong, and to surround yourself with or walk into a room of people who don't think, feel or experience exactly the same as you. It's about being brave and bold enough to do what needs to be done, or to say what needs to be said — even, and especially when, it's hard.
3. *Empathy* — Being relatable, approachable and understanding of others is essential in any good leader. Leaders who treat the worker cleaning bathrooms with the same dignity as the CEO of a Fortune 500 company, who value listening and learning from others, and who use those experiences and perspectives to inform their decisions will earn my respect every single day.

Some of these traits are completely innate in great leaders. Others require practice and intention. I'll never claim that I get it right all the time, but I do my best to model what I expect in others. When I fall short or when I'm challenged in the moment, I reflect on what I could have done differently, take a deep breath, and recommit to doing better next time. It's important to me to hold myself accountable, and I hope others around me will do the same."

MINNESOTA SEN. JOHN JASINSKI | CLASS OF 2019
ASSISTANT MAJORITY LEADER



"Some of the most effective traits for a legislative leader to possess revolve around being a team builder and bringing people together. Politics are often so divided, so I try and focus on what I can do to bring groups together, whether that be within the party or when we are trying to come together in a bipartisan manner. In addition to this, I try to come at issues with a problem-solving lens — how do I fix this problem — instead of thinking about it just politically. The goal is always to get a solution that both sides are in consensus on and believe is the best solution."

INDIANA SEN. SUSAN GLICK | CLASS OF 2009
ASSISTANT PRESIDENT PRO TEMPORE



"Forty-plus years ago, I joined the political campaign of former Indiana governor and long-time family physician Otis R. Bowen, who focused his personal, professional and political efforts on listening to people. His campaign slogan, "He Hears You," reflected his philosophy that to truly represent the people, leaders must take the time to listen to their constituents' opinions, their needs and their thoughts. As a legislator, listening to constituents, fellow representatives and critics, as well as supporters, expands our knowledge and generally leads to more comprehensive solutions to the complex problems of today's world."

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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.



Bowhay Institute for Legislative Leadership Development

October 1-5, 2021 | Minneapolis, Minnesota
Contact: Laura Tomaka ~ ltomaka@csg.org
630.925.1922 | csgmidwest.org



Midwest Interstate Passenger Rail Commission Meeting

October 13-15, 2021 | Detroit, Michigan
Contact: Laura Kliewer ~ lkliwer@csg.org
630.925.1922 | csgmidwest.org



CSG National Conference

December 1-4, 2021 | Santa Fe, New Mexico
Contact: membership@csg.org
859.244.8000 | web.csg.org



Midwestern Legislative Conference Annual Meeting

July 10-13, 2022 | Wichita, Kansas
Contact: Cindy Andrews ~ candrews@csg.org
630.925.1922 | csgmidwest.org



STATELINE MIDWEST

Stateline Midwest is published 11 times a year by the
Midwestern Office of The Council of State Governments.
Annual subscription rate: \$60
To order, call 630.925.1922

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September 2021

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