



## STATES CHARGING INTO NEW ERA

Billions of federal dollars are coming to build up the infrastructure for electric vehicles; states will be at center of decisions on how to invest, incentivize and regulate

by Jon Davis ([jdavis@csg.org](mailto:jdavis@csg.org))

Later this year, all states will begin getting a five-year, \$7.5 billion jump-start — in the form of formula funds and competitive grants under the Infrastructure Investment and Jobs Act — to build up their fleets of electric vehicles and to build out their EV charging infrastructure.

For some Midwestern states, the money will add to existing state EV infrastructure programs and policies; for others, brand-new initiatives will be created and funded.

The Alliance for Automotive Innovation, an auto industry group, calls the IIJA funding a “once-in-a-generation opportunity,” comparing it to federal investment in the Interstate Highway System in the 1950s.

“States really need to begin thinking about the design and implementation of this program, about how they want to spend these dollars,” says Karen Glitman, a former Vermont legislator who serves as senior director of distributed energy resources at the Center for Sustainable Energy.

Of the \$7.5 billion, \$5 billion will go to states via the National Electric Vehicle Infrastructure Program (NEVI) for the installation of fast-charging stations every 50 miles along state-designated “alternative fuel corridors,” which, in the Midwest, are mostly interstate highways.

The remaining \$2.5 billion will be distributed through 10 competitive grant or set-aside programs for fast-charging EV stations, electric school and transit buses, and even electric ferry boats.

Eligibility for the NEVI money requires states to first file implementation plans (due Aug. 1) spelling out how they plan to use these federal funds.

These plans must address how relevant state agencies will coordinate with each other and engage the public, as well as how they will analyze EV-related needs and conditions.

States must also provide detail on how their deployment of the

EV infrastructure will take into account issues such as cybersecurity, workforce diversity, and the needs of rural and disadvantaged communities.

Federal approval of these state plans is expected by Sept. 30.

The NEVI program’s goals are to have charging stations — with at least four DC fast chargers capable of simultaneously charging up to four EVs — within a mile of the highway.

### EV CHARGERS: LOCATION, LOCATION, LOCATION

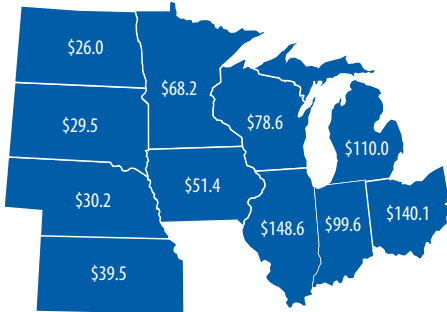
Carefully planning the location of charging stations, and ensuring the electrical grid can support them, will be critical to the successful development of EV infrastructure, says Yafeng Yin, director of the University of Michigan’s Lab for Innovative Mobility Systems.

“What’s the purpose? Are you supporting inter-city trips or intra-city, or essentially, commuter trips? The needs are different,” Yin says about the choices ahead for state transportation policy leaders.

According to Glitman, as part of the planning process, states also should be projecting how many EVs will be on state roadways in the coming years.

Another important consideration: strategically coordinating the

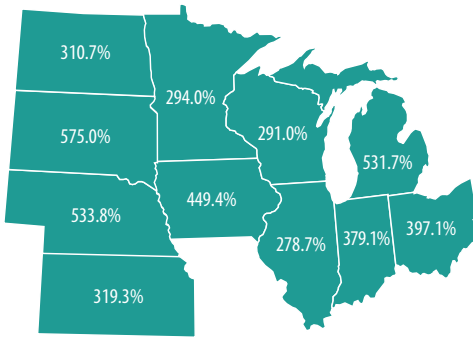
### 5-YEAR ALLOCATIONS TO MIDWESTERN STATES FOR THE NATIONAL ELECTRIC VEHICLE INFRASTRUCTURE PROGRAM, IN MILLIONS\*



\* States must submit an EV Infrastructure Deployment Plan to access funds.

Source: Federal Highway Administration

### % INCREASE IN MONTHLY SALES OF ELECTRIC VEHICLES IN MIDWEST STATES FROM DECEMBER 2011 TO DECEMBER 2021\*



\* Sales figures include hybrids, plug-in hybrids, and battery- and hydrogen fuel cell-powered vehicles. Nationwide, the increase in EV sales for the same period was 601.3%

Source: Alliance for Automotive Innovation



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FROM THE CAPITOL TO THE BALLOT: STATE LEGISLATURES IN MIDWEST HAVE PUT BIG POLICY DECISIONS IN VOTERS’ HANDS THIS YEAR

Future of laws on abortion, term limits, collective bargaining and more at stake

KANSAS: DO CITIZENS HAVE A RIGHT TO AN ABORTION?

“All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.”

That language in the Kansas Constitution served as the basis of a state Supreme Court decision from 2019 declaring that women had a right to an abortion. Three years later, voters will have the final say. That’s because Kansas lawmakers in 2021 decided to place on the ballot a legislatively referred constitutional amendment. In part, the measure states that the Kansas Constitution “does not create or secure a right to abortion.”

The statewide vote takes place Aug. 2. According to the Center for Reproductive Rights, Kansas, Iowa and Minnesota are among 11 states where state supreme court decisions have recognized abortion rights. The legal rationale for these decisions has varied, the center says: a natural right

to personal autonomy (Kansas), privacy (Minnesota), and equal protection (Iowa). Gov. Gretchen Whitmer requested earlier this year that the Michigan Supreme Court rule on whether residents have a right to an abortion. Last year, Iowa legislators took the first step to getting a constitutional amendment on the ballot, passing a measure which states that abortion is not a guaranteed right. Another legislative vote is needed in 2023 or 2024 before the measure can be placed on the ballot.

MICHIGAN: TIME TO AMEND LAW ON LEGISLATIVE TERM LIMITS?

One of four Midwestern states with legislative term limits (the result of constitutional amendments passed by voters between 1992 and 2000), Michigan is the region’s only state with a lifetime cap on service in each chamber: three two-year terms in the House, and two four year-terms in the Senate. (Nebraska, Ohio and South Dakota have consecutive, not lifetime, limits.) Voters will be asked in November to make a term-limits tweak.

The lifetime cap would remain in place, with a maximum of 12 years of legislative service instead of 14. However, all 12 of those years could be spent in a single chamber. Under the current term-limits law, many members of the Michigan House are only in their first few years of legislative service. The Senate tends to have members with more legislative experience due to representatives seeking office in the

upper chamber after being termed out in the House. Michigan Senate Majority Leader Mike Shirkey says the change will allow members to “focus on issues that are important to the communities they represent rather than on their next career move.” (The proposed constitutional amendment also includes new financial disclosure requirements for state elected officials.)

IOWA: ADD A CONSTITUTIONAL RIGHT TO BEAR ARMS, WITH LANGUAGE ON ‘STRICT SCRUTINY’?

The “right to bear arms” already is enshrined in most state constitutions, according to the Second Amendment Foundation. The two exceptions in the Midwest are Iowa and Minnesota. That would change in Iowa if voters agree to the Legislature’s proposed constitutional amendment, which

includes the following language: “The right of the people to keep and bear arms shall not be infringed. ... Any and all restrictions of this right shall be subject to strict scrutiny.” The Giffords Law Center to Prevent Gun Violence says only three other states have included similar “strict scrutiny” language (none in the Midwest), which refers to the legal standard that judges must use when determining the constitutionality of laws that regulate or restrict gun use and ownership.

ILLINOIS: INCLUDE A RIGHT TO COLLECTIVE BARGAINING IN THE CONSTITUTION?

Illinois is one of three Midwestern states (Minnesota and Ohio are the others) without a “right to work” law, which bars employers and workers from entering into agreements that require union membership as a condition of employment. It may now be the first one in the region to include a constitutional right to collective bargaining. The legislatively referred amendment also would ban any laws or ordinances with “right to work” language in them. It will be voted on in November. According to Ballotpedia, at least three states outside the Midwest already have constitutional language guaranteeing a right to collective bargaining. In this region, “right to work” is part of three state constitutions: Kansas, Nebraska and South Dakota.

SOUTH DAKOTA: RAISE BAR FOR PASSAGE OF BALLOT PROPOSALS WITH FISCAL IMPACT?

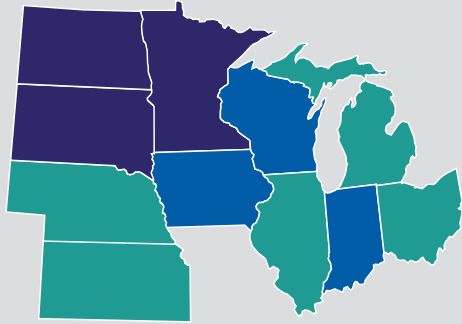
South Dakota is one of five Midwestern states with constitutional provisions allowing for a broad use of “direct democracy”: proposed amendments or statutes can be voted on by the people without first receiving legislative approval. But for certain ballot proposals, South Dakota legislators want to set a higher threshold for passage: approval of three-fifths of the votes cast (rather than a simple majority). This new requirement would apply to any measures or constitutional amendments that increase taxes or fees or that obligate the state to spend \$10 million or more a year. This legislatively referred constitutional amendment is being voted on in June. A few months later, South Dakotans will vote on an amendment (not referred by the Legislature) calling for an expansion of the state’s Medicaid program.

NEBRASKA: GIVE LOCAL GOVERNMENTS MORE OPTIONS TO EXPAND AIR TRAVEL?

A measure before Nebraska voters this fall aims to help local governments expand commercial passenger air service. Approved by state senators this year, the proposed constitutional amendment would open new revenue options for cities, counties and other public entities that own or operate airports. According to the legislative publication *Unicameral Update*, one such option is for airports to guarantee a minimum amount of revenue for commercial airlines during the first few months of expanded or new passenger services.

Article written by Tim Anderson, CSG Midwest publications manager.

REQUIREMENTS FOR A LEGISLATIVELY REFERRED CONSTITUTIONAL AMENDMENT TO APPEAR BEFORE STATE VOTERS



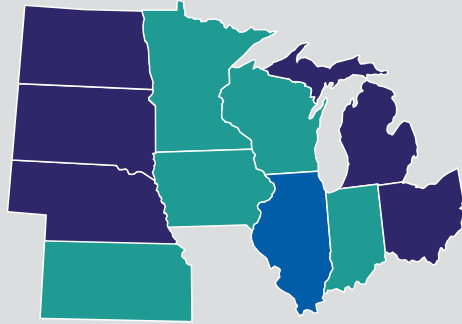
- Simple majority vote in single legislative session
- Super-majority vote in single legislative session (two-thirds vote in Kansas and Michigan; 60 percent vote in Illinois, Nebraska and Ohio)
- Simple majority vote in two successive legislative sessions

Source: Ballotpedia

OVERVIEW OF FOUR LEGISLATIVE TERM LIMITS LAWS IN THE MIDWEST

State	Lifetime or consecutive limit on service?	Details
Michigan	Lifetime	Three two-year terms in House; two four-year terms in Senate
Nebraska	Consecutive	Two four-year terms in Unicameral Legislature
Ohio	Consecutive	Four two-year terms in House; two four-year terms in Senate
South Dakota	Consecutive	Four two-year terms in House and Senate

OVERVIEW OF DIRECT DEMOCRACY PROVISIONS IN STATE CONSTITUTIONS OF MIDWEST



- Legislative approval not needed for proposed constitutional amendments and/or statutes to appear on ballots (certain number of voter signatures required)
- Legislative approval needed for proposed constitutional amendments and/or statutes to appear on ballots
- Direct democracy limited to proposed structural or procedural changes to the legislative article of the state Constitution



RISE OF ELECTRIC VEHICLES REQUIRES STATES TO EVALUATE EXISTING NEW LAWS, CONSIDER NEW ONES

» CONTINUED FROM PAGE 1

placement and funding of charging stations. Some will be eligible for NEVI funding, others will not.

REMOVING BARRIERS TO OWN, OPERATE EV STATIONS

As part of preparing for an EV build-out, most Midwestern states, but not all, have enacted laws exempting the owners and operators of EV charging stations who sell electricity to the public from being defined — and thus regulated — as public utilities.

The “State Transportation Electrification Scorecard,” released in February 2021 by the American Council for an Energy-Efficient Economy, recommends adopting this exemption — a step Glitman also says can remove a barrier to owning or operating a charging station.

Wisconsin Rep. Nancy VanderMeer agrees, saying that’s why she introduced AB 588 in September



Wisconsin Rep. Nancy VanderMeer

2021: “Right now, our statutes are silent about that [exemption].” A change in the law is needed, she adds, to give entrepreneurs an easier path to setting up EV

charging stations outside of interstate corridors. This, in turn, will help accommodate the use of EVs across Wisconsin, she says, including tourists who often travel to parts of the state far away from interstates.

However, AB 588 and its companion, SB 573, ultimately got bogged down in debate over the details of how (and whether) local governments should be allowed to fund and operate charging stations, VanderMeer says.

She plans to introduce a new version in 2023.

“This gives us an opportunity,” she adds. “We’ll get a number of new individuals [in the Assembly] bringing new energy and ideas.”

SHOULD NEW BUILDINGS BE READY FOR EV CHARGING?

Another policy area for states to consider with the rise of EVs — building codes. For example, one idea is to require new houses to accommodate EV charging.

Eighty percent of charging is and will be done at home, notes Amy Brink, the Alliance for Automotive Innovation’s vice president for state government affairs.

In Illinois, the Clean Energy Jobs Act (SB 2408), which became law in December, declares the goal of having 1 million EVs on the road by 2030. To help reach this objective, Rep. Robyn Gabel introduced HB 3125 last year to set home charging standards.

The bill would require all new single-family homes and multi-unit apartment or condominium buildings with parking spaces to be wired for EV charging stations, and all new single-family homes and small multi-family buildings to have at least one EV-ready space.

HB 3125 passed the House in March but stalled in the Senate, due in part to opposition about the new construction requirements. Gabel plans to reintroduce the bill in the General Assembly’s 2023 session.

“This isn’t a question of ‘maybe,’ ‘what if,’ ‘in a perfect world,’” Gabel says about the rise of EVs. “This is going to be our reality.”

BENEFITING FROM THE PAST, BETTING ON THE FUTURE

Even prior to last year’s passage of the IIJA, Midwestern legislatures had moved on EV policy to encourage greater use, deployment or

construction of electric vehicles in their states.

One such step, recommended in the ACEEE’s scorecard, is using Volkswagen Environmental Mitigation Trust funding to replace older-model diesel trucks and school or transit buses with electric vehicles, or to support development of EV charging infrastructure.

Many Midwestern states have done so, to varying degrees.

Michigan is using VW proceeds to fund the “Charge Up Michigan” program, which provides grants covering one-third of costs or a direct match of what a utility pays (up to \$70,000) to help qualifying organizations install Fast Charging DC stations.

Wisconsin used its proceeds to replace older-model transit buses with new diesel or EV/alternative fuel buses.

In Minnesota, eight electric school buses (and charging stations) were awarded to five school districts, in a pilot program that closed in October 2020. The state paid \$275,000, or 75 percent of the costs, to replace school buses from model years 1998 to 2009.

In addition to using VW funds, Illinois is dedicating \$70 million in state capital funding for grants to build new charging stations and to electrify public transit fleets and school buses.

As an ancillary move that aims to spur economic development, Illinois legislators also passed HB 1769, creating new tax credits and exemptions for EV manufacturers who relocate to the state. Makers of EV components and chargers also qualify for the tax breaks, which vary based on amount invested and jobs created.

The bill, signed in November 2021, came after Rivian launched its production of electric pickup trucks at a plant in the Illinois town of Normal, while Lion Electric announced plans to open a factory for electric school buses in Joliet.

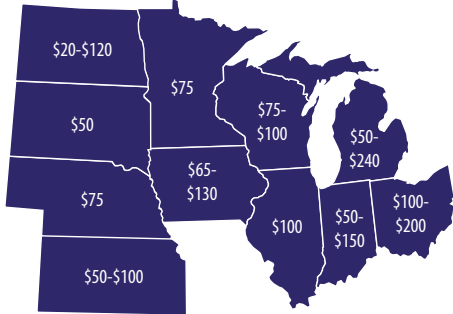
ELECTRIC VEHICLE REGISTRATIONS IN MIDWEST (AS OF DECEMBER 2020)

State	# of EV registrations	% of total EV registrations nationwide
Illinois	26,000	2.55%
Indiana	6,990	0.69%
Iowa	2,260	0.22%
Kansas	3,130	0.31%
Michigan	10,620	1.04%
Minnesota	10,380	1.02%
Nebraska	1,810	0.18%
North Dakota	220	0.02%
Ohio	14,530	1.43%
South Dakota	410	0.04%
Wisconsin	6,310	0.62%
Midwest total	82,660	8.11%

\* Nationwide, 1,019,260 electric vehicles were registered as of December 2020; California accounted for 41.7 percent of the total.

Source: U.S. Department of Energy Alternative Fuels Data Center

STATE FEES ON ELECTRIC VEHICLE REGISTRATION (AS OF JAN. 1, 2022)\*



\* Fees for electric vehicles are assessed in addition to standard vehicle registration fees; they may vary depending on type (electric or plug-in hybrid) and/or weight.

Source: Alternative Fuels Data Center, U.S. Department of Energy

EV CHARGING POLICIES IN MIDWESTERN STATES: EXAMPLES OF RECENTLY ENACTED LAWS, GRANT PROGRAMS AND OTHER INITIATIVES



Two **ILLINOIS** bills signed into law in 2021 aim to put one million electric vehicles on the road by 2030 and draw EV manufacturers to the state. To reach that vehicle goal, SB 2048 includes several new policy initiatives: 1) a \$4,000 tax credit for residents who buy an EV, 2) a requirement that electric utilities file “beneficial electrification” plans to support EV adoption as well as deployment of the necessary infrastructure; and 3) state rebates to help fund up to 80 percent of the cost of installing EV charging stations. HB 1769, meanwhile, creates two tiers of new tax credits and exemptions for EV manufacturers, based on levels of investment and job creation.



Under HB 1221, which became law in March, electric utilities may petition the **INDIANA** Utility Regulatory Commission for approval of pilot programs to install, own or operate EV charging stations for “public use.” The law allows third parties to install and operate charging stations; its definition of public use includes electric school or transit buses as well as EVs owned by private companies used “primarily to deliver goods or services to the public.”



The **MICHIGAN** Department of Transportation in February awarded a contract for a first-in-the-nation system that allows electric vehicles to be charged while in motion on a public roadway. Sometime in 2023, officials hope to have this battery-charging capability in place on a one-mile stretch of road in Detroit. A second EV initiative is providing \$1.25 million in grants to create the “Lake Michigan EV Circuit” — the placement of Level 2 or DC fast-charging stations along roads near lakefront communities, neighboring rural areas, and state and national parks that are top tourist destinations in Michigan.



The “State Transportation Electrification Scorecard,” released in February 2021 by the American Council for an Energy-Efficient Economy, rates **MINNESOTA** as a regional leader in “guiding financial activity in transportation electrification.” The report highlights the Public Utilities Commission’s 2019 guidelines to electric utilities for creating investment in EV charging infrastructure. Since 2015, too, Minnesota law has required electric utilities to have a rate specifically designed for EV charging that offers “time-of-day” or off-peak rates to customers who own EVs.





CRIMINAL JUSTICE & PUBLIC SAFETY

With local jails overcrowded and lacking treatment options, Indiana gives judges discretion to send low-level offenders to state prisons

by Derek Cantù (dcantu@csg.org)

In Indiana, as in states across the country, a significant number of the people who commit low-level felonies suffer from drug addictions and/or mental health disorders. In recent years, these Level 6 offenders have mostly been sent to local jails across Indiana. The problem: Many of the jails are overcrowded and not equipped to provide treatment services. Without a path to recovery, the result can be high rates of recidivism. In response, the Indiana General Assembly passed HB 1004. As a result, starting in July, judges will have the discretion to place Level 6 offenders in state prisons, which have a greater capacity to provide counseling and treatment services. This policy shift will give individuals a “better chance of recovery” and “help them stay out of the criminal justice system,” Indiana Rep. Randy Frye, the author of HB 1004, said in a statement after the bill’s passage. Despite the proposal receiving overwhelming bipartisan support, some legislators say the need for HB 1004 reflects a policy shortcoming: inadequate support for local programs that treat drug and mental health issues and reduce recidivism. “We have to acknowledge that this bill is kind of a recognition of [our] failure,” Rep. Matt Pierce, who voted for HB 1004, said during a committee hearing earlier this year.

LOCAL NEEDS NOT ALWAYS MET

Back in 2013, the Indiana General

Assembly passed comprehensive legislation (HB 1006) overhauling the state’s criminal code. In part, the revisions reflected new guiding principles on how the justice system should treat low-level offenders struggling with addiction and mental illness. “The whole premise was we’re going to essentially lower these drug sentences, get rid of mandatory minimums,” Pierce says. “Shift the system away from warehousing people and focus more on getting them to treatment.” As part of this new approach, legislators changed how Level 6 offenders would be confined — in local jails rather than state prisons. Soon after the criminal justice overhaul, too, pilot programs were established to evaluate the effectiveness of pre- and post-incarceration treatment services, with a particular focus on local care. One of those services still in operation is Recovery Works. Through the program, criminal justice-involved individuals who don’t have health insurance are connected with certified mental health and addiction treatment providers. The state then provides vouchers to these providers. As part of a 2018 study, Indiana University researchers analyzed how Recovery Works has impacted recidivism. Its findings:

- Among participants who had never been incarcerated, 93.4 percent remained out of a correctional facility one year following their treatment.
- For participants who had previously spent time locked up, 90.2 percent remained free.
- Two years after treatment under the program, 87 percent of never-incarcerated participants and 79.1 percent of previously incarcerated participants had remained free.

What’s needed, Pierce says, is to increase the reach of treatment programs such as Recovery Works. Instead, since passage of the 2013

law, the legislature has failed to consistently fund local treatment services statewide — despite evidence of their benefits, Pierce says. “Making sure that every single county — either working on its own or with other counties around it in a regional way — would have that mental health facility, would have that drug treatment facility, would have the counselors and the mental health professionals that are needed,” Pierce said this year on the House floor. “That was on us to do, and we’ve never done it.” He believes this failure has contributed to jail overcrowding and recidivism.


CLOSER TO TREATMENT, BUT FARTHER FROM HOME

One concern with HB 1004 is that it will place some low-level offenders in a facility far from their loved ones. “Having a support system, knowing that people are willing to come and see you ... it has a tremendous effect on an individual that’s trying to get [his or her] life together,” says Sen. Rodney Pol, a former public defender. He adds that certain DOC treatment programs like drug therapy have long waiting lists and “are designed for long-term engagement.” “So the benefits of these programs [for Level 6 offenders] are probably going to be slim to nothing,” Pol says. He proposed an amendment to HB 1004 that would have required consent from certain Level 6 offenders (those with a sentence of less than a year) before placement in a state Department of Corrections facility, rather than a county jail. That amendment was rejected.

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.

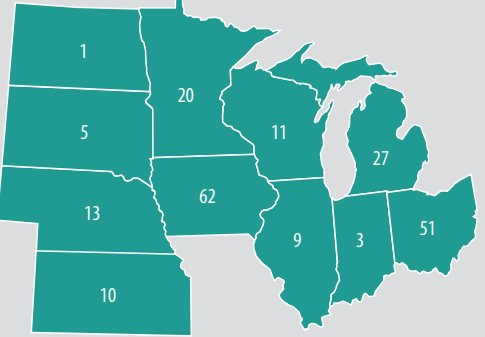
JAIL POPULATION IN THE U.S.: MANY STRUGGLE WITH MENTAL ILLNESS AND SUBSTANCE ABUSE

2 MILLION	APPROXIMATE # OF TIMES EACH YEAR THAT PEOPLE WITH A SERIOUS MENTAL ILLNESS ARE ADMITTED TO U.S. JAILS
21%	% OF TOTAL JAIL POPULATION IN FOR A DRUG OFFENSE
12%	% OF TOTAL JAIL POPULATION IN FOR DRUG POSSESSION
61%	% OF ‘FREQUENT UTILIZERS’ OF JAILS (JAILED 3 OR MORE TIMES OVER PAST 12 MONTHS) WHO REPORT HAVING A SUBSTANCE ABUSE DISORDER
27%	% OF ‘FREQUENT UTILIZERS’ OF JAILS (JAILED 3 OR MORE TIMES OVER PAST 12 MONTHS) WITH A SERIOUS OR MODERATE MENTAL ILLNESS



Sources: The Council of State Governments Justice Center (top statistic) and Prison Policy Initiative (statistics on jail population, from 2022 report, and on “frequent utilizers,” from 2019 report)

# OF COUNTIES PARTICIPATING IN STEPPING UP INITIATIVE TO REDUCE PREVALENCE OF PEOPLE WITH MENTAL ILLNESS IN U.S. JAILS (AS OF JULY 2021)



Source: CSG Justice Center (Stepping Up is an initiative of the CSG Justice Center along with National Association of Counties and the American Psychiatric Association Foundation)

TREATING SUBSTANCE ABUSE AND MENTAL ILLNESS IN CRIMINAL JUSTICE POPULATIONS: TWO EXAMPLES FROM THE MIDWEST

POSITIVE RESULTS SEEN FROM MINNESOTA’S ALTERNATIVES TO INCARCERATION PILOT PROJECT

Under a state-funded pilot project, one county in the Twin Cities metropolitan area launched a community-based strategy for non-violent offenders in need of treatment for substance abuse. Traditionally, these offenders would have been sent to prison for technical violations. Instead, they were assigned a specialized probation officer and provided other community-based resources. “[County officials] offered housing when they needed it, they did intensive group/individual therapy, they did a whole chemical dependency treatment modality right there on site,” says Minnesota Rep. Marion O’Neill, a proponent of the 2017 legislation that first created the Alternatives to Incarceration grant. Close to 90 percent of recent participants in this \$160,000 incarceration-alternative treatment program have remained out of lockup. According to O’Neill, many of the people selected for the initial pilot study — nonviolent parolees at risk of reincarceration due to technical violations — would not otherwise have received treatment in prison due to their short sentences. The program has been expanded to two additional counties.



KANSAS HELPS COUNTIES ‘STEP UP’ EFFORTS TO REDUCE NUMBER OF PEOPLE WITH MENTAL ILLNESS IN JAIL

Last year, Kansas became the second U.S. state to open a Stepping Up Technical Assistance Center that helps counties reduce the prevalence of people with a serious mental illness in jails. Along with providing baseline data on the number of jail inmates with mental illnesses and substance use disorders, the center helps counties set reduction targets, measure progress, and develop evidence-based strategies and programs. Stepping Up is a national initiative of The Council of State Governments Justice Center, the National Association of Counties and the American Psychiatric Association Foundation. Its goal: rally counties to achieve a measurable reduction in the number of people in jail who have mental illnesses. As of July 2021, more than 200 counties in the Midwest were participating (see map above).



# AGRICULTURE & NATURAL RESOURCES

South Dakota wants to be hub of activity that protects nation's food supply from cyberattacks; new law funds university-led partnership

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

**S**igned into law in March, South Dakota's HB 1092 is a straightforward bill of fewer than 150 words.

Its goal, though, is to address a complex, and growing, threat—cyberattacks that target farm production and the nation's food supply.

"The agriculture industry as a whole has not prepared for attacks like the banking and utility sectors [have]," says Aaron Warner, CEO of ProCircular, a cybersecurity firm.

He adds that several factors make the sector particularly vulnerable: on the one hand, agricultural production is widely dispersed and essential to national security; on the other, it is increasingly reliant on smart technologies and interdependent systems.

HB 1092 reflects what South Dakota Rep. Larry Tidemann sees as both a need and an opportunity. The need: get more people and research focused on ways to protect the nation's food supply. The opportunity: make his home state a national leader in this area.

His legislation allocates \$1.25 million for two of the state's public universities — South Dakota State (SDSU) and Dakota State (DSU) — to launch a CyberAg Partnership Initiative.

"SDSU is a leader in precision agriculture, and DSU is a center of excellence in cybersecurity, so this legislation asks them to work together and build on each university's strengths," Tidemann says.

These schools will develop new undergraduate and graduate curricula, establish joint research projects, and raise public awareness about threats to agricultural security.

Dakota State University's "Center of Academic Excellence" designation comes from the National Security Agency and U.S. Department of Homeland Security, and this year, the school also got a separate \$30 million appropriation from the Legislature (SB 54) to make it an academic and economic hub for cybersecurity research.

South Dakota State University, meanwhile, is home to a first-in-the-nation bachelor's degree in precision agriculture, thanks to a legislative appropriation three years ago (HB 1264) that funded the construction of a new classroom and laboratory.

## 'EXPANDED NUMBER OF VULNERABILITIES'

Technology has become a part of the inner workings of every facet of the food system, from how valves and temperatures are controlled in food plants, to the use of self-driving tractors, to how spray systems are used on farm fields.

"The agriculture industry as a whole has not prepared for attacks like the banking and utility sectors [have]."

*Aaron Warner, CEO, ProCircular*



South Dakota Rep. Larry Tidemann

"The rapid adoption and deployment of new technologies to operate machinery, to gather and analyze the data that drives precision agriculture, and the increasing reliance on communication technologies to link them have really expanded the number of vulnerabilities in the food and agriculture industries," Jose Marie-

Griffiths, the president of Dakota State University, said in legislative testimony earlier this year on HB 1092.

Of the cyberattacks experienced by the U.S. agriculture and food system, more than 70 percent involve ransomware; another 40 percent include some form of hacking. (Some attacks

involve both ransomware and hacking.) In April, the FBI issued a warning to the nation's agricultural cooperatives to be on high alert for ransomware attacks during planting and harvesting seasons. Last fall, such attacks hit six grain cooperatives; two other incidents occurred in early 2022.

"Cyber actors may perceive cooperatives as lucrative targets with a willingness to pay due to the time-sensitive role they play," according to the FBI notice.

Last summer, too, one of the world's biggest meat processors was forced to shut down several plants due to a ransomware attack.

## PROTECTING ONE INDUSTRY, BUILDING ANOTHER

According to Tidemann, an

upcoming symposium of farmers, manufacturers and university researchers will help determine initial priorities.

He expects part of the two universities' work to focus on how to retrofit existing equipment and add security features to new designs.

Tidemann says another benefit of the initiative will be building a workforce pipeline for the cybersecurity industry, a sector that South Dakota has targeted for new investments and economic growth.

This year's passage of HB 1092 marks the second straight year that the South Dakota Legislature has provided funding for new partnerships among its universities.

In 2021, lawmakers appropriated \$20 million for the construction of a bio-products research facility, a joint venture between South Dakota State University and the South Dakota School of Mines and Technology.

"That collaborative brought the technology of the School of Mines to the raw materials of SDSU's agriculture and natural-resources work," Tidemann says. "[It] focuses on creating new bio-products from the state's raw materials, including corn and timber."

HB 1092 aims to build on an emerging economic sector, cybersecurity, while protecting one of South Dakota's most important industries — agriculture.

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 CSG Midwest staff liaison to the committee.

## MOST MIDWEST STATES RANK NEAR TOP OF RANKINGS FOR AGRICULTURE-BASED ECONOMIC ACTIVITY

State	State receipts for all commodities	U.S. rank	Share of total U.S. receipts
Illinois	\$16.1 billion	7	4.4%
Indiana	\$10.8 billion	9	3.0%
Iowa	\$26.4 billion	2	7.3%
Kansas	\$17.6 billion	5	4.8%
Michigan	\$7.6 billion	18	2.1%
Minnesota	\$16.7 billion	6	4.6%
Nebraska	\$21.2 billion	3	5.8%
North Dakota	\$7.4 billion	20	2.0%
Ohio	\$8.7 billion	14	2.4%
South Dakota	\$8.8 billion	13	2.4%
Wisconsin	\$11.4 billion	8	3.1%

Source: U.S. Department of Agriculture Economic Research Service (numbers and rankings for 2020)

## THE 16 CRITICAL INFRASTRUCTURE SECTORS IDENTIFIED BY THE FEDERAL GOVERNMENT

- CHEMICAL
- COMMERCIAL FACILITIES
- COMMUNICATIONS
- CRITICAL MANUFACTURING
- DAMS
- DEFENSE INDUSTRIAL BASES
- EMERGENCY SERVICES
- ENERGY
- FINANCIAL SERVICES
- **FOOD AND AGRICULTURE**
- GOVERNMENT FACILITIES
- HEALTH CARE AND PUBLIC HEALTH
- INFORMATION TECHNOLOGY
- NUCLEAR REACTORS, MATERIALS AND WASTE
- TRANSPORTATION SYSTEMS
- WATER AND WASTEWATER SYSTEMS

## AGRICULTURE SECTOR REQUIRED TO REPORT CYBERSECURITY INCIDENTS UNDER NEW FEDERAL LAW

The agriculture and food sector is among 16 critical infrastructure sectors identified by the U.S. government (see above). Under a new federal law, signed by President Joe Biden in March, owners and operators in these sectors must now do the following:

- 1) Within 72 hours of any substantial cyberattack against them, report the incident to the U.S. Cybersecurity and Infrastructure Security Agency (CISA).
- 2) Report any ransomware payments that they have made within 24 hours.

Also under the law, which received bipartisan support in the U.S. Congress, the CISA has the authority to subpoena entities that fail to meet these two provisions. Organizations that fail to comply with the subpoena can be referred to the U.S. Department of Justice.

To prevent cyberattacks to the nation's critical infrastructure, the CISA will launch a program that warns organizations of their vulnerabilities while also establishing a task force (with involvement by the 16 industries) to coordinate federal efforts.





DEMOGRAPHIC SHIFTS INCLUDE MORE DEATHS, FEWER BIRTHS AND NEW DOMESTIC MIGRATION PATTERNS

Close to three-quarters of the nation’s U.S. counties experienced a “natural decrease” in population in 2021, with the number of deaths exceeding births due to factors such as an aging population, the effects of COVID-19 and an overall increase in mortality rates.

This recent demographic shift (traditionally, most states and their counties have had “natural increases”) means population growth in many parts of the country must now come from migration, either international or domestic.

And at least at the start of this new decade, some of the nation’s medium- and smaller-sized counties have still been able to grow thanks to another change: people moving to these areas from more-populous ones, according to new data and analysis from the U.S. Census Bureau.

“The patterns we’ve observed in domestic migration shifted in 2021,” notes Christine Hartley, assistant division chief for estimates and projections in the bureau’s population division. “Even though over time we’ve seen a higher number of counties with natural decrease, and net international migration [is] continuing to decline, in the past year, the contribution of domestic migration counteracted these trends.”

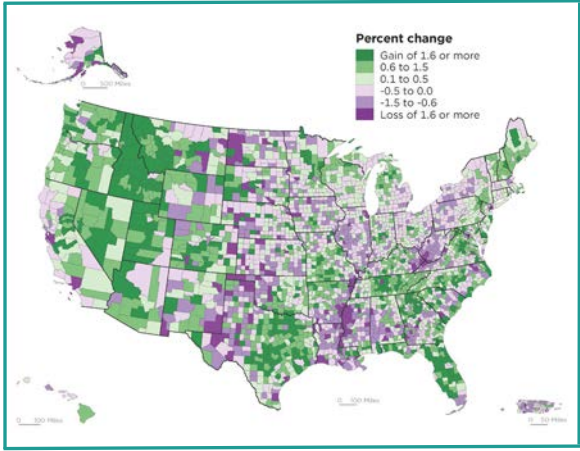
Between 2020 and 2021, 58 percent of U.S. counties grew. However, these increases are concentrated in the western and southern parts of the United States, as the Census Bureau map to the right shows (shades of green represent population growth, shades of purple represent declines).

In the 11-state Midwest, the percentage of counties that grew between 2020 and 2021 ranged from a low of 19.6 percent in **Illinois** to a high of 70.8 percent in **Wisconsin** (see bottom map).

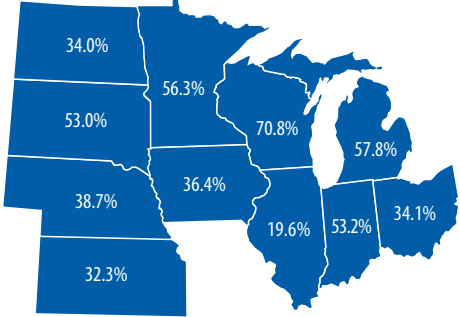
The recent U.S. Census Bureau data also show considerable variation in how domestic migration is impacting overall population in the region’s states. For example, **Illinois** experienced a net loss of 113,776 people due to domestic migration between 2020 and 2021. In contrast, neighboring Indiana gained 14,280 residents. Here are the data on net domestic migration for the other nine Midwestern states during the first two years of this decade.

- **Iowa** — gained 833 people
  - **Kansas** — lost 5,241 people
  - **Michigan** — lost 7,893 people
- **Minnesota** — gained 13,453 people
  - **Nebraska** — lost 3,313 people
  - **North Dakota** — lost 6,460 people
- **Ohio** — lost 3,128 people
  - **South Dakota** — gained 5,564 people
  - **Wisconsin** — gained 3,307 people

CHANGE IN POPULATION SIZE OF U.S. COUNTIES: 2020 TO 2021



% OF STATE'S COUNTIES THAT GAINED POPULATION: 2020-2021



Source: CSG Midwest analysis of U.S. Census Bureau data

NEW TAX CREDITS, LOANS AND GRANTS AIM TO EXPAND HOUSING OPTIONS IN MIDWEST’S RURAL AREAS

In some of the Midwest’s rural communities, one oft-cited barrier to growth has been a lack of housing, a concern that led to the enactment of new laws this year in states such as **Kansas**, **Nebraska** and **South Dakota**.

• In Kansas, as part of this year’s HB 2237, a series of new tax credits will be available for projects that increase the state’s supply of affordable housing, preserve and restore older commercial structures, and build in communities that lack sufficient housing. The same measure also includes a loan guarantee program for financial institutions that support the construction or renovation of single-family homes in rural counties. Separately, Kansas’ budget (SB 267) establishes a \$20 million Rural Housing Revolving Loan Program and sets aside another \$20 million for the development or renovation of moderate-income housing.

• Nebraska legislators have extended and expanded a five-year-old law that provides grants to nonprofit developers who collaborate with local governments on the construction of workforce housing in counties of fewer than 100,000 people. Eligibility is contingent on local matching funds, which often are raised with the help of employers. One of the changes in this year’s LB 1069 will reduce the local matching requirement.

• State and federal funds will be used in South Dakota to build up the housing infrastructure, through a mix of new grants (\$100 million) and low-interest loans (\$100 million). Grants for any project cannot exceed one-third of its total costs. As part of HB 1033, too, legislators specified that 30 percent of these new funds go to projects in municipalities with 50,000 residents or more; 70 percent of the grants and loans must support projects in other areas of South Dakota.



IOWA ADOPTS FIRST-IN-THE-NATION LAW REQUIRING GAS STATIONS TO SELL HIGHER ETHANOL BLEND

Some **Iowa** gas stations will need to sell E15 (gasoline blended with at least 15 percent ethanol) from at least half of their dispensers beginning either in 2023 or by 2026, under a first-in-the-nation measure approved by legislators in late April.

HF 2128 requires gas stations opening after Jan. 1, 2023, to offer E15 from half of their dispensers. For existing retailers with compatible infrastructure, E15 must be sold from at least one dispenser by 2026. But if a gas station upgrades its underground infrastructure, it must then offer E15 from at least 50 percent of its dispensers. Exemptions will be available for smaller gas stations or ones whose equipment is incompatible with E15 gas.

Also in April, eight Midwestern governors co-signed a letter to U.S. Environmental Protection Agency Administrator Michael Regan asking for a permanent waiver that would allow their states to sell E15 gasoline year-round, instead of just between Sept. 16 and May 30, starting in 2023. A summer prohibition on E15 already has been temporarily lifted for this year, under an emergency fuel waiver issued by the U.S. EPA.

The Midwest dominates U.S. ethanol production and capacity, with Iowa leading the way and all of the nation’s top-10 states in this region. Last year, **Minnesota** began allocating state dollars (a total of \$6 million) to retailers and distributors who agree to install the underground storage tanks, piping, pumps and other equipment needed for fuels containing up to 25 percent ethanol. In Nebraska, as a result of this year’s passage of LB 1261, tax credits will be offered to retailers who sell certain blends of ethanol — 5 cents on each gallon of E15 sold and 8 cents per gallon of E25 or higher.

% OF TOTAL U.S. CORN PRODUCTION USED FOR ETHANOL	
Year	%
2000	6.4%
2005	14.4%
2010	40.4%
2015	38.4%
2020	33.7%
Source: U.S. Department of Agriculture	

IN SASKATCHEWAN, A PROVINCE-LED EFFORT LEADS TO A CHANGE IN CANADA'S CONSTITUTION

On most matters, a fairly high bar is set to change Canada’s Constitution: approval by the House of Commons and the Senate, followed by votes in favor of the amendment by at least two-thirds of the provincial legislatures. Combined, these legislatures must represent at least 50 percent of the country’s population.

But there is a simpler path for constitutional provisions that apply only to a single province. One such provision dated back more than a century, when language was included in The **Saskatchewan** Act of 1905 (part of the federal Constitution) limiting the province’s power to tax the Canadian Pacific Railway, in recognition of the investment that the company had made in building the trans-Canadian rail line.

The Saskatchewan Act had never been changed, until May of this year.

In late 2021, the Legislative Assembly of Saskatchewan unanimously adopted a resolution requesting a repeal of the tax-exemption language. Canada’s House of Commons and Senate approved the province-led amendment earlier this year, followed in May by royal assent from the Governor General. Saskatchewan Justice Minister and Attorney General Gordon Wyant says the province-led constitutional change “will ensure that all Saskatchewan taxpayers, both citizens and businesses alike, continue to be fairly treated.”



# OHIO BECOMES LATEST MIDWEST STATE TO PROVIDE A TAX CREDIT FOR BEGINNING FARMERS

A new tax credit program in **Ohio** aims to help the state's beginning farmers, as well as those who help them get started in the business.

HB 95, which became law in April, includes \$10 million in tax credits for new farmers who attend a financial management program run by the Ohio Department of Agriculture. Also eligible for the tax credits: established farmers who rent or sell agricultural assets (land, building and equipment) to beginning farmers. Businesses that sell such assets for a profit do not qualify.

Under the law, "certified beginning farmers" are either new to Ohio or have been farming in the state for less than 10 years. To qualify for the credit, they must demonstrate experience or adequate knowledge of agriculture; have an annual household net worth under \$800,000 (an amount to be adjusted annually for inflation); and provide the majority of daily farm labor and management. Applicants for certification must also submit projected earnings and demonstrate profit potential.

Midwestern states with similar tax credit programs for beginning farmers include **Iowa**, **Minnesota** and **Nebraska**. Michigan legislators also are mulling a bill this year (SB 697) to create a tax credit for those selling or renting agricultural assets to beginning farmers. An **Illinois** bill to create an Ohio-style tax credit (HB 2750) was introduced in 2021 but did not advance.



# AXE ON GROCERY TAX COMING SOON TO KANSAS; ILLINOIS ADOPTS TEMPORARY SUSPENSION

As inflation soared in early 2022, some states opted to roll back or eliminate their sales taxes on food, including **Illinois** and **Kansas** in the Midwest.

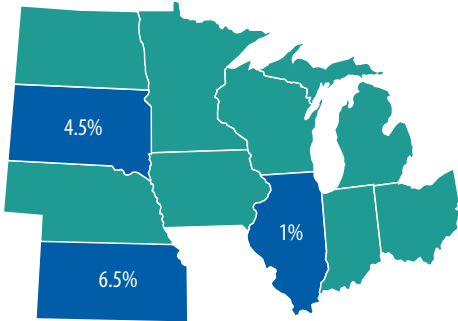
Illinois' \$46 billion budget for fiscal year 2023 (HBs 900 and 4700, and SB 157) waives the state's 1 percent sales tax on food for one year, a move that officials estimate will save consumers up to \$400 million. This suspension is part of \$1.83 billion in tax relief that also includes, among other provisions, the freezing of a scheduled increase in the gas tax and a one-week sales tax "holiday" on clothing and school supplies. According to the Federation of Tax Administrators, **Iowa** (on clothing) and **Ohio** (on clothing and school supplies) also will offer sales tax holidays in August, near the start of the school year.

In Kansas, lawmakers have opted to eliminate the state's 6.5 percent sales tax on groceries over the next three years — 4 percent in 2023 and 2 percent in 2024, before being completely eliminated by the start of 2025. The new law (HB 2106) does not affect local sales taxes. Gov. Laura Kelly made an "axe to the food tax" a top legislative priority this session. She says a complete elimination of the tax will save a family of four \$500 a year.

Illinois, Kansas and **South Dakota** are among 13 states nationwide that tax groceries, according to the Tax Foundation. All states in the Midwest exempt prescription drugs from the regular sales tax; **Minnesota** extends this exemption to non-prescription medication as well, the Federation of Tax Administrators notes in its annual 50-state survey. (Illinois' sales tax rate on prescriptions of all kinds is 1 percent, rather than the normal rate of 6.25 percent.)

Sales tax rates in the Midwest range from a high of 7.0 percent in **Indiana** to a low of 4.5 percent in **South Dakota**. Nationwide, state revenue from sales and selective sales taxes accounted for 43.2 percent of total tax collections in 2021.

## SALES TAX ON GROCERIES IN MIDWESTERN STATES (2022)\*



- State includes groceries in sales tax
- State does not include groceries in sales tax

\* Illinois discounts groceries from its regular sales tax rate of 6.25%. Kansas will be phasing out its sales tax on groceries between 2023 and 2025.

Source: Tax Foundation

# QUESTION OF THE MONTH

## QUESTION | Do states in the Midwest provide financial support for students to attend private K-12 schools?

According to EdChoice, a group that tracks and advocates for "school choice" laws, seven Midwestern states were providing financial support of some kind as of the beginning of this year. (An eighth state, **Minnesota**, makes tax credits and exemptions available that cover the education-related expenses of all families, regardless of whether they are attending a public or private school.)

In this region, the most common type of financial support comes in an indirect way: the state offers a tax credit for donations to nonprofit groups that provide scholarships for students to attend private schools.

Operational in **Illinois**, **Indiana**, **Iowa**, **Kansas**, **Ohio** and **South Dakota**, these programs can vary widely in scope, based on several factors.

• *Statutory limit on total amount of tax credits available* — These caps range from a high of \$75 million in Illinois to a low of \$2 million in South Dakota, where the program is only for insurance companies, according to a 2021 analysis of programs by the Education Commission of the States. (South Dakota does not have an individual income tax.)

• *Rules on eligibility* — States typically have income-based limits on which families can qualify for a scholarship. Until last year, Kansas also limited eligibility to low-income students attending one of the state's 100 lowest-performing schools. HB 2134, signed into law in 2021, now makes scholarships available to families with students who qualify for free or reduced school lunches — regardless of the public school they attend.

• *Amount of the credit and scholarship* — For individuals who donate, the tax credit is based on a percentage of the contribution — for example, 75 percent in Illinois and 65 percent in Iowa, according to last year's ECS study. The scholarship amount for each student often is either capped at a certain dollar amount (\$8,000 in Kansas, for example) or based on a state's per-pupil spending.

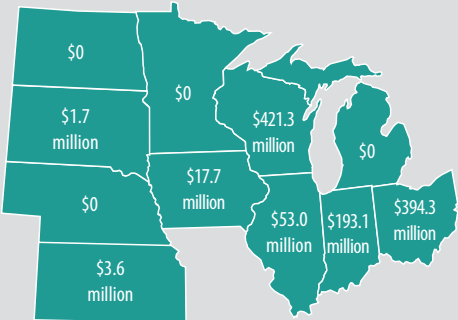
States such as Indiana, Ohio and **Wisconsin** also offer tax credits or deductions specifically for the families of students who attend non-public schools, according to EdChoice.

Another policy employed by states: Provide tuition vouchers for families to send their children to private schools. Public funds pay for these voucher programs (for example, some money for a local school district may be redirected for private-school vouchers).

**Ohio** alone has four different types of voucher programs: 1) for students from lower-income families; 2) for students with autism; 3) for students with an individualized education plan; and 4) for Cleveland students from lower-income families. Likewise, **Wisconsin** has separate voucher programs for lower-income students in two school districts (Racine and Milwaukee), as well as ones for lower-income families statewide and for young people with special needs.

Last year, Indiana lawmakers (HB 1001) increased eligibility for vouchers under the state's Choice Scholarship Program. Now, students living in households with incomes of up to 300 percent of the federal poverty level can qualify; the cap had been 150 percent. Additionally, the amount of scholarship money

## STATE SPENDING ON TAX CREDIT SCHOLARSHIPS, VOUCHERS AND/OR EDUCATION SAVINGS ACCOUNTS FOR K-12 STUDENTS TO ATTEND PRIVATE SCHOOLS



Source: EdChoice (study from January 2022)

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

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

Question of the Month response by Tim Anderson ([tanderson@csg.org](mailto:tanderson@csg.org)), director of communications for CSG Midwest, which provides individualized research assistance to legislators, legislative staff and other government officials. This section highlights a research question received by CSG Midwest. Inquiries can be sent to [csgm@csg.org](mailto:csgm@csg.org).







# PROFILE: NORTH DAKOTA SENATOR JUDY LEE

After nearly 30 years as a legislator, longtime leader on health policy values two parts of the job above all else — ‘the problem solving and the people’

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

Judy Lee has never been one to spend much time on hobbies. “I don’t watch soaps; I don’t bowl; I don’t knit; I don’t play games,” she says. If she has any kind of pastime at all, it’s problem-solving, and nearly 30 years ago, the North Dakota native found the perfect outlet to pursue it — as a member of the state legislature. “This is all scientific method,” Lee says. “I learned that from the best chemistry teacher in high school, and everything works that way.

“Being in the legislature, you look at what the problem is, and you do the research you need to do to figure out what the potential solutions might be. ... Which option looks most likely to succeed?” “That approach applies to darn near everything.”

As good a fit as legislating has turned out to be for Lee, she wasn’t initially drawn to the work. She instead was drawn in — identified by others as a potentially strong candidate and legislator thanks to her many years of community service (League of Women Voters, Chamber of Commerce, work for hospice, senior living centers, vocational training, etc.) and more than a decade on West Fargo’s Planning and Zoning Commission.

In 1994, Lee was asked by her departing state senator to run for his seat. But at the time, as a mother with two college-aged children and a full-time job in real estate, she balked at the idea.

Others, however, seemed to have a different plan for Lee.

“Any place I went, people would tell me, ‘Judy, you have to run for Senate.’”

Her sister from Colorado called urging her to jump in the race, and then-North Dakota Gov. Ed Schafer made a point of approaching Lee during a stop in Fargo.

“I thought, Who got to him?” Lee jokes.

All of those voices became enough for Lee to change her mind and run for the legislature in 1994. She won that initial race and has since become a fixture in North Dakota’s Legislative Assembly, including as chair of the Senate Human Services Committee since 2001.

In a recent interview with CSG Midwest, Lee discussed her many years as a health policy leader and her approach to legislating. Here are excerpts.

**Q** You have focused quite a bit on reforms to the state’s behavioral health system. What advances have you seen in this area, and what are some of the ongoing challenges?



## BIO-SKETCH: NORTH DAKOTA SEN. JUDY LEE

- ✓ first elected to the Senate in 1994; has served as chair of the Senate Human Services Committee since 2001
- ✓ graduated from the University of North Dakota with a degree in clinical laboratory science and worked for 10 years in that field
- ✓ worked as a real estate broker for 35 years
- ✓ served 12 years as a member of the West Fargo Planning and Zoning Commission
- ✓ lives in West Fargo; she and her late husband, Duane, have two adult children and three grandchildren

“I expect spirited discussions, but not angry ones. We should be able to have civil discussions and listen to any input.”

**A** One major change is that we’ve gone from a time when many thought that these were self-induced problems [that didn’t require state intervention] ... We’ve become smarter. If we don’t intervene early, we’re going to be spending a boatload of money on higher levels of health care or in the criminal justice system, which is pricier. We have been working on these issues for some time, and it’s a work in progress. We have a problem with access — especially in rural areas. ... It’s hard to get [behavioral health] professionals to come to North Dakota, period. And it’s even harder to get them into the small towns, in particular. ... Our goal is to have the same services available to everyone in North Dakota no matter where they live. They just may not all be provided in exactly the same way in every place. ... We have to do our best to continue to recruit and retain professionals, even with telehealth.

**Q** On that access issue, the state now has a voucher-based system for people in underserved areas to get substance abuse treatment. They choose a provider; the state reimburses evidence-based services. How has this program been received?

**A** It allows people to see providers in their local area [rather than in a designated service region]. ... It was so well received by both providers and patients that, last session, we budgeted nearly double the money because it’s so effective. I think it’s a model that other [rural] states can try out. ... It’s a great, broad-ranged tool to enhance behavioral health services.

**Q** What are some of the other top agenda items right now for you and other health policy leaders in North Dakota?

**A** We’re integrating the Department of Human Services and the Department of Health. Many states have integrated programs, but we have not. So right now, we have people working on the same issues, but working in separate departments. Suicide data, for example, is kept by the Department of Health. The prevention programs are in the Department of Human Services. An integration of those two departments will be so much better. There are going to be a lot of benefits in terms of how we serve the public. Our workers will be able to share information and find ways of providing service. We are confident that this is going to end up being more efficient and effective.

**Q** What do you view as the role of a committee chair like yourself in mentoring and helping newer members?

**A** Making sure that the new people coming in know what’s going on is something I have always thought was important as a committee chair — both during the session and the interim. The Human Services Committee is not a committee that everybody volunteers for at first blush. ... It’s scary sometimes because there is so much there, and you can’t get it all in the first session you’re here.

**Q** After nearly three decades in the legislature, what

about the work do you value the most?

**A** The problem solving and the people. I can’t imagine serving all these years without some of the people I worked with in the House and the Senate. Not only because they were/are good at the job, but because they’ve become family. The same goes for the government employees with whom we work directly and the lobbyists who professionally represent their organizations. And, of course, there are the citizens you get to know —those who testify at committee hearings or whom we see in other places. These people are all really special to me. My life would have been much less complete if I had not had an opportunity to meet them and get to know them.

**Q** Nationally, there has been quite a bit of discussion about a decline in civility. What have you seen in North Dakota?

**A** It’s important to have some balance of ideas and to be respectful of people when they’re expressing those ideas, but we are running into some lack of civility that interferes with doing the right stuff. ... I wish people would express [those ideas] with a little more civility. You shouldn’t have to have Highway Patrol come in and sit in committee in order to make sure people behave. It’s not the way to get things accomplished. I expect spirited discussions, but not angry ones. We should be able to have civil discussions and to listen to any input. ... I think we need to return to courteous public engagement that fosters positive learning for everyone.



# FIRST PERSON: GIVE PATIENTS, FAMILIES THE LEGAL RIGHT TO REQUEST CAMERAS IN OPERATING ROOMS

Proposed ‘Surgical Black Box Bill’ stems from the preventable death of a 38-year-old Wisconsin woman, and other medical-error cases like it



by Wisconsin Rep. Christine Sinicki  
([Rep.Sinicki@legis.wisconsin.gov](mailto:Rep.Sinicki@legis.wisconsin.gov))

Eight years ago, a constituent told me this story: a botched plastic surgery put his sister Julie into a three-month coma, and then she died.

After months of trying, he and his family finally extracted the truth from the clinic: the practitioner had proceeded solo, administering the sedative himself in much too high a dose. The overdose led to the coma and eventual death of the 38-year-old woman.

Since my meeting with Julie’s brother, other families across Wisconsin have come forward to tell me they also have lost parents, siblings or children due to errors during fairly routine surgeries.

These operations included hip replacements and foot surgeries, and even simpler procedures such as hernia repairs and pacemaker adjustments.

All of these surgeries gone awry caused patients’ deaths. But in some cases patients lingered, severely disabled, before succumbing to the injuries inflicted on them.

In other cases, patients have lived on with permanent disabilities that have changed their lives irreparably.

The families then went through the added trauma of trying to find out what happened during the surgeries that harmed their family members.

People should not have to fear the operating room or its aftermath more than they fear the health problems that brought them there.

Only verbal accounts from staff who were physically in the operating rooms were available — no objective records existed.

It is sad these tragedies happen secretly in operating rooms in Wisconsin, where other types of transparent medical records are routine in many of our major medical systems.

## ‘SURGICAL BLACK HOLE’ LEAVES UNANSWERED QUESTIONS

However, in Wisconsin, as in other states, reliable procedural records rarely are created during surgeries, regardless of the location — hospitals, outpatient facilities, or stand-alone surgical centers.

We do see medical schools using audiovisual recording equipment in the operating rooms of their teaching hospitals for training purposes. And some places, such as the country of South Korea, are requiring such technology in all operating rooms to ensure that these records are created and remain available.

In general, though, what happens in surgical suites still stays in surgical suites in most facilities across the country.

As I described above, only medical staff from the operating rooms can say what really happened, but families find that even these accounts can vary or even conflict.

Patients and their families, and also their providers, are left with no factual record of surgeries.

Which staff were in the room, and at what point?

Which staff were involved in a surgery,

and at what point?

What conversations were held or directions given as the surgery took place?

## ‘SURGICAL BLACK BOX BILL’ AIMS TO HELP FAMILIES FIND ANSWERS

That first conversation with Julie’s brother led me to try to respond to this gap in surgical records by introducing legislation we call the “Surgical Black Box Bill.”

This session, it is Assembly Bill 1011.

Under language in this bill, patients and providers could request audiovisual recordings of surgical procedures. Medical facilities would be required to comply with these requests.

The bill also says these facilities must treat the recordings like any other medical records and protect them to the full extent of the law.

Patients could access the recordings, of course, but would have to keep them private; stiff fines would deter misuses such as postings on social media.

The bill goes on to outline the use of advance directives regarding surgical recordings, and also includes some exceptions to the law and other procedural matters.

Sounds like common sense? It does to most people I have talked to about the bill, including a number of doctors and nurses.

Opposition, of course, comes from the most powerful actors in the medical sector, despite the fact that this bill can protect medical providers, too.

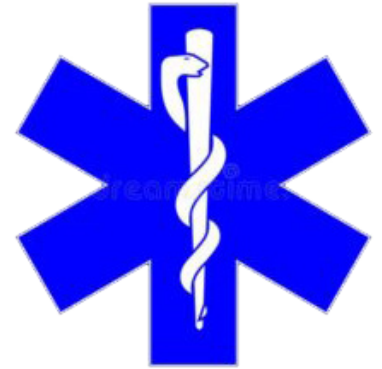
Even with some bipartisan support, AB 1011 never has been discussed openly in a public hearing in our Legislature, much less voted on in committee or by our full Assembly or Senate.

This has gone on in all four of the legislative sessions that I have introduced the Surgical Black Box Bill.

## MORE AWARENESS OF ISSUE NEEDED TO GET BILL PASSED

Deprived of these official channels, I took matters into my own hands recently and held the first “Patient Safety Advocacy Day” in our state Capitol.

Along with the families, we invited experts in the field from around the country. We held a press conference and panel discussion about the effects of medical error on our citizens, as well as the lack of recourse for loved



ones in the aftermath of losing a family member. We heard families’ stories, and screened the documentary “Bleed Out.”

Expert participants included Dr. David Mayer, executive director of the MedStar Institute for Quality & Safety; Martin Hatlie, CEO of Project Patient Care; leadership at the Leapfrog Group; and Steve Burrows, creator of the award-winning HBO documentary “Bleed Out” about his mother Judi’s disablement and death after a botched hip replacement and ensuing negligence.

We had a successful first event, with people traveling to Madison even from out of state to attend.

The day also kicked off external organizing that I hope will create greater awareness and political will for these policy changes.

I believe that, after four sessions of fine-tuning this bill, it is in good shape. Legislators elsewhere are welcome to review and adjust it for introduction in their own statehouses.

We need a movement across the country for constructive policies to deal with these too-frequent medical tragedies.

People should not have to fear the operating room or its aftermath more than they fear the health problems that brought them there.

As legislators, we must help our constituents push back against the continued, relentless pressure that shrouds these medical procedures in secrecy.

Rep. Christine Sinicki was first elected to the Assembly in 1998. She is a 2001 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development (BILLD).

## SUBMISSIONS WELCOME

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





REMINDER: ALL COMMITTEES OF THE MIDWESTERN LEGISLATIVE CONFERENCE WILL MEET IN JULY AS PART OF THE GROUP'S ANNUAL MEETING

The work of The Council of State Governments' Midwestern Legislative Conference is guided by its binational, bipartisan committees of legislators.

These committees include:

- An Executive Committee that serves as the governing body of the MLC and is led by four officers: Kansas Sen. Carolyn McGinn, MLC chair; Michigan Sen. John Bizon, first vice chair; Ohio Sen. Bill Reineke, second vice chair; and South Dakota Sen. Gary Cammack, immediate past chair.
- Seven policy committees: Agriculture & Natural Resources, Criminal Justice & Public Safety, Economic Development, Education, Fiscal Affairs, Health & Human Services, and Midwest-Canada Relations.
- A steering committee that oversees the MLC's leadership program for Midwestern legislators — the Bowhay Institute for Legislative Leadership Development (BILLD).

Each of these committees will meet July 10-13 during the MLC Annual Meeting.

A list of committee rosters, leadership and agendas for their upcoming meetings can be found at [csgmidwest.org](http://csgmidwest.org).



TWO LEGISLATORS TAPPED TO HELP SHAPE FUTURE OF ELEVATE ACADEMY FOR REGION'S POLICYMAKERS

Last year, Illinois Sen. Dale Fowler and Ohio Rep. Paula Hicks-Hudson were part of the inaugural class of legislators who took part in the ELEVATE Academy, a two-day program that focuses on the science and data behind many of today's most complicated policy issues.

They've now been tapped by fellow alumni to help shape the direction of future academies for the Midwest's legislators.

ELEVATE is a new partnership between The Council of State Governments' Midwestern Legislative Conference and Science is US. Its overarching goal is to assist lawmakers in developing evidence-based policy solutions.

This year's ELEVATE Academy will take place Nov. 14-16 in Minneapolis. Any legislator interested in becoming an ELEVATE scholar, or nominating a colleague for the program, can contact CSG Midwest's Carolyn Orr ([carolyn@strawridgefarm.us](mailto:carolyn@strawridgefarm.us)) or Laura Tomaka ([ltomaka@csg.org](mailto:ltomaka@csg.org)).

A bipartisan group of 21 legislators from 10 states participated in last year's inaugural ELEVATE class. Issues covered included: cybersecurity, infrastructure, education and workforce development, and public-private partnerships to foster growth in the bio-economy.



Illinois Sen. Dale Fowler



Ohio Rep. Paula Hicks-Hudson

4 DAYS OF LEARNING, COLLABORATION AND FUN: DETAILS ON THIS SUMMER'S MEETING OF THE MIDWEST'S STATE, PROVINCIAL LEGISLATORS

Register for Midwestern Legislative Conference Annual Meeting at [csgmidwest.org](http://csgmidwest.org)

WHEN AND WHERE IS THE MEETING?

The Midwestern Legislative Conference Annual Meeting will take place July 10-13 in downtown Wichita, a vibrant city (and Kansas' largest) with attractions and activities for people of all ages and interests. The Hyatt Regency Wichita, located in the downtown area, is the host hotel.



Kansas Sen. Carolyn McGinn

For information on the meeting, and to register and reserve a hotel room, visit [csgmidwest.org](http://csgmidwest.org).

Kansas Sen. Carolyn McGinn, chair of the MLC, is leading the work of this year's host state team. CSG Midwest provides staff support to the MLC and assists with planning. This marks the 76th year of the MLC Annual Meeting.

WHO IS INVITED TO ATTEND?

The Midwestern Legislative Conference is a binational, nonpartisan association of legislators from 11 states and the Canadian province of Saskatchewan. The provinces of Alberta, Manitoba and Ontario are affiliate members of the MLC.

All legislators from these states and provinces are invited to take part in the MLC Annual Meeting. The event typically attracts hundreds of lawmakers from across the region.

The meeting is also family-friendly; attendees are encouraged to bring guests of all ages.

WHAT SESSIONS WILL BE HELD?

The goal of the MLC's Annual Meeting is to meet the needs of its members — state and provincial legislators from the Midwest.

Attendees will have the chance to take part in a mix of policy-focused sessions and site visits, as well as a professional development workshop for legislators. They also will hear from featured speakers such as



acclaimed U.S. historian H.W. Brands and American Communities Project director Dante Chinni.

Among the topics to be covered:

- the future of water and transportation policy;
- demographic challenges and trends, including in areas such as aging and long-term care, educational attainment, workforce needs and rural population declines.

Additionally, the MLC's seven binational, interstate committees will host sessions on agriculture, criminal justice, economic development, education, fiscal policy, health care and Midwest-Canada relations.

WHAT OTHER ACTIVITIES WILL TAKE PLACE?

The meeting includes special evening events for all attendees and their guests.

There will be an Opening Night Reception at Botanica, the Wichita Gardens, and Family Night at the Sedgwick County Zoo. The elegant State Dinner — a longtime tradition of the MLC Annual Meeting — will be held in downtown Wichita.

Special daytime activities also have been planned for the guests of attendees. For adult guests, there will be museum tours, culinary experiences and tours of the downtown area. The program for youth guests includes trips to a science museum and a dinosaur park in the Wichita area.



Historian H.W. Brands

SNEAK PEEK: A FEW OF THE MANY EVENTS PLANNED FOR MEETING ATTENDEES & GUESTS



An Opening Night Reception at Botanica, the Wichita Gardens



A daytime trip to Exploration Place for youth guests



A daytime trip to the Wichita Art Museum for adult guests



Family Night at Sedgwick County Zoo



State Dinner at Hyatt Regency Wichita

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:  
NEWS FROM GRADUATES

**South Dakota Sen. Jean Hunhoff** (class of 2001) was appointed chair of the Senate Appropriations Committee and co-chair of the Joint Appropriations Committee. She also serves as vice chair of the interim Rules Committee. For the past two years, Sen. Hunhoff has been a member of the Mental Health Services Delivery Task Force, a group studying access to mental health services in the state. She recently was named Legislator of the Year by the South Dakota Association of Health Care Organizations for her work in support of health care providers.



**Illinois Rep. Will Guzzardi** (class of 2016) serves as co-chair of the Illinois House Progressive Caucus, a group he helped found in 2019. Last year, Rep. Guzzardi sponsored legislation (HB 3665) creating the Joe Coleman Medical Release Act. It allows individuals in custody who are suffering from a terminal illness or medical incapacitation to file a medical release application. He also sponsored a housing omnibus bill (HB 2621) to increase the availability of affordable housing in Illinois as well as the I-DROP Act (HB 119), which allows unused medication in sealed, tamper-evident packaging to be donated to patients in need.



**Indiana Sen. Liz Brown** (class of 2017) served on the Indiana Schools for the Deaf and Blind or Visually Impaired Task Force in 2020. That panel issued recommendations related to the operation of facilities, and this year, Gov. Eric Holcomb announced a site for both schools based on the task force's work. Also this year, Sen. Brown sponsored SB 251, a measure for Indiana to join the Interstate Medical Licensure Compact. It was signed into law in March.



**Former Nebraska Sen. Adrian Smith** (class of 2001) has been a member of the U.S. House of Representatives since 2007 and is currently seeking a ninth term. In January, he was named the Republican leader of the House Ways & Means Subcommittee on Trade. U.S. Rep. Smith also has announced plans to pursue his legislative caucus's top position on the U.S. House Ways & Means Committee (starting next session). In response to the crisis in Ukraine, he introduced federal legislation earlier this year to revoke Russia's Permanent Normal Trade Relations Status.



In March, **North Dakota Sen. Erin Oban** (class of 2015) resigned her legislative seat prior to the end of her term this year in order to accept an appointment from President Joe Biden to serve as state director for the U.S. Department of Agriculture Rural Development in North Dakota.



Since leaving the Legislature in 2012, **former Iowa Rep. Renee Schulte** (class of 2009) has owned her own consulting firm, which is focused on developing and improving mental health systems. In this capacity, she has worked with several states in evaluating their systems. Recently, Schulte was appointed as an alternate member of the Iowa Parole Board.



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

GAVEL READY? IDEAS FROM BILLD FACULTY, ALUMS ON  
EFFECTIVE LEADERSHIP OF LEGISLATIVE COMMITTEES

There are important leadership skills that support effective and efficient committee processes. These skills are not innate and can be developed with intentionality to prepare legislators to conduct committee meetings with optimal performance when the opportunity presents itself. Key areas to focus on to achieve desired outcomes include:

- Committing to intentional relationship building with fellow legislators and staff members.
- Agreeing on shared ground rules for engagement for committee processes with all committee members.
- Focusing on proactive habits, proactive mindset, accountability and clarity of communication.
- Reflecting on what processes would be beneficial to continue, improve, start or stop.

The leadership necessary to manage committee meetings that produce positive outcomes in both process and legislation takes time and intentional focus. One of the best ways a legislator can develop these skills is to turn to other members they observe managing the committee process well and emulating their example.

*J. Scott Raecker is executive director of The Robert D. and Billie Ray Center at Drake University. As a state representative in Iowa from 1999-2012, he served in several leadership positions, including as chair of the House Appropriations and Ethics committees. Scott is a 1999 graduate of the BILLD program, past co-chair of the BILLD Steering Committee, and a current faculty member of BILLD.*

Guest Commentary:  
J. Scott Raecker



ADVICE FROM 3 BILLD ALUMS CURRENTLY SERVING AS LEGISLATIVE COMMITTEE CHAIRS

IOWA SEN. AMY SINCLAIR | CLASS OF 2016 | SENATE EDUCATION COMMITTEE CHAIR

"Know and follow the rules and begin the committee on time. The notion of 'legislative time' as acceptable disregards the value of other people's schedules. It's important to have a complete agenda and stick to it. It's helpful to keep the routine part of the agenda the same for each convening of the committee so that members can anticipate and follow the flow of the meeting.

Whether it is circulated to the entire committee or for your use only, include a description of each bill and the chair and subcommittee members for reference, as well as a full description of any additional materials related to the bills such as amendments. ... Efficiency can be accomplished by sharing this information beforehand with the ranking member of the committee so there are no surprises. It is essential to always be prepared, whether you are the committee chair or a rank-and-file member."



ILLINOIS REP. ANNA MOELLER | CLASS OF 2017 | HOUSE HUMAN SERVICES COMMITTEE CHAIR

"In order to stay on top of all of the bills assigned and to have an understanding of the these measures before they are heard in committee, I hold weekly bill-review meetings with staff and department liaisons. We go over each bill, discuss concerns that have been brought by departments, advocates or the public, and talk about whether or not the bill is ready to be heard. ... I try to know as much as I can about the legislation assigned to the committee.

There are parliamentary motions made in committee that are necessary to advance bills or conduct official business. ... It is important to learn the motions and procedures used in committee so the meeting can run smoothly, and business can be conducted efficiently and accurately.

As a committee member, I think it is important for committee members to familiarize themselves with the subject matter that is the focus of the committee. Don't be afraid to ask questions. Show up to meetings and be there on time, and communicate with the chair or your caucus leadership — especially when you have a bill that is assigned to committee and if you plan to have a bill called for a hearing. The chair and committee staff can then plan accordingly."



INDIANA SEN. PHIL BOOTS | CLASS OF 2007 | SENATE PENSIONS AND LABOR COMMITTEE CHAIR

"I approach committee work as an opportunity for legislators to learn and for advocates and the public to have a voice. In this context, it is really important to have an open mind.

I work really hard to allow everyone to weigh in on the subject, and to get their questions answered. It is so important to listen to everybody and seriously consider their comments. People want to know they have been heard."



BILLD Steering Committee Officers | Co-Chairs: Illinois Rep. Anna Moeller and Iowa Sen. Amy Sinclair | Co-Vice Chairs: Michigan Rep. Ann Bollin and Kansas Rep. Jarrod Ousley  
Through the Bowhay Institute for Legislative Leadership Development, or BILLD, CSG Midwest provides annual training on leadership and professional development for newer state and provincial legislators from this region. This page provides information related to the BILLD program, leadership development and legislative leadership. CSG's Midwestern Legislative Conference BILLD Steering Committee — a bipartisan group of state and provincial legislators from the Midwest — oversees the program, including the annual selection of BILLD Fellows.

# STATELINE MIDWEST

THE COUNCIL OF STATE GOVERNMENTS | MIDWESTERN OFFICE

## CSG EVENTS

### CSG Midwestern Legislative Conference Virtual Events for Legislators

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



### Midwestern Legislative Conference Annual Meeting

July 10-13, 2022 | Wichita, Kan.

Contact: Jenny Chidlow ~ [jchidlow@csg.org](mailto:jchidlow@csg.org)  
630.925.1922 | [csgmidwest.org](http://csgmidwest.org)



### CSG Henry Toll Fellowship Program

August 26-30, 2022 | Lexington, Ky

Contact: [membership@csg.org](mailto:membership@csg.org)  
859.244.8000 | [web.csg.org](http://web.csg.org)



### Bowhay Institute for Legislative Leadership Development

August 27-31, 2022 | Madison, Wis.

Contact: Laura Tomaka ~ [ltomaka@csg.org](mailto:ltomaka@csg.org)  
630.925.1922 | [csgmidwest.org](http://csgmidwest.org)



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

September 23-24, 2022 | Chicago

Contact: Mike McCabe ~ [mmccabe@csg.org](mailto:mmccabe@csg.org)  
630.925.1922 | [greatlakeslegislators.org](http://greatlakeslegislators.org)



### CSG National Conference

December 7-10, 2022 | Honolulu, Hawaii

Contact: [membership@csg.org](mailto:membership@csg.org)  
859.244.8000 | [web.csg.org](http://web.csg.org)



# STATELINE MIDWEST

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