

STATELINE MIDWEST



MIDWEST

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IN SEARCH OF AFFORDABLE HOUSING

Shortages are impacting rural and urban communities in the Midwest; tools for states include housing tax credits, assistance for low-income renters and incentives for builders

by Jon Davis (jdavis@csg.org)

In his home state's larger urban areas, Kansas Sen. Rob Olson says, affordable housing units are going away. Homes get bought and flipped, prices rise, and lower-income people are left with fewer options.

In many rural communities, houses have been getting torn down and not getting replaced for decades. That means higher property taxes on the homes that remain, and a smaller housing stock to attract and accommodate new residents.

"These are our workers, and now they don't have a place to live," Olson says.

It adds up to a statewide problem that he and other Kansas legislators are studying and acting on.

This year, they passed a measure to spur more housing development in some of the state's smaller downtown

communities. Many other measures are being worked on in advance of the 2022 session.

"Kansas has multiple issues [to address]," Olson says.

Across the country, in fact, this has been an unusually active year for state policy on housing. Of particular interest: strategies that increase the availability of affordable housing.

In every state, there are many more low-income renters than affordable rental units (see map).

And this problem has worsened in recent years.

According to the National Low Income Housing Coalition, as of March 2021, almost 14 million renter households with incomes of less than \$50,000 nationwide had lost employment income due to the pandemic, and "about a third of all households were having trouble paying for usual household expenses."

These hardships have fallen disproportionately on people of color as well. While 39 percent of White adults lost income during the pandemic, 49 percent of Black adults and 58 percent of Hispanic adults did.

"The housing crisis has tentacles that reach into every corner of our society," Elliott Gaskins, managing director of Share Our Strength, a nonprofit organization fighting hunger and poverty, said in

September during a webinar hosted by the Aspen Institute.

"If you don't have a home, you don't have a kitchen to prepare meals for your family. If you're worried about eviction, the mental toll that takes on your family is long-lasting.

"If you are doubling up in homes with families, then the risk of things like COVID and other health issues dramatically [magnifies]."

HOUSING, THE AMERICAN RESCUE PLAN AND STATES

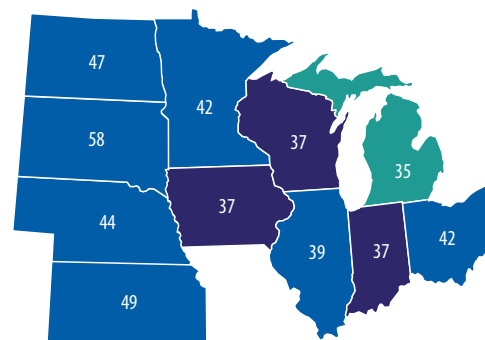
This year's U.S. American Rescue Plan Act allocated \$43 billion to states in mandatory funding for housing programs such as emergency rental and homeowner assistance, housing vouchers and help for the homeless.

Under this year's HB 167, Ohio used \$465 million of its allocation for emergency rental and utility assistance.

Iowa Gov. Kim Reynolds and Michigan Gov. Gretchen Whitmer each announced plans to allocate \$100 million of their states' share of ARP money to affordable housing programs.

Whitmer's proposal, which needs legislative approval, would put \$100 million into the Michigan Housing and Community Development Fund. That fund is "designed to fuel strategies leveraging public and private

OF AFFORDABLE RENTAL UNITS AVAILABLE IN MIDWESTERN STATES PER 100 EXTREMELY LOW-INCOME RENTER HOUSEHOLDS*

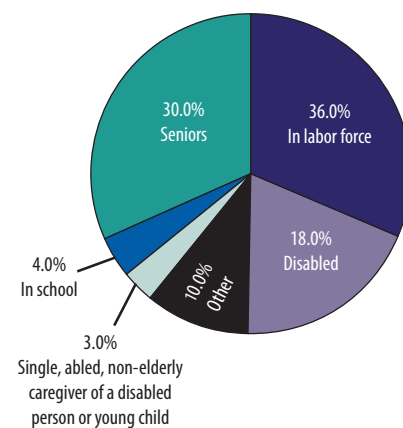


- Rate is more than the national rate of 37
- Rate is less than national rate of 37
- Rate is equal to the national rate of 37

* The U.S. Department of Housing and Urban Development defines extremely low-income households as those whose annual income does not exceed the higher of federal poverty guidelines or 30 percent of median family income for the area.

Source: National Low Income Housing Coalition

BREAKDOWN OF THE NATION'S LOWEST-INCOME RENTER HOUSEHOLDS (2019)



Source: National Low Income Housing Coalition (using data from 2019 American Community Survey)



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AGRICULTURE & NATURAL RESOURCES

Mixed decisions on ag trespassing: Kansas statute ruled unconstitutional; parts of Iowa law upheld

by Carolyn Orr (carolyn@strawridgefarm.us)

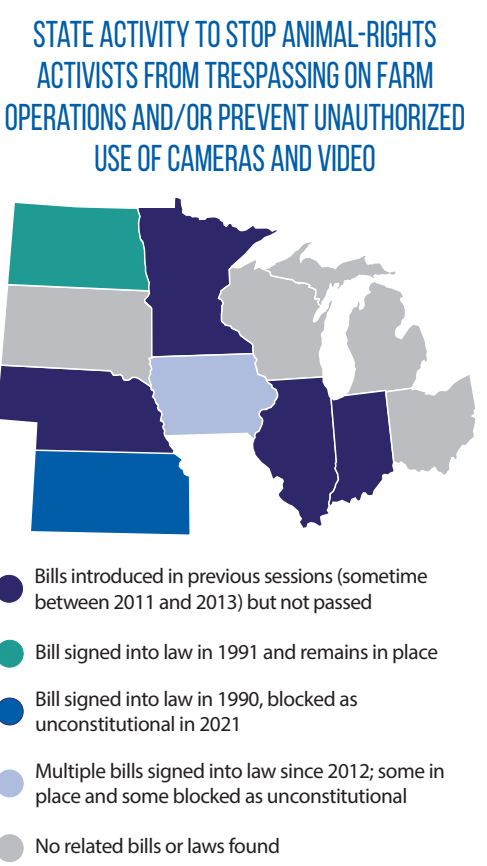
Nearly a decade has now passed since the Iowa Legislature first adopted what became a series of laws derided as “ag gag” measures by opponents but as important safeguards for farms by proponents. A legal fight began soon after the passage of that first law in 2012. It continues today. One of the latest developments: A U.S. Court of Appeals decision in August that says animal-rights groups do not have a First Amendment right to lie (by making false statements or using false pretenses) in order to gain access to a farm operation for the purposes of conducting undercover investigations. This decision of the Eighth Circuit overturned a previous U.S. District Court ruling against Iowa’s HF 431. Under this law, it is illegal to “obtain access to an agricultural production facility by false pretenses” and to make a “false statement or representation” in an employment application if the person intends to commit any unauthorized actions, such as videotaping, once hired. On the “access” question, the Court of Appeals ruled that First Amendment protections do not extend to “lies associated with a legally cognizable harm — namely trespass to private property.” As a result, Iowa can charge activists under the law, the three-judge panel ruled. It did strike down provisions dealing with employment applications, but left open the possibility that more

narrowly tailored language (addressing only false statements explicitly made to get a job) could pass constitutional muster. “This is a win for animal agriculture, providing recourse for farms,” says Iowa Sen. Annette Sweeney, a sponsor of HF 431 nine years ago. “The judges have also provided states with a way to limit lying on employment applications.” Earlier this year, the Iowa Legislature passed HF 775, which makes it a misdemeanor to enter agricultural facilities without consent; to use a recording device when trespassing; or to take soil, water or samples from animals without permission. A second offense is punishable by up to five years in prison. What constitutes trespassing of an agricultural production facility? Two years ago, Iowa lawmakers added language (SF 519) making it a crime to obtain access to or employment by use of deception with the intent to cause “physical or economic harm or other injury.” A federal judge halted enforcement of the law. Lastly, an Iowa law from 2020 (SF 2413) makes “food operation trespass” a crime. It applies to individuals who trespass despite having been notified or requested by signs “to abstain from entering.”

KANSAS LAW STRUCK DOWN

Across the country, nine lawsuits have been filed challenging state laws such as Iowa’s. In August, the U.S. Appeals Court of

the Tenth Circuit ruled that Kansas’ Farm Animal and Field Crop and Research Facilities Protection Act violated the First Amendment. That 31-year-old law banned certain actions by individuals whose intent was to “damage the [agricultural] enterprise.” For example, these individuals could not enter a facility or take video without the owner’s consent. In its 2-1 decision, the federal court ruled that “even if deception used to obtain consent to enter is unprotected speech due to the entry upon private property, Kansas may not discriminate between speakers based on the unrelated issue of whether they intend to harm or help the enterprise.” In Canada, Alberta, Manitoba and Ontario are among the provinces that have laws specific to trespassing on agricultural lands. Manitoba’s Bill 63 was passed earlier this year. It removes a requirement that an individual be warned, either verbally or in writing, before he or she can be charged with trespassing, even if land is not fully enclosed. The bill also reduces landowners’ legal liabilities. “Farms are not only places of business; they are homes where children and families also reside,” Agriculture and Resource Development Minister Blaine Pedersen said earlier this year. “Trespassing can expose farms and food production facilities to biosecurity



risks that could spread disease, and may cause injury and stress to farm animals.” 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 is the CSG Midwest staff liaison to the committee.

CRIMINAL JUSTICE & PUBLIC SAFETY

In Illinois and elsewhere, prisons’ treatment and care of transgender offenders are under increased scrutiny

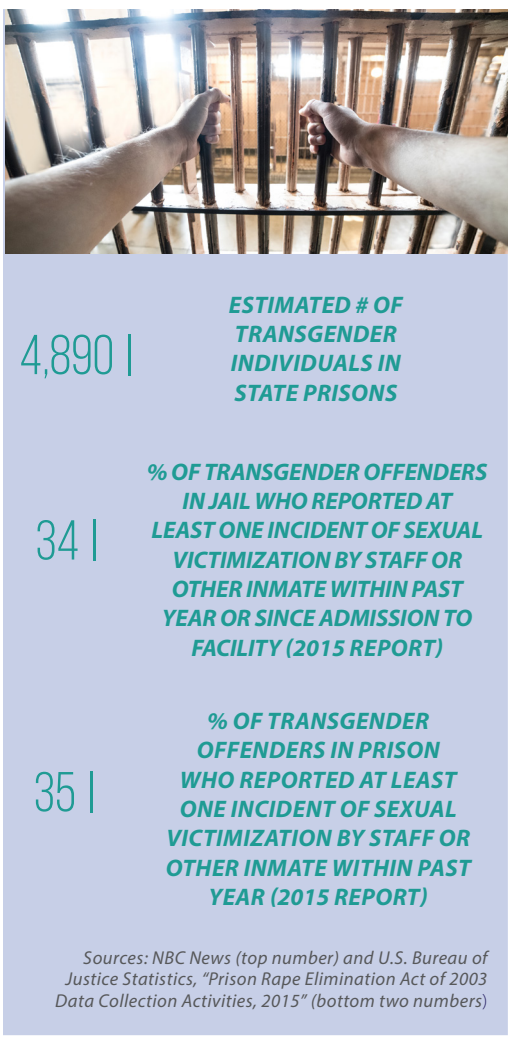
by Derek Cantù (dcantu@csf.org)

A federal judge has ordered the Illinois Department of Corrections to take a series of steps over the next few months to better address the needs of incarcerated transgender persons. U.S. District Court Judge Nancy Rosenstengel criticized the overall rate at which change is occurring at the Illinois Department of Corrections. “It’s like a physician ordering a cholesterol test, the results coming back over 300, and yet the physician does nothing but put the lab results in the chart,” she wrote in her August order. Beginning in 2019, the U.S. Southern District Court of Illinois has ruled in favor of a group of transgender offenders who have accused the state of improperly caring for their wellbeing. At issue are instances of offenders being denied hormone therapies for unfounded reasons, medical staff not versed in concepts such as gender dysphoria, an improper handling of strip searches, a lack of privacy granted in showers, and misgendering by IDOC staff. In her August order, Rosenstengel acknowledged some improvements, including mandatory staff training.

In addition, IDOC has formed two committees to improve care. One has been tasked with reviewing issues related to medication delivery and gender-affirming surgeries; the second is reviewing security protections and logistics regarding prison transfers. Under the U.S. Prison Rape Elimination Act of 2003, prisons must regularly interview transgender offenders to determine where they would feel the safest, a men’s or women’s facility. However, executing transfers has proven difficult nationwide. According to NBC News research conducted last year, among the nation’s estimated 4,890 incarcerated transgender individuals, only 15 were confirmed to have been transferred to a facility that matched their gender identity (including one in Illinois and one in Iowa). One explanation for the low number, some transgender activists say, is that offenders place greater stock in personal safety and dignity over facility type. Shelby Chestnut of the Transgender Law Center says the real damage occurs when an offender is denied gender-affirming resources, such as access to types of clothing or hygiene products. Compared to their cisgender counterparts, transgender offenders are

more likely to experience instances of sexual abuse, attempt suicide, and be assigned to solitary confinement “for their own safety” — a phenomenon that puzzles National Center for Transgender Equality Executive Director Rodrigo Heng-Lehtinen. “If solitary confinement is so demoralizing that it’s used as punishment ... how is it also keeping someone safe?” he asks. He adds that state legislatures have the ability to address many of these issues. Proposals in Wisconsin this year (AB 467 and SB 443) would create a Transgender Equality Taskforce. One of the subject areas: prison policy. “We would expect ... experts who work in the criminal justice reform area to come to us and say, ‘Yes, these are problems in Wisconsin and here are suggestions on how to solve them,’” says Rep. Lee Snodgrass, a sponsor of AB 467.

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 the CSG Midwest staff liaison to the committee.



EDUCATION

In Nebraska, new law has researchers studying potential link between air quality and student performance

by Tim Anderson (tanderson@csg.org)

Six years ago, the largest gas leak in U.S. history occurred in California.

The incident, as it turned out, resulted in the chance for a natural experiment of sorts — to see whether better air quality in schools leads to improved student achievement. That's because as a precautionary health measure, high-performing air filters were installed in all school buildings within a five-mile radius of the leak.

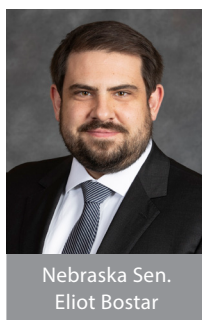
An economics professor on the other side of the country, Michael Gilraine from New York University, studied the effects by comparing the academic gains of students in those schools vs. peers in schools without the filters. (Regarding the gas leak, the filters ended up being only a precaution; natural gas was not detected inside any of the nearby schools.)

Gilraine's findings and conclusions, released in 2020, were striking: The math and reading scores of students in those nearby schools increased as a result of the air-filter installations, with

the gains equivalent to cutting class sizes by one-third.

Eliot Bostar, a new state senator from Nebraska, saw the results and immediately wanted to know more.

"I got in touch with Dr. Gilraine and asked him, what do you think would be a good next step?" Bostar says. "The message I got from him, as well as other researchers, scientists and academics working in this field, was that we need more research."



Nebraska Sen.
Eliot Bostar

That is now occurring in Nebraska as the result of this year's LB 630, a bill Bostar sponsored that passed with near-unanimous legislative approval.

The two-year study, estimated to cost about a half-million dollars, is being run by the Nebraska Department of Education with help from University of Nebraska researchers.

It involves 300 classrooms of third- to eighth-grade students in 50 different Nebraska schools. Half of the classrooms will be equipped with commercial air filters to remove common pollutants and particulate matter, half will not.

Researchers will compare

the academic and behavioral performance of these two groups of students, and then report its findings to the Legislature.

"Even if the results demonstrate an effect of just half of what the Gilraine study produced, it would still be one of the most cost-effective endeavors we could pursue to improve academic outcomes in our school," Bostar says.

In his study, Gilraine estimated the cost of the filters to be \$1,000 per year, per classroom.

AIR QUALITY AND COVID-19

Nebraska's new research comes at a time when more attention is being paid to indoor air quality in schools, particularly as it relates to preventing the spread of COVID-19 and other diseases.

One priority of the American Rescue Plan Act, for instance, is to improve ventilation in schools and colleges, with new federal funding available to upgrade heating, cooling and ventilation systems and to purchase new air filtration units.

"For us in Nebraska, as we study the academic impact of reducing indoor air contamination and pollution, it will have the added benefit of allowing us to examine whether or not these



filtration systems have an impact on [reducing] disease transmission," Bostar says.

"That is very much how the experiment has been designed."

Another potential benefit of improved air quality is reducing the number of days missed by students.

Asthma is a leading cause of school absenteeism, and poor indoor air quality has been linked to severe attacks and allergic reactions.

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

QUESTION OF THE MONTH

QUESTION | In the 11-state Midwest, who establishes the official revenue estimate that guides the development of state budgets?

States use a mix of approaches, but in this region, the "who" always includes either members of the executive branch or their designees. The legislative branch also often has a role in the development of official revenue estimates. Five Midwestern states, for instance, have statutory language calling for an inter-branch, consensus approach to this part of the budget process.

- **Indiana's** Revenue Forecast Technical Committee is responsible for developing the official estimate. It includes two members appointed by the governor and four appointed by the state's legislative caucuses. The committee meets every December, as well as in April in years when the state's biennial budget is passed.

- Under **Iowa** statute, a Revenue Estimating Conference must meet at least three times a year, including once immediately before and once during legislative session. The conference is made up of a governor's designee, a staff person with Iowa's Legislative Services Agency and a third person agreed upon by the two other members.

- In **Kansas**, staff from the Legislative Research Department, Division of Budget and Department of Revenue develop a joint estimate twice a year with assistance from three university economists. Each member of this Consensus Estimating Group uses his or her own model to develop an estimate. The group then discusses each member's findings before issuing a single revenue estimate.

- The **Michigan** House Fiscal Agency, Senate Fiscal Agency and Department of Treasury are involved in the state's twice-a-year revenue estimates. Each develops its own forecast. After reviewing these three forecasts, as well as

hearing presentations from outside experts, representatives from these agencies agree on a joint economic/revenue forecast.

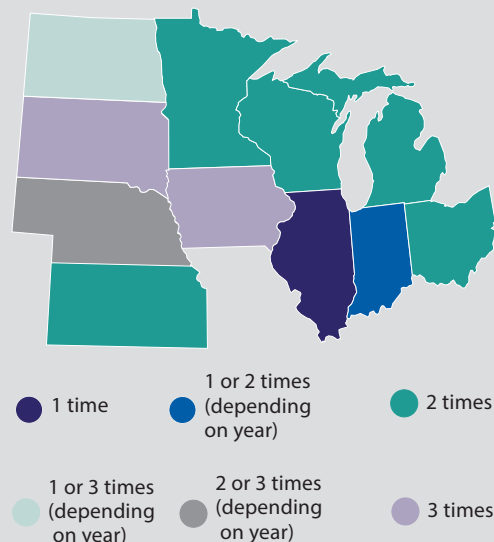
- **Nebraska's** law differs from many other states in that it establishes qualifications to serve on the Economic Forecasting Advisory Board. The nine members must have "demonstrated expertise in the field of tax policy, economics or economic forecasting." Five are appointed by the Legislature, four by the governor. They meet three times in odd-numbered years and twice in even-numbered years.

In contrast to these five states, **Minnesota** leaves revenue estimating to the executive branch. A state economist within the Department of Management and Budget prepares twice-a-year revenue estimates for the governor and Legislature. A Council of Economic Advisers reviews the assumptions and methodologies used by the department.

In other states, separate or competing revenue forecasts are established by the legislative and executive branches. For example, early in session, the **South Dakota** Legislature's Joint Committee on Appropriations votes on a "revenue target" after hearing independent estimates prepared by the two branches. In states such as **Illinois**, **Ohio** and **Wisconsin**, the governor's proposed budget is based on revenue estimates generated by executive departments or agencies. However, lawmakers also can use forecasts developed independently by legislative fiscal staff.

Revenue forecasting in **North Dakota** is led by the Office of Management and Budget, with

ANNUAL FREQUENCY OF RELEASE OF OFFICIAL REVENUE ESTIMATES



Source: National Association of State Budget Officers' "Budget Processes in the States"

an interim legislative committee in place to scrutinize the executive branch's data, models and findings. The legislative branch also conducts economic forecasting of its own.

Many states also report using economic consulting firms to help establish their estimates.

Question of the Month response by Tim Anderson (tanderson@csg.org), publications 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.

REDISTRICTING ROUNDUP: WHERE MIDWEST'S STATES STAND IN DRAWING MAPS, AND 4 CHALLENGES DEFINING THE PROCESS THIS TIME AROUND

by Tim Anderson (tanderson@csg.org)

As of early October, the once-a-decade work of redrawing political maps was already done in some Midwestern states and just getting started in others. A mix of factors has made this round of redistricting especially challenging for legislators and others involved in the process. Here is an overview of four of those challenges, as well as the processes being used in this region.

1 ADJUSTING TO LATE RELEASE OF CENSUS DATA, HOLDING SPECIAL SESSIONS TO FINALIZE NEW MAPS

Due to COVID-19 related delays in data collection and processing, the figures used by states to draw the maps were released several months late by the U.S. Census Bureau. This, in turn, required states to alter or expedite the redistricting process in order to meet their own statutory or constitutional deadlines.

Minus the official 2020 Census data, **Illinois** legislators initially adopted new state House and Senate districts using population estimates. A court challenge immediately followed.

The U.S. Census Bureau released the official data in August, and soon after that, the General Assembly met in special session to approve a revised plan. Gov. J.B. Pritzker approved it in September. One month later, public hearings were being held on plans to redraw congressional lines. Illinois is one of three Midwestern states losing a U.S. House seat; **Michigan** and **Ohio** are the others.

Indiana and **Nebraska** legislators convened special sessions in September on redistricting. The governors approved the maps, ending the process (minus any legal challenges) in these two states. In two other Midwestern states, **North Dakota** and **South Dakota**, special sessions already had been scheduled or were likely to be held this fall.

Iowa lawmakers also met in special session to begin their state's unique procedure for approving new maps.

There, the nonpartisan Legislative Services Agency leads the process, and under state law, its maps cannot favor incumbents or a political party. The LSA's plan is then presented to the Legislature for an up-or-down vote. If the first plan is rejected, the LSA prepares a second one, again with no legislative amendments allowed.

Legislators can only make tweaks after the first two plans have been voted down and a third plan has been submitted. During a special session in early October, legislators rejected the first LSA plan. A second one had to be submitted for legislative consideration within 45 days.

Since Iowa first adopted this nonpartisan approach, in 1980, one of the LSA's redistricting maps has always been approved by the Legislature without amendment.

2 CONSIDERING NEW REQUIREMENTS ON PARTISAN FAIRNESS IN MICHIGAN AND OHIO

Voter-approved constitutional amendments over the past decade overhauled the redistricting process in two Midwestern states.

Michigan is the first state in the region where the process has been taken away from the Legislature; the work is now being handled by an independent, citizen-led commission. **Ohio** has new rules that encourage the drawing of maps that receive bipartisan support in the General Assembly and/or among seven members of a Redistricting Commission (made up of four legislative leaders, two from each party, and the governor, auditor and secretary of state).

In both of these states, too, this new constitutional language seeks to prevent partisan gerrymandering —

in Michigan, maps “shall not provide a disproportionate advantage to any political party”; in Ohio, no plan for the General Assembly should be passed to “primarily favor or disfavor a political party.”

The question of partisan fairness became a point of contention as Michigan's 13-member commission developed new maps, held public hearings this fall and sought to finish its work by year's end. In Ohio, the seven-member Redistricting Commission approved new state legislative maps for the next four years — only four instead of the usual 10 because the plan did not receive bipartisan support (the commission's two Democrats opposed it). Now, that plan faces a legal challenge on the grounds that it unconstitutionally favors the Republican Party.

3 DEVELOPING PLANS UNDER DIVIDED GOVERNMENT IN 3 MIDWESTERN STATES

Outside of **Michigan** and **Ohio**, all redistricting plans must be passed by the legislature and signed by the governor. This poses a challenge for states where political power is divided in some way. For example, **Kansas** and **Wisconsin** have Republican-led legislatures and Democratic governors. **Minnesota** has a split legislature and Democratic governor.

Divided government increases the likelihood that redistricting ultimately will be handled by judges rather than legislators.

The expectation of a deadlock in Wisconsin already has led to legal action in state and federal courts that center on how the new maps should be drawn, as well as who should do it, the *Milwaukee Journal Sentinel* reports.

Twenty years ago, the Wisconsin Legislature failed to adopt new state Assembly and Senate maps. The question then became this: Who should develop the redistricting plan, state or federal courts?

In a 2002 decision, the Wisconsin Supreme Court deferred to a three-judge panel of federal judges that already had taken over the case. However, in that decision, the justices noted that “had our jurisdiction been invoked earlier, the public interest might well have been served by our ... deciding this case [rather than the federal courts].”

Intervention by the courts would be nothing new in Minnesota; it's occurred after every Census since 1970. Most recently, as the result of a stalemate between Minnesota's governor and Legislature after the 2010 Census, the state Supreme Court turned over the drawing of new state and federal lines to a five-judge panel.

In Kansas, Republicans have a veto-proof legislative majority. A decade ago, they also controlled the House and Senate but failed to pass a redistricting plan, causing the lines to be drawn by a U.S. District Court.

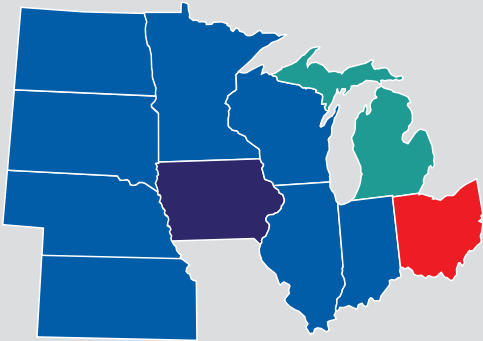
4 ACCOUNTING FOR SHIFTS IN POPULATION, LOSSES OF PEOPLE IN RURAL AREAS

According to The Pew Charitable Trusts, the number of people living in the nation's rural areas fell by 0.5 percent between 2010 and 2020. Meanwhile, populations in U.S. cities and suburbs grew 8 percent.

Most states in the Midwest have seen their rural populations decline even more than the national average (see map), and one consequence of this trend will be a higher proportion of state legislators representing the region's metropolitan areas.

In **Nebraska**, one of the state's largely rural districts is being dissolved into neighboring ones, while a district was added in Sarpy County (part of the Omaha area). In **North Dakota**, the new state's map was likely to eliminate three rural legislative districts in the northeastern and southeastern parts of the state, according to the Associated Press. The Fargo area would gain one district, as would two areas in the state's oil-rich western region.

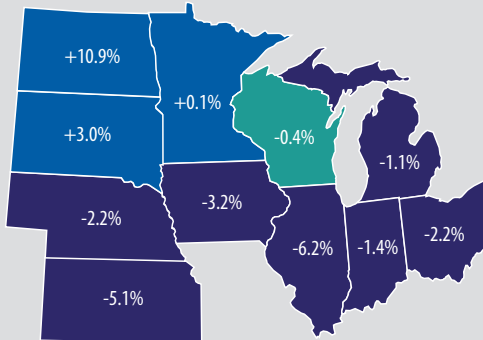
WHO DRAWS THE MAPS? OVERVIEW OF REDISTRICTING PROCESSES IN MIDWEST



- Legislature draws district lines (single U.S. House districts in North Dakota, South Dakota)
- Nonpartisan Legislative Services Agency draws district lines; Legislature votes on maps without amendments
- Independent citizens commission draws maps
- Seven-member commission (legislators and statewide elected officials) draws lines for state legislative districts; General Assembly has first chance to draw lines for U.S. House districts (commission is used if impasse occurs)

LAWS IN 3 MIDWESTERN STATES THAT LIMIT OR BAN GERRYMANDERING	
State	Language
Iowa	"No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress"
Michigan	"Districts shall not favor or disfavor an incumbent elected official or a candidate" "Districts shall not provide a disproportionate advantage to any political party"
Ohio	"No general assembly district plan shall be drawn primarily to favor or disfavor a political party ... The statewide proportion of districts whose voters ... favor each political party shall correspond closely to the statewide preferences of the voters of Ohio." <i>(General Assembly redistricting plan)</i> "The General Assembly shall not pass a plan that unduly favors or disfavors a political party or its incumbents." <i>(congressional redistricting plan)</i>

% CHANGE IN RURAL POPULATION: 2010-2020



- Rural population grew
- Rural population fell, but at lower rate than national average of -0.5%
- Rural population fell, and at higher rate than national average of -0.5%

Source: Stateline, an initiative of The Pew Charitable Trusts

ILLINOIS TIES NUCLEAR POWER TO NEW PLEDGE TO BE CARBON-FREE BY 2050

For states across Midwest, uncertainty remains over future of storing and shipping spent fuel

by Mitch Arvidson (marvidson@csg.org)

On Sept. 13, the 727 employees of the Byron Nuclear Generating Station were finally able to breathe a collective sigh of relief. That was the day the Illinois Senate passed SB 2408 and sent the measure to Gov. J.B. Pritzker, ending nine months of nail-biting negotiations.

At stake for the plant's workers were their jobs.

And for the entire state, the new law will shape Illinois' energy future for decades to come.

It pledges a transition to 100 percent clean energy by 2050 and includes new requirements for different types of existing power plants. For example, municipal coal- and natural gas-fired plants must be carbon-free by 2045, private coal plants must have zero emissions by 2030, and private natural gas plants must reach this target by 2045. These plants will be shut down if the requirements are not met.

At the same time, the new law helps keep open the Byron facility, along with a second nuclear power plant, Dresden, in the Illinois town of Morris. It does so by including a \$694 million state subsidy (paid for by ratepayers).

"They are our largest carbon-free generators," Illinois Sen. Michael Hastings says of his state's 11 nuclear reactors. "They power over 11 million homes. For them to close would be catastrophic to us reaching our clean energy goals."

"It would take us close to 30 years to replace nuclear plants with just wind and solar generation."

Two years ago, Exelon announced that without a state subsidy, the company would retire its Byron and Dresden plants due to competition from cheaper, natural gas-fired plants. An independent consulting firm hired by the state in January 2021 confirmed that the plants could not remain economically viable without state support.

This is not the first time Illinois legislators intervened to keep some of Exelon's nuclear plants open. In 2016, they provided \$235 million per year so that two other facilities would remain running for a minimum of 10 years.

The idea of a second "bailout" for Exelon was going to be politically challenging regardless. Adding to the difficulty was a highly publicized political bribery case against ComEd, a former subsidiary of Exelon.

Nevertheless, due in large part to the nuclear fleet's importance to broader environmental goals (it currently

accounts for 90 percent of Illinois' carbon-free energy), lawmakers reached a subsidy agreement during a special session in June.

However, disagreements over other parts of SB 2408 prevented its passage in the early summer months.

So the clock ticked as legislators, the governor and others continued negotiations. Meanwhile, Exelon said the Byron plant would run out of fuel and permanently shut down on Sept. 13.

In the 11th hour, disagreements were resolved, the legislation passed and Exelon announced it would refuel the plants.

The 727 employees at Byron, along with 791 employees at Dresden, could breathe easier. According to Hastings, the same goes for the whole state of Illinois. "Coming off the COVID-19 pandemic, the economic impact that would have occurred as a result of two to four nuclear plants closing would be devastating," he says.

THE NUCLEAR WASTE CHALLENGE

Nuclear energy plays a large role in the Midwest's electricity supply. Currently, there are 17 nuclear plants in eight states and a total of 25 operating reactors.

In addition to these operating reactors, there are seven decommissioned reactors at six sites in five states.

These sites are at various stages in the decommissioning process. Duane Arnold in Iowa, for example, shut down just last year; decommissioning activities have not yet begun there. On the other hand, Illinois' Zion and Michigan's Big Rock Point sites are now fully decommissioned, with only spent nuclear fuel remaining on-site.

This fuel remains in dry casks at the shutdown sites because the federal government (responsible for all such waste under the Nuclear Waste Policy Act of 1982) has not yet determined what to do with it.

According to the U.S. Department of Energy, the Midwest's decommissioned and operating plants will eventually have an estimated 34,422 metric tons of spent nuclear fuel if the current reactors run through their licenses and no replacement reactors are built.

Ultimately, all of this fuel will need to be transported to one or several storage or disposal facilities.

Since the dry transportation casks that will likely ship this material are so heavy (usually more than 100 tons each), shipments will have to mostly take place via railroads. Heavy-haul trucks will transport casks from reactor sites to rail-loading sites if there are none located on-site.

To make these shipments safe, a complex web of regulatory requirements are in place and enforced by several federal agencies, as well as various state, tribal and local entities.

CENTRAL ROLE FOR STATES

Regardless of the outcome of this year's legislative debate

in Illinois, there was going to be an impact on the transportation of radioactive materials in the Midwest.

If the Byron and Dresden plants had shut down permanently, the long process of decommissioning would have begun — including shipments of radioactive waste through the region.

When the two reactors at Zion Nuclear Power Station (located 40 miles north of Chicago) shut down in 1998, decontamination and dismantlement did not even begin until 2011. Final decommissioning activities at Zion were just finished this year.

These activities resulted in rail shipments totaling 3,881 rail cars and an additional 413 truck shipments of low-level radioactive waste from northern Illinois to a disposal facility in Utah.

They passed through Wisconsin, Iowa and Nebraska along the way. This included a highly technical shipment of a 17-foot-diameter, 225,000-pound reactor head.

Midwestern states and localities would have had to expect, and prepare for, similar activities if the Byron and Dresden reactors had shut down.

And states play a critical role in executing these radioactive waste shipments through the region.

They are co-regulators with the U.S. Nuclear Regulatory Commission and U.S. departments of Energy and Transportation. More broadly, too, state and local governments share the responsibility for protecting public health and safety. In addition, they are experts in local conditions — road conditions, requirements for inspections or escorts, key dates to avoid, or even the political landscape.

For these reasons, states help lead the planning of shipments of radioactive waste and spent nuclear fuel. This includes route identification, emergency preparedness, safety and radiological inspections, shipment monitoring and public information campaigns.

Because of the Illinois General Assembly's passage of SB 2408, there will not be any new decommissioning activities in that state anytime soon.

However, a combined total of 35 metric tons of spent nuclear fuel will be discharged from the Byron and Dresden generating stations every year that they remain open.

The now-decommissioned Zion plant operated for more than 20 years, and more than 1,000 metric tons of spent nuclear fuel remain on-site.

STATE OF NUCLEAR POWER AND STORAGE OF SPENT NUCLEAR FUEL IN MIDWEST			
State	% of total electricity generated by nuclear power (2020) ¹	# of reactors/facilities with spent nuclear fuel ²	Total amount of final, projected spent nuclear fuel (in metric tons initial uranium) ³
Illinois	57.8%	15	17,644 metric tons
Iowa	4.9%**	1	659 metric tons
Kansas	19.5%	1	1,572 metric tons
Michigan	28.9%	5	5,064 metric tons
Minnesota	26.0%	3	2,086 metric tons
Missouri*	10.5%	1	1,562 metric tons
Nebraska	16.8%	2	1,272 metric tons
Ohio	15.0%	2	2,666 metric tons
Wisconsin	16.0%	2	1,897 metric tons
¹ No nuclear power generated in Indiana, North Dakota or South Dakota. ² Number includes nuclear plants/reactors that have been decommissioned but still hold spent nuclear fuel, as well as an independent spent fuel storage installation in the Illinois town of Morris. ³ The amount is based on the following: total fuel discharges through 2012, forecast discharges between 2012 and 2019, and future discharges between 2020 and 2075. These figures are based on a scenario in which no new nuclear power reactors are built. * Missouri is included because that state is part of CSG Midwest's 12-state Midwestern Radioactive Materials Transportation Project. ** Iowa's sole nuclear power plant was retired in August 2020. Sources: U.S. Department of Energy, "Spent Nuclear Fuel and High-Level Radioactive Waste Inventory Report," Nuclear Energy Institute and CSG Midwest research			

FUTURE OF SPENT-FUEL STORAGE

Where will all of this spent nuclear fuel from the Midwest go?

The answer is no longer Yucca Mountain in Nevada; the U.S. government stopped that project in 2009. More recently, private sector-led proposals have been advancing.

In September, the U.S. Nuclear Regulatory Commission issued a license to Interim Storage Partners for construction of a site in Texas. This private, interim storage facility is authorized to initially hold 5,000 metric tons of spent nuclear fuel and can add capacity later. An NRC decision on a second proposed facility (this one by Holtec International for a site in New Mexico) is expected in January.

But just days before the NRC issued Interim Storage Partners' license, Texas Gov. Greg Abbott signed HB 7.

This new law bans the Texas Commission on Environmental Quality from issuing permits for facilities that store nuclear fuel. It is unclear if this state law will matter to the federal government and Interim Storage Partners in the end, but legal challenges are likely if the project proceeds. (State and local objections in Nevada are what led to the end of Yucca.)

So as Illinois and other Midwestern states continue to rely on nuclear power, the problem of finding a place to store the waste remains unresolved.

The Council of State Governments partners with the U.S. Department of Energy on the Midwestern Radioactive Materials Transportation Project, which helps states prepare for and execute shipments within their jurisdictions. Mitch Arvidson manages the project for CSG Midwest. He can be reached at marvidson@csg.org.



IOWA, KANSAS TARGET MORE HOUSING IN SMALLER DOWNTOWNS; ILLINOIS EXPANDS TAX CREDIT

» CONTINUED FROM PAGE 1

resources to meet the affordable housing needs” of low-, very low- and extremely low-income households.

According to *The Des Moines Register*, Reynolds will split \$100 million among several programs:

- \$65 million to bolster an existing housing tax credit,
- \$10 million for the Homes for Iowa program, a nonprofit group that employs inmates to build affordable housing,
- \$5 million for pilot programs that promote home repairs across Iowa as well as homeownership among minority groups, and
- \$20 million for downtown housing in cities with under 30,000 people.

Under that new \$20 million grant program for smaller cities, Iowa hopes the state dollars spur the development of upper-story housing in existing buildings, as well as the revitalization of vacant schools and other buildings.

Likewise, Kansas’ SB 90 (initially sponsored by the committee on which Sen. Olson serves as chair) is targeting more housing development in small communities’ downtowns.

The measure, signed into law in July, expands the reach of an existing program that allows certain smaller-sized communities to establish rural housing incentive districts — a type of public subsidy (tax increment financing) for developers. Under SB 90, eligible projects now include the renovation of buildings at least 25 years old for housing above ground-floor retail.

According to Olson, this new law is just one piece of a multifaceted policy response needed to address Kansas’ housing challenges. Bills being developed for next session include aid for first-time buyers, additional state funding for affordable housing programs, and new initiatives for modular housing.



Kansas Sen. Rob Olson

NEW HOUSING INVESTMENTS IN ILLINOIS, PROPOSALS IN MICHIGAN

What is “affordable housing”? The U.S. Department of Housing and Urban Development defines it as costing no more than 30 percent of a household’s gross income.

The lack of it is not a new problem, as evidenced by the many programs that states already have in place — from rental assistance and emergency or transitional housing for those at risk of becoming homeless, to financial incentives for builders, to tax breaks for the elderly or disabled veterans.

At the federal level, the Low Income Housing Tax Credit targets affordable housing investments and development. It makes such projects more attractive by providing credits equal to either 4 or 9 percent of the project’s costs for 10 years.

States are allocated a fixed amount of credits based on population, and also can implement their own versions of the credit to provide yet another extra boost.

In the Midwest, Nebraska did so in 2016 (LB 884), and Illinois extended its Affordable Housing Tax Credit program with this year’s passage of HB 2621.

“Illinois, like a lot of states, ends up leaving many of those lower credits on the table because they’re more difficult for developers to make them work,” Guzzardi says.



Illinois Rep. Will Guzzardi

“Creating a state equivalent of those federal tax credits has been a legislative goal for a few years. Our hope is to use this as a demonstration of the value of this kind of program.”

Under the new law, over the next four years, Illinois

will use \$75 million annually in newly available federal dollars for a COVID-19 Affordable Housing Grant Program. That money will support rental-housing construction and rehabilitation in areas most impacted by the COVID-19 pandemic.

Guzzardi, the bill’s sponsor, says it will give “an extra shot in the arm” for developers to secure funding and move ahead with projects.

Another provision in HB 2621 gives property tax breaks for qualifying new or rehabilitated multifamily buildings with affordable housing units. It does so by reducing the property’s assessed value. For example, the owner of a multi-family unit can invest in improvement to the dwelling and get a tax break — so long as he or she keeps the rent affordable.

For new construction, buildings with at least 15 percent of their units as affordable can get a 25 percent reduction for 10 years. Those offering more than 35 percent of their units as affordable can get a 35 percent reduction.

This should help slow the loss of affordable housing in urban neighborhoods, including his own, Guzzardi says.

Meanwhile, almost a dozen tax-related affordable housing bills are pending in Michigan.

Ideas include:

- permitting local governments to establish “attainable housing districts” in which property owners with lower-income renters would get partial tax

exemptions for one to 12 years (HB 4647 and SB 362).

- giving employers an income tax credit for contributions to affordable housing trust funds or for direct housing assistance to lower-income workers (HBs 4649 and 4650 and SBs 360 and 361);

- expanding the use of Neighborhood Enterprise Zones (HB 4646 and SB 364) and creating a Residential Facilities Exemption (HB 4827 and SB 422) to provide property tax breaks to affordable housing developments within districts created by local governments; and

- allowing local governments to create Payment In Lieu Of Taxes programs for developers building or rehabilitating affordable housing (SB 432).

‘ALL PART OF SOLUTION’

Indiana and Michigan are among states now working on formal housing plans, while Kansas has launched its first statewide assessment of housing needs in 27 years. It is scheduled to be completed by December.

Michigan’s most recent housing-needs study was done in 2019, and it set the stage for a housing plan due in early 2022, says Gary Heidel, acting executive director of the Michigan State Housing Development Authority.

Seventeen “solution groups,” encompassing construction, finance and other housing-related interests, are now taking deep dives into priority areas; at the same time, a group of state agencies has been soliciting public feedback to learn what people across the state are seeing in their communities.

“The idea is that it’s not just a housing plan, but a way to address the entire [housing] industry so we can all be part of the solution,” Heidel says.

Before year’s end, Indiana plans to debut a new a web-based housing “dashboard” providing real-time information on existing and needed housing stock sortable by category and location, says Mike McQuillan, the Indiana Housing and Community Development Authority’s director of industry and government affairs.

“This tool will serve as a great resource for not only our state’s homebuilders, but all stakeholder groups, local officials, and others as they use this information to make decisions for Indiana’s future,” McQuillan says.

Indiana legislators made affordable housing a topic for the General Assembly’s summer study session. Sen. Shelli Yoder, who suggested the topic after hearing from constituents, says she’s already working to draft legislation for the 2022 session based

RENTAL HOUSING COSTS IN STATES (2021)*			
State	Hourly wage needed to afford 2-bedroom rental at fair market rent	Annual income needed to afford 2-bedroom rental at fair market rent	Estimated fair market rent for 2-bedroom rental
Illinois	\$22.11	\$45,986	\$1,150
Indiana	\$16.57	\$34,474	\$862
Iowa	\$15.97	\$33,224	\$831
Kansas	\$16.81	\$34,975	\$874
Michigan	\$18.55	\$38,575	\$964
Minnesota	\$21.78	\$45,301	\$1,133
Nebraska	\$16.91	\$35,175	\$879
North Dakota	\$16.61	\$34,552	\$864
Ohio	\$16.64	\$34,608	\$865
South Dakota	\$15.46	\$32,159	\$804
Wisconsin	\$17.89	\$37,202	\$930
United States	\$24.90	\$51,789	\$1,295
*To be affordable, housing costs (rent and utilities) must not exceed 30 percent of annual household income.			
Source: “Out Of Reach: The High Cost of Housing, 2021,” National Low Income Housing Coalition			

on the study’s recommendations. People try hard to live within their means, but “when there is no housing available, that makes that very challenging,” she says. “Hoosiers are finding that affordable housing is simply not available and that creates quite a strain.

“There is no silver bullet. This has to be a multi-pronged approach,” she says.

South Dakota legislators also made housing an interim session study topic.

While a matter of local control, zoning codes are coming under increasing state scrutiny as they have sometimes outlawed duplexes or four-plexes, live/work units, courtyard buildings and accessory or auxiliary units (for example, coach houses or “granny flats”) in favor of single-family lots.

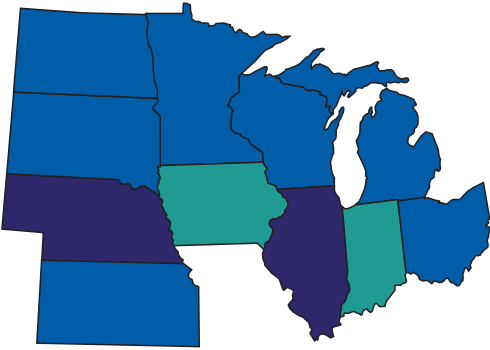
California allowed accessory units by law when AB 2299 was enacted in September 2016. This year, a new state law (SB 9) effectively ends single-family zoning by allowing duplexes or second units to be built on single-family lots and permitting the bisection of those lots into new lots of at least 1,200 square feet, each of which could host a duplex.

While no similar legislation is on the Midwest’s horizon, some officials are willing to look at zoning as an element of solutions to affordable housing.

Iowa’s Empower Rural Iowa program offers \$10,000 housing grants to qualifying municipalities, which then work with Iowa State University Extension to examine their housing needs.

Liesl Siebert, rural community revitalization program manager for the Iowa Economic Development Authority, which oversees the program, says some of the 20 grant winners so far have used those funds to hire specialists to rewrite or update their zoning codes.

STATE LOW-INCOME HOUSING TAX CREDIT PROGRAMS IN MIDWEST, 2021



- State has tax credit in place
- State does not have tax credit; legislation proposed in 2021
- State does not have tax credit

Source: Novogradac Affordable Housing Resource Center

FIVE STATES WORKING TOGETHER TO BOLSTER ELECTRIC VEHICLE INFRASTRUCTURE AND WORKFORCE

Illinois, Indiana, Michigan, Minnesota and **Wisconsin** have begun working together on the development of an electric vehicle infrastructure.

Launched in September, via a memorandum of understanding signed by the states’ five governors, the Regional Electric Vehicle Midwest Coalition has three goals: 1) accelerate the electrification of medium- and heavy-duty vehicle fleets; 2) position the Midwest as a leader in the production of electric vehicles; and 3) ensure that economic gains and environmental advances are shared equitably and help “historically disadvantaged communities.”

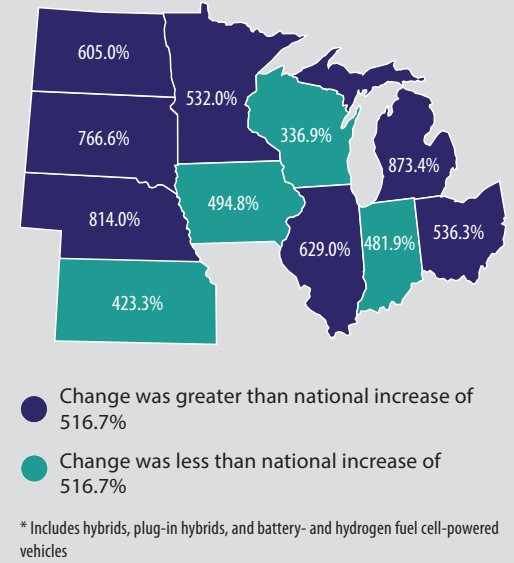
One of the first steps will be to coordinate the placement of EV infrastructure, “with an initial focus on target routes of commercial significance.” Senior leadership from each state will meet regularly to share updates and input on the group’s activities, as well as identify and remove barriers to private sector and publicly supported charging station development. The states also will work together on standardizing the region’s regulatory structures and public communication.

Another priority will be working across state lines with energy providers to ensure the reliance and sustainability of the region’s electricity grid. And to become a hub of EV-related manufacturing, the governors plan to cooperate on new workforce development initiatives.

Separately, Michigan has announced plans to establish an electric vehicle route along the coast of Lake Michigan and other key tourism areas. A state grant program will be used to encourage the development of new charging sites along the Lake Michigan Electric Vehicle Circuit. According to the U.S. Department of Energy’s Alternative Fuels Data Center, California leads the nation in the number of publicly available electric charging stations. It has a total of 34,286 ports. In the Midwest, the number of ports ranges from a high of 2,268 in Illinois to a low of 134 in **North Dakota**.

Michigan and Indiana also are vying to become the first U.S. state with a stretch of public road that provides EV owners the option of wirelessly charging their vehicles, the *Detroit Free Press* reports.

INCREASE IN MONTHLY SALES OF ELECTRIC VEHICLES IN MIDWEST STATES: JANUARY 2011 TO JUNE 2021*



Source: Alliance for Automotive Innovation

VACCINE MANDATE IN PLACE IN SASKATCHEWAN; POLICIES VARY WIDELY IN MIDWEST’S STATES

Saskatchewan is requiring proof of vaccination or a negative COVID-19 test for all of the province’s government employees, including those at government-owned “crown corporations,” as well as for access to a variety of indoor public establishments and venues — from indoor restaurants and fitness centers, to museums, theaters, casinos and live-music venues.

Children under age 12 are exempt from the requirement, which took effect Oct. 1. The mandate does not include retail businesses (including grocery stores), places of worship, fast-food restaurants, health care services, professional services or hotels.

According to the National Academy of State Health Policy, most Midwestern states have chosen not to have vaccine requirements such as Saskatchewan’s. For example, few Midwestern states have similar requirements for state employees. However, there are some exceptions:

- In **Minnesota**, starting in early September, state employees had to be vaccinated or submit to weekly tests.
- At state-run **Illinois** veterans homes, prisons, juvenile detention centers and facilities for the mentally or developmentally disabled, a vaccine requirement for workers took effect in October. Exemptions can be sought for sincerely held religious beliefs. In these cases, additional testing can be required.
- Executive branch employees in **Wisconsin** were required to be vaccinated or undergo weekly testing as of Oct. 18.

In contrast, **Indiana** Gov. Eric Holcomb signed HB 1405 in May, banning state and local governments from implementing vaccine requirements. **Michigan** Gov. Gretchen Whitmer in September signed the state’s budget, which includes language barring any publicly funded department, agency, board, commission or individual from requiring proof of vaccine as a condition of employment. However, under the law, certain hospitals and congregate-care facilities can require vaccines.

Indiana, **Iowa, Kansas**, Michigan, **North Dakota** and **South Dakota** have adopted some kind of ban on the use of “vaccine passports” by state and local governments, the academy notes. For example, in Iowa (HF 889), government-issued identification cards cannot include vaccination status, and state funding will be withheld from any business requiring that customers show they have gotten the vaccine.

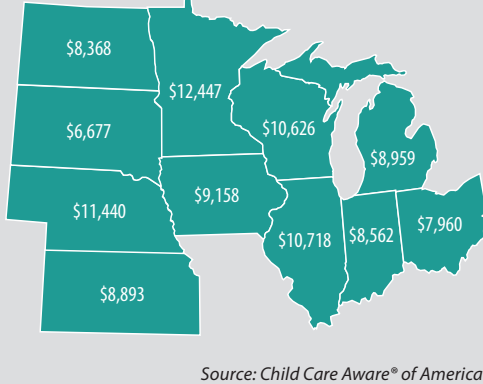


STATES HELPING FAMILIES GET CHILD CARE WITH NEW SCHOLARSHIPS, EXPANSION OF SUBSIDIES

Amid continuing workforce shortages and the availability of new federal dollars, states across the Midwest are ramping up their efforts to assist families in need of child care. Here are recent examples from the region.

- **Indiana** has extended its Build, Learn, Grow scholarship program through March of next year. It targets help for households with adults in “essential” business sectors such as health care, retail, food services and restaurants, and manufacturing and logistics. Depending on the family’s income level, the scholarships cover between 20 percent and 80 percent of a child’s tuition to attend before- or after-school care or an early-childhood education program.
- A new referral program in **Kansas** will connect individuals seeking jobs through the state’s local workforce centers to the various child care assistance and subsidy programs available to them.
- Kansas also is among the Midwestern states at least temporarily increasing eligibility for child care assistance. Any Kansas worker who makes 250 percent or less of the federal poverty level is now eligible for a state subsidy. As part of the expansion, too, Kansas is waiving the family-share deduction for essential workers and reducing the deduction for others. **Nebraska** (LB 485) and **Michigan** (SB 82) have increased eligibility levels to 185 percent of the federal poverty level.
- **Illinois** is offering three months of free child care to lower-income parents who are out of work and actively seeking employment.

AVERAGE PRICE OF FULL-TIME, CENTER-BASED CHILD CARE FOR A 4-YEAR-OLD (2019)



Source: Child Care Aware® of America

MINNESOTA HAS NEW RESTORATIVE JUSTICE PLAN TO HELP VETERANS WHO COMMIT LOW-LEVEL CRIMES

Minnesota is changing the way its criminal justice system handles veterans charged with less-severe crimes, with an emphasis on connecting them to court-ordered services and treatment programs in lieu of prosecution and jail time. The bipartisan Veterans Restorative Justice Act (part of SF 2, a bill from this year’s special session) was signed into law this summer.

The law is for individuals who have service-related issues such as chemical exposure, physical injury and post-traumatic stress disorder. It creates a specialized sentencing structure for these veterans; the state’s goal is to help them heal from service-related traumas and conditions. A judge will place individuals on probation and set conditions for supervision — for example, treatment, education and rehabilitation. If the terms of probation are met, charges are dismissed.

In different parts of Minnesota, as well as most states in the Midwest, veterans treatment courts already are in place.

Earlier this year, the U.S. Bureau of Justice Statistics released a national study of veterans in state prisons. They made up 7.9 percent of the total state prison population in 2016, and a little more than 30 percent of these veterans were serving time for a nonviolent offense.





PROFILE: MINNESOTA HOUSE DEPUTY MAJORITY LEADER LIZ OLSON

In era of divided government in Minnesota, she says legislators can bridge partisan divides by ‘investing in each other,’ with the payoff being policy win-wins

by Mitch Arvidson (marvidson@csg.org)

Even before becoming a legislator herself, Liz Olson was a frequent traveler to the Minnesota Capitol. “Oftentimes, I would be the one to load the bus with people to go advocate,” she recalls. Olson would come from her home community of Duluth, as a community organizer with a mission to influence policy in areas such as homelessness and hunger. She always left St. Paul with an appreciation of the power of state lawmaking. “In the best of times, it improves people’s lives,” she says. “And at the worst of times, it can be a life-or-death situation for people on the margins, and we saw both.”

Those experiences had a profound impact on Olson. It helped inspire her to run for office, and to be ready to make a difference from day one on the new job.

“It really equipped me to then be on the other side of things and essentially be the one greeting the bus now,” Olson adds, “[greeting] the advocates coming down from Duluth to meet me.”

Wherever she is, whatever she is doing, one constant for Olson has been her faith. She is the daughter of two Lutheran pastors and the graduate of Luther Seminary, a background that helped lead her to the community-organizing work in Duluth, to a “faith in community,” and to a belief that building connections and trust among people is a cornerstone to success.

Olson applies those values now as a legislator. First elected in 2016, she has quickly ascended in leadership, first serving as majority whip and now as deputy majority leader and speaker pro tempore.

“This work is deeply relational,” she says about legislative service. “I think that’s true if your party controls all chambers, and I think it’s even more true in divided government. The only way you’re getting things done is if you’re working across the aisle.”

In an interview with CSG Midwest, Rep. Olson shared her perspective on how to build these relationships, her leadership style, and her work on addressing state priorities such as the opioid addiction crisis.

Q What are some of the lessons you took away from being a community organizer and policy advocate through organizations such as Churches United in Ministry (CHUM)?

A We saw times when people were terrified they weren’t going to be



BIO-SKETCH: MINNESOTA REP. LIZ OLSON

- ✓ serves as deputy majority leader and speaker pro tempore; previously held position of majority whip
- ✓ first elected to Minnesota House in 2016; represents western Duluth
- ✓ previously worked as community organizer for Churches United in Ministry, Generations Health Care Initiatives and TakeAction Minnesota
- ✓ has bachelor’s degree in sociology from University of Minnesota Duluth and master’s degree in congregational and community care from Luther Seminary in St. Paul
- ✓ lives in Duluth with her husband and their young daughter

“This work is deeply relational. ... I think it’s even more true in divided government.”

able to afford their inhalers or receive the care they needed when some of the health care programs were on the chopping block. We’ve also seen it go well when you see money for affordable housing prioritized. I was able to be in the intricacies of that work, but from an advocacy and organizing standpoint — to tell those stories alongside people living those experiences.

Q Why did you leave that work to run for a seat in the Minnesota House?

A I saw firsthand the impact [legislators] can have on the day-to-day lives of people living on the margins. I was never expecting politics to be the place where I wanted to work to improve people’s lives. When the seat opened up, it was an opportunity to continue to do this work at the next level, and to do it in partnership with the people I’d built relationships with through all my other work in the community.

I see it not as a trajectory change, but as a continuation of what I’d always been doing, just on a different level.

Q Soon after joining the Legislature, you became a leader on trying to address the problem of opioid addiction in Minnesota. Why?

A When I worked at CHUM, one of the street outreach workers asked me to accompany her to a funeral,

and it was someone who had died of an opioid overdose. She used the term “death of despair,” talking about how opioids rip across our communities and impact all levels, all people, and it was really started by greed, quite frankly.

Here I was working at a homeless shelter seeing the endgame of that greed — people losing everything to addiction, and I think it has touched all our lives in different ways. ...

So I talked to my colleagues across the aisle who worked on this. A dear friend of mine who is a Republican colleague [Rep. Dave Baker] had lost his son to an overdose.

We got to talking and said, “Regardless of who has the gavel after the next election, let’s get this done.” When the House flipped and we [Democrats] were in control, the two of us got together and started working. We didn’t stop working until it got across the finish line.

Q Partisan control in Minnesota is split, a Democrat-controlled House and Republican-led Senate. How do you go about building bipartisan support on a bill like the opioid measure, which was controversial because of the new fees it placed on drug manufacturers and distributors?

A I pride myself in being effective, but I’m only as effective as my colleagues across the aisle want me to be. We need to really work together in order to get [legislation] done. That really comes from building relationships

of trust, really investing in each other, and seeing our differences but also seeing our similarities.

On the opioid bill, I worked really closely with Republican Sen. Julie Rosen, who was a bull in getting that done.

I learned a ton from her as a colleague, someone who has been in the Legislature a long time but was in a different body and in a different party. We have a really great relationship because of that work we did together.

Again, it goes back to building those relationships of trust.

Q What are some of your legislative priorities for the rest of 2022 and beyond?

A We finished our state budget this year, but as we all know, the pandemic has greatly altered how we operate. We will have federal one-time funds that we’ll work on. Continuing to come out of the pandemic, what does that mean for our state? And for sectors that were impacted? That conversation will continue this year.

This is a big year for infrastructure projects and what that means for our economy coming out of this crisis. My community is on a Great Lake. It’s a regional hub of economic development, so doing things that invest in our infrastructure is super important.

And then we’ll continue to work on some of the key bread-and-butter issues that impact my community. There is always work to do on housing and child care, in particular, for our region.

FIRST PERSON: HOW THREE FOUNDATIONAL GOALS ARE DRIVING MICHIGAN'S WORK ON POLICE REFORM

More resources needed to help all departments meet higher state standards



by Michigan Sen. Roger Victory
(SenRVictory@senate.michigan.gov)

Midway through my first four-year term in the state Senate, a colleague of mine departed for a different elected position.

His departure left an opening at the top of one of our heaviest-workload committees: chair of Michigan's Senate Committee on Judiciary and Public Safety.

I was given the honor of taking on that position, and all of the new challenges and opportunities that it presented.

Despite having served for six years in the House prior to being elected to the Senate, this was my first time dealing with judiciary and public safety issues.

Being a farmer by trade, I had focused heavily on quality-of-life areas, such as agriculture and natural resources, while also doing a good deal of work on appropriations.

To prepare myself for this weighty committee that fell outside of my normal legislative wheelhouse, I went on an in-depth listening tour. I spoke with fellow committee members, numerous interest groups, and stakeholders who commonly appeared before our state's judiciary committees.

One of the topics that came up most frequently during this listening tour was making improvements in policing.

THREE FOUNDATIONAL GOALS

Some preliminary bills on this topic had moved during the previous

legislative term, but none had gained significant traction. As the committee's new chair, there were questions as to what direction, if any, I would take in shepherding what was likely to be contentious legislation.

Currently, Michigan is a politically divided state. Republicans control the state Senate and House, while our governor, attorney general and secretary of state are all Democrats.

The state Senate is also down two Republican members (due to two senators' elections to local office), so the majority is very slim.

If there is hope of any legislation being passed by both chambers and signed into law, we must find some level of support from nearly every point along Michigan's political spectrum.

I needed to set clear goals early in the process to successfully pass through the political gauntlet. Three goals laid a stable foundation for the work ahead:

- **Goal 1** — Any bill voted out of our committee to the full Senate would seek to benefit and improve law enforcement agencies in Michigan.
- **Goal 2** — Avoid creating any unintended consequences that make policing harder or create larger divides in our communities.
- **Goal 3** — Ensure that any new laws and programs could be implemented in the real world, and did not just serve as legislative "window dressing."

With these goals in place, I was able to keep an open mind when hearing proposals from fellow legislators, police groups, community activists and other organizations. They sometimes had wildly different ideas on which direction a bipartisan legislative package on police improvement should take.

Communicating these goals clearly and openly early on kept the discussions focused. This led to legislative proposals that were grounded, practical and seemed achievable.

In May, I was able to unveil a multi-bill package alongside a legislative colleague on the other side of the aisle (Sen. Stephanie Chang, minority vice chair of our Judiciary and Public Safety Committee).

LACK OF RESOURCES

During those early listening sessions, one discrepancy that stood out was a lack of uniformity of best practices throughout various regions of the state. For instance, policing in west Michigan, parts of which I represent, did not necessarily match what was occurring in other areas.

Officers in some departments and agencies were able to complete numerous certifications and an accreditation program offered through our Police Chiefs Association. Other communities, on the other hand, did not have the funding, resources or staff to do this kind of training while still covering necessary patrols and additional duties.

Throughout these discussions, too, I was re-introduced to a problem that I have seen plague segments of Michigan's government for years.

During the Great Recession of the late 2000s, revenue shortfalls caused our state to severely reduce the budgets of many departments. After the economy slowly recovered, the returning revenue never got appropriated back to many de-funded departments or programs.

The Michigan Commission on Law Enforcement Standards was a victim of these reductions, and it remains underfunded and understaffed.

In 2001, the commission had 28 staff members; as of 2018, it was down to 18. These cuts have occurred at a time when Michigan is requiring higher standards and asking more of the commission (not to mention additional public pressures focused on police practices and oversight).

If state government is going to require more-robust investigations into officer incidents, then the agency conducting the investigations needs to be given proper resources and authority.

Similarly, if state government is going to require more police training and proven best practices across all local law enforcement agencies, we must provide the resources to meet these demands.

Lingering gaps in what is required and what is available have only served to hinder compliance and create larger inequalities between agencies.

BALANCED, REASONED APPROACH

Erasing these gaps is among the priorities in the legislative package introduced earlier this year.

Some of the measures are also responses to specific headline-making incidents in our state (better tracking of use-of-force violations, new rules on no-knock warrants, bans on chokeholds, etc.), as well as issues that arose from police agencies trying to meet requirements set by our Commission on Law Enforcement Standards.

Lastly, the legislative package



addresses one of the biggest issues facing law enforcement (and every industry) across our state — the recruitment and retention of talent.

These bills have gone through very public and lengthy hearings. Groups from across the political spectrum have had the chance to speak, but one thing that we wouldn't tolerate was outright objection without an alternative proposal for how to better address the issue.

Weeks of testimony improved many of the proposals and sharpened their focus. A good example is our bill on no-knock warrants (SB 479).

We heard horror stories of entries gone wrong that left citizens, children and police officers severely injured or worse.

However, in Michigan, we also have a recent history of incidents involving anti-government, militia-styled individuals and groups. Those situations unequivocally require the execution of a no-knock warrant. It is a tool that, especially given our history, must be available for use when absolutely necessary.

SB 479 seeks a compromise: allow no-knock warrants under some circumstances, but require more of law enforcement when executing them.

It is impossible to legislate for any and every eventuality. Through the legislative process, you must look for what is possible and practical, and what will actually address the goal you set out to achieve.

To be fair, the bills are still in committee, and a great deal of work must still be done. But I am optimistic that there will be a final product that elevates proven best practices across Michigan and supports our law enforcement agencies and the communities they serve.

We are working to improve our state and protect our people, and that includes making our judicial system better and ensuring our law enforcement officers have the tools in place to fairly and effectively keep our communities safe.

I believe that my balanced approach has laid the foundation for real achievements for the people of Michigan on these critical issues.

Sen. Roger Victory was first elected to the Michigan Legislature in 2018. Along with serving as chair of the Senate Judiciary and Public Safety Committee, he currently is assistant majority whip.

Gaps in what is required and what is available [to police] have only served to hinder compliance and create larger inequalities between agencies.

SUBMISSIONS WELCOME

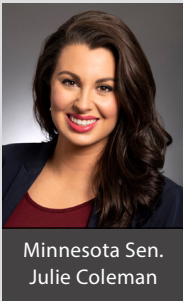
This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwestern Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics.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

FIVE LEGISLATORS FROM MIDWEST
RECOGNIZED AS AMONG NATION’S UP-
AND-COMING LEADERS

Every year, The Council of State Governments recognizes the outstanding work of a select group of younger elected and appointed officials from across the country.

This year’s class of 20 Under 40 Leadership Award recipients includes five legislators from the Midwest: Minnesota Sen. Julie Coleman, Nebraska Sen. Megan Hunt, North Dakota Rep. Corey Mock, Ohio Rep. Jena Powell and Kansas Rep. Ponka-We Victors-Cozad.

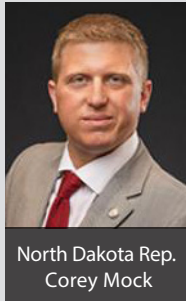
Award winners are chosen by a committee comprised of CSG public sector members and one private sector representative. The recipients, all under the age of 40, have exemplified strong leadership skills as well as demonstrated a true commitment to serving the citizens of their states. They are recognized in the CSG publication *Capitol Ideas* and at a ceremony during the CSG National Conference.



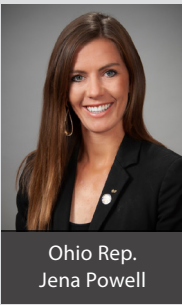
Minnesota Sen.
Julie Coleman



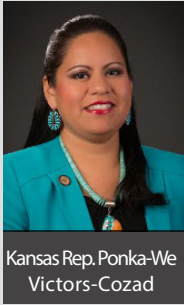
Nebraska Sen.
Megan Hunt



North Dakota Rep.
Corey Mock



Ohio Rep.
Jena Powell



Kansas Rep. Ponka-We
Victors-Cozad

CSG NATIONAL CONFERENCE COMING
SOON: DEC. 1-4 IN SANTA FE

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

The meeting spotlights innovations, trends and excellence in state government. 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.csq.org/2021, where registration also can be completed.

The Executive Committee of CSG’s Midwestern Legislative Conference will meet on Dec. 3 in Santa Fe. As part of this business session, the MLC will install its new four-officer team. Kansas Sen. Carolyn McGinn, chair; Michigan Sen. John Bizon, first vice chair; Ohio Sen. Bill Reineke, second vice chair; and South Dakota Senate Majority Leader Gary Cammack, immediate past chair.

The MLC is a nonpartisan association of all state and provincial legislators from the Midwest. It receives staff support from CSG Midwest.

THROUGH STATE AND LOCAL LEGAL CENTER,
CSG TRACKS KEY U.S. SUPREME COURT CASES

Will *Roe v. Wade* be overturned, or significantly narrowed? Will state and local governments be barred from adopting laws that limit the issuance of concealed-carry permits based on cause? The U.S. Supreme Court began a new term this fall with those big questions and much more on its docket.

Recognizing the far-reaching impact of the nation’s highest court on states, policymakers and their constituents, The Council of State Governments partners with other national state and local government groups to monitor and regularly weigh in on cases before the U.S. Supreme Court. It does so through the work of the State and Local Legal Center (SLLC).

Since 1983, the SLLC has filed about 400 *amicus curiae* briefs on cases impacting state and local governments. At least six briefs are expected to be filed this term. A staff advisory council, made up of representatives of SLLC members (including CSG) and associate members, votes on participation in cases.

CASES TO WATCH THIS TERM

Along with filing *amicus* briefs, the SLLC keeps state leaders updated on all relevant litigation before the court.

This year’s case on abortion centers on a

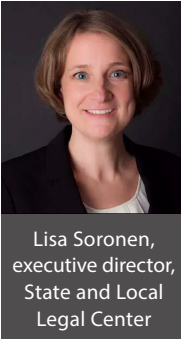
Mississippi law that bans the practice after 15 weeks gestational age (with some exceptions for medical emergencies or fetal abnormalities). Several other states also have pre-viability prohibitions on abortion currently in place.

The litigation on guns involves a New York law that requires an individual to show “proper cause” before getting a license to carry a concealed handgun for self-defense purposes. Challengers of the law say it violates the Second Amendment.

According to Lisa Soronen, executive director of the State and Local Legal Center, other cases to watch this term include:

- a challenge to a Maine law that prevents generally available aid for K-12 students to go to those who attend a religious school;
- the state of Florida’s attempt to recover certain medical expenses from a Medicaid beneficiary through a portion of her tort recovery from a legal settlement.

To learn more about the center, and to view *amicus* briefs being filed, visit statelocalc.org or contact Lisa Soronen at lsoronen@sso.org.



Lisa Soronen,
executive director,
State and Local
Legal Center

CSG JUSTICE CENTER STUDY REVEALS BIG DROPS
IN PRISON POPULATION — AND THE REASONS WHY

State prison populations shrank by 14 percent in 2020 due to new policies spurred by the COVID-19 pandemic, according to a September study released by The Council of State Governments’ Justice Center.

One of the biggest drivers of this unprecedented one-year drop was a change in the way probation and parole agencies do business, says Megan Quattlebaum, director of the CSG Justice Center.

“Now, we have a unique and important opportunity to explore which of these policy changes should be retained to maximize success for people serving on community supervision,” she adds.

While some states released people from prisons early to help reduce the spread of COVID-19, the CSG Justice Center’s “More Community, Less Confinement” study found that the prison-

population decline was largely driven by a reduction in the number of people being admitted. For example, about 73,000 fewer people entered prison in 2020 for violations of community supervision — a 30 percent drop in a single year.

The study also examined pre-pandemic data and trends. One key finding: Over the last three years, there has been a 31 percent decrease in the number of people in prison for technical violations of community supervision, such as missed curfews or failed drug tests.

“These data tell us that while more change is still needed, many states were successfully reforming community supervision prior to the pandemic,” Iowa Department of Corrections director Beth Skinner says. “Many of these reforms are consistent with evidence-based practices proven to reduce incarceration.”

MIDWEST’S ECONOMIC FUTURE FOCUS OF WEBINARS

The seven interstate policy committees of CSG’s Midwestern Legislative Conference are teaming up over the next few months for a webinar series on “Promoting Growth and Shared Prosperity for a Better Midwest.”

All legislators, legislative staff and interested others are encouraged to participate in these free, virtual policy sessions.

Details on exact dates and topics, as well as registration information, are available at csqmidwest.org.

The Midwestern Office of The Council of State



Governments provides staff support to the MLC and its seven binational, interstate committees: Agriculture & Natural Resources, Criminal Justice & Public Safety, Economic Development, Education, Fiscal Affairs, Health & Human Services and Midwest-Canada Relations.

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 LEADING ON STATE REDISTRICTING

For most states in the Midwest, the drafting of redistricting plans involves work done by a legislative committee. In Ohio, a special commission, which includes legislative members, redraws the lines for legislative districts. Here is a list of BILLD alumni serving on those committees and commissions during this round of redistricting. (*Note: Redistricting is not done by the Michigan Legislature; it is handled by an independent, citizen-led commission. In Iowa, drafting is done by the nonpartisan Legislative Services Agency.*)

ILLINOIS

Rep. **Tim Butler** (class of 2016) | Rep. **Kelly Burke** (class of 2013) | Sen. **Cristina Castro** (class of 2019) | Rep. **Elizabeth Hernandez** (class of 2010) | Sen. **Mattie Hunter** (class of 2005) | Rep. **Theresa Mah** (class of 2018) | Sen. **Laura Murphy** (class of 2019) | Sen. **Elgie Sims** (class of 2014)

INDIANA

Rep. **Bob Cherry** (class of 2000) | Rep. **Sue Errington** (class of 2009) | Sen. **Erin Houchin** (class of 2018) | Rep. **Ethan Manning** (class of 2019) | Rep. **Matt Pierce** (class of 2006)

KANSAS

Sen. **Rick Billinger** (class of 2012) | Rep. **Fred Patton** (class of 2016) | Rep. **Jason Probst** (class of 2021) | Rep. **Bradley Ralph** (class of 2019) | Sen. **Dinah Sykes** (class of 2017)

MINNESOTA

Sen. **John Jasinski** (class of 2019) | Sen. **Mary Kunesch** (class of 2021) | Rep. **Fue Lee** (class of 2019) | Rep. **Paul Torkelson** (class of 2012)

NEBRASKA

Sen. **Suzanne Geist** (class of 2018) | Sen. **Lou Ann Linehan** (class of 2018)

NORTH DAKOTA

Rep. **Bill Devlin** (class of 1998) | Sen. **Brad Bekkedahl** (class of 2017) | Rep. **Mike Lefor** (class of 2015) | Rep. **Mike Nathe** (class of 2009) | Sen. **Erin Oban** (class of 2015) | Sen. **Ronald Sorvaag** (class of 2011)

OHIO

Former Sen. **Frank LaRose**, Ohio secretary of state (class of 2013) | Rep. **Emilia Sykes** (class of 2018)

SOUTH DAKOTA

Sen. **Jim Bolin** (class of 2012)

WISCONSIN

Sen. **Albert Darling** (class of 1995) | Sen. **Kelda Roys** (class of 2009) | Rep. **Mark Spreitzer** (class of 2017) | Rep. **Lisa Subeck** (class of 2016) | Rep. **Ron Tusler** (class of 2018)

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

Q & A WITH BILLD ALUMS: IN A TERM-LIMITED STATE, WHAT STRATEGIES CAN HELP A LEGISLATOR MAKE THE BIGGEST IMPACT IN HIS OR HER LIMITED TENURE?

OHIO SEN. THERESA GAVARONE | BILLD CLASS OF 2017

1. Know what your goals are and what you want to accomplish before you are sworn in. In my case, I knew I wanted to tackle mental health and addiction issues during my time in Columbus.
2. Hit the ground running when you are sworn in.
3. Listen to people who have institutional and expert knowledge. Former and current legislative members and staff members are excellent resources, and community leaders and members can give insights on what matters to them and how to fix issues they have back home. Collaboration is key!"



MICHIGAN SEN. KEN HORN | BILLD CLASS OF 2007

"The No. 1 piece of advice I would share is to get to know people and build relationships. There is no bigger key to success. It's also important to recognize that not every good idea deserves its own law. Many times, problems can be solved by talking to the right people.

After a former colleague and I were both elected in 2006, he hired people to help him write legislation while I hired people to help me with constituent services. Years later, he said if he had to do it all again, he would trust the people in our Legislative Services Bureau to write bills and hire staff focused on constituent service. My goal has always been to solve problems, one person at a time.

To truly be effective, hire people you trust and have them interview you over and over until they get your 'voice.' It will take a big burden off you and empower your staff.

Finally, never lose sight of what you can do for your district, but remember, you got elected to help run the entire state."



MICHIGAN SEN. ERIKA GEISS | BILLD CLASS OF 2015

"In my experience, as a term-limited legislator, the most effective strategy is three-fold.

First, have an amazing team/staff that works with you. Second, center your work on constituents — from keeping them informed about the legislative process and their role in advocating for (or opposing) issues, to larger community issues, to the kinds of help and assistance that they may need individually. That's who we work for.

Finally, on bills, have a clear and solid vision for legislation, including its potential impact and who the allies and opponents of it are or will be. By doing this, one can have a clear sense of what the pathway for success is — whip early as well, so you know if (even with external support) it will make it through the legislature."

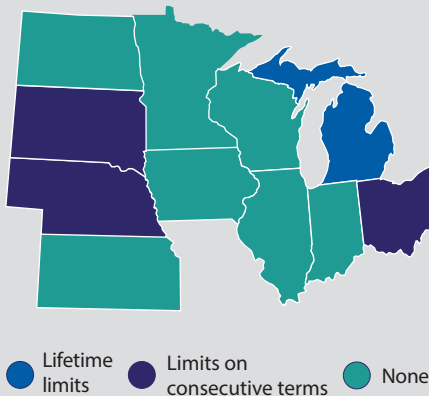


OVERVIEW OF LEGISLATIVE TERM LIMITS IN THE MIDWEST

As the result of voter-initiated amendments to state constitutions between 1992 and 2000, legislative term limits are imposed in four Midwestern states.

Michigan has the strictest limit among these states. It caps lifetime service in the Michigan House at three two-year terms and in the state Senate at two four-year terms. **Ohio** and **South Dakota** impose limits on the number of consecutive terms that a legislator can serve in a particular chamber:

- Ohio — Four two-year terms in the House and two four-year terms in the Senate
 - South Dakota — Four two-year terms in the House and the Senate
- Senators in **Nebraska's** Unicameral Legislature are limited to two consecutive four-year terms in that state's single chamber.



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



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



Bowhay Institute for Legislative Leadership Development

Summer 2022 (TBD)

Contact: Laura Tomaka ~ ltomaka@csg.org
630.925.1922 | csgmidwest.org



CSG Midwest Henry Toll Fellowship Program

August 26-30, 2022 | Lexington, KY

Contact: membership@csg.org
859.244.8000 | web.csg.org



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