



FOR STATES, THE WORK ON ‘FOREVER CHEMICALS’ HAS ONLY JUST BEGUN

The negative health impacts already have led to more testing, remediation and litigation; for the Midwest, the potential economic effects on agriculture also loom large

by Tim Anderson (*tanderson@csg.org*)

Over the past two years, policy “firsts” have cropped up in state legislatures across the country to deal with the problem of PFAS, a class of widely used chemicals linked to harmful health effects in humans and animals.

In the Midwest, Illinois became the first U.S. state to ban the incineration of PFAS (HB 4818), and Minnesota is the first in the region to outlaw these chemicals in food packaging (SF 20). Wisconsin, for the first time, now has enforceable limits on levels of PFAS in community drinking water systems, joining Michigan in the Midwest.

Outside the region, some of the recent actions have been even further-reaching.

Maine, for instance, is prohibiting

all non-essential uses of PFAS in products, and after sewage sludge was discovered to be a source of widespread PFAS contamination on farmland, the state banned the use of sludge as fertilizer.

Also this year, Maine legislators established a \$60 million trust fund for farmers whose land and products have been contaminated by PFAS. Through the fund, the state will purchase contaminated property, replace the lost income of farmers and monitor the health of affected families.

In Vermont, residents exposed to PFAS contamination now have a right to medical monitoring (paid for by PFAS polluters).

“It’s everywhere, and the cleanup is very difficult to do and very expensive,” Minnesota Rep. Ami Wazlawik says about the challenges posed by PFAS contamination.

“So you have the prevalence of the chemicals in the environment, the fact that they are ‘forever chemicals’ that stick around, and then the negative health impacts.”

‘TURN OFF THE TAP’

All of those concerns led Wazlawik to become a leading voice on PFAS-related issues in the Minnesota

Legislature. Her focus, in particular, has been on measures to “prevent further contamination.”

That’s why she sponsored the food packaging bill from 2021 and introduced measures this year to ban the manufacture and sale of PFAS-containing cosmetics, cookware, ski wax and apparel (none of the legislation from 2022 passed).

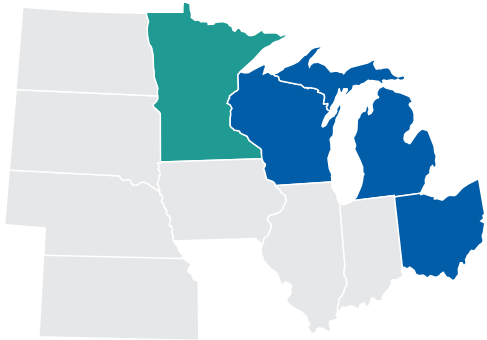
Sarah Doll, national director of the group Safer States, refers to bills like these as a “turn off the tap” approach to PFAS.

States have been at the forefront of these policies as well as two other types of strategies, she says. One, “figure out the problem,” through more testing and monitoring, as well as studying the health effects. Two, “address the problem” — investing in PFAS cleanup, establishing regulatory standards, suing polluters, etc.

The “turn off the tap” approach has particular appeal because of the “forever” nature of these chemicals, says A. Daniel Jones, a biochemistry professor at Michigan State University and associate director of the school’s Center for PFAS Research.

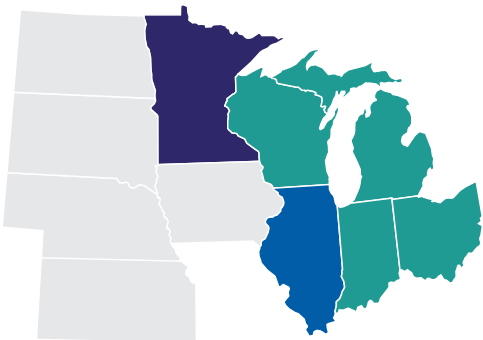
“If we keep manufacturing more of them, and they don’t go away, the levels are just going to increase unless we do something about it,” he says.

STATE LITIGATION ON PFAS (AS OF JULY 2022)*



- State attorney general has filed lawsuit against PFAS manufacturers and/or others
- State settled lawsuit against 3M in 2018 in return for \$850 million settlement

PFAS-RELATED BANS (AS OF JULY 2022)



- Bans incineration of PFAS; is phasing out use of PFAS in firefighting foams
- Has law eliminating use of PFAS in food packaging; restricts use of PFAS in firefighting foam
- Restricts firefighting foam with intentionally added PFAS when the foam is used for training or testing purposes (Indiana, Michigan and Wisconsin also have take-back programs to collect foam)

Sources: Safer States, Bryan Cave Leighton Paisner LLP and CSG Midwest research

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JUST IN TIME FOR FOOTBALL, SPORTS GAMBLING GOES LIVE IN KANSAS; OHIO TO BEGIN BETTING ON JAN. 1

Legalized sports betting spread to an eighth Midwestern state in September, when four casinos in **Kansas** began accepting online and in-person bets. The state has a unique regulatory structure on gambling due to constitutional language that makes most forms of gambling illegal. One of the exceptions: casino-style wagering owned and regulated by the state.

Four state-owned commercial casinos operate via a partnership with private companies, and this year’s SB 84 authorized each casino (operated by the Kansas Lottery) to engage up to three online platforms or apps in addition to taking in-person bets. The new law also permits sports betting in restaurants and venues operated by nonprofit fraternal or veterans’ organizations, as well as allows new compacts to be negotiated with tribal nations to offer sports betting at tribal casinos.

Another unique aspect of sports gambling in Kansas is where the money will go. Much of the state revenue is earmarked for two funds, one to investigate and prosecute white-collar crimes and a second to attract professional sports teams (for example, to help with the construction of a new stadium).

All Midwestern states except **Minnesota** have legalized online and/or in-person sports betting (see map). **Nebraska** and **Ohio** each legalized it in 2021, with LB 561 and HB 29, respectively, but sportsbooks are not yet operational in those states. The Ohio Casino Control Commission in August announced that in-person sports betting will begin on Jan. 1.

Where does the new state revenue go?

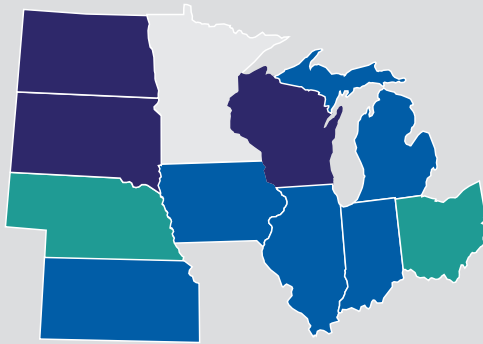
Examples include a fund for school-based sports and extracurricular activities in Ohio, property tax relief in Nebraska, infrastructure projects in **Illinois**, school aid in **Michigan**, and state general funds in **Indiana** and **Iowa**, the American Gaming Association notes.

According to *Legal Sports Report*, U.S. states have collected more than \$1.6 billion in revenue from sports betting since June 2018, the year a U.S. Supreme Court decision gave states the authority to legalize this activity.

Canada began allowing single-game sports betting in August 2021, but leaves regulation to the provinces. **Ontario** in April became the first province to announce an “open” or competitive sports book market, while **Alberta** released a “request for proposals” for two retail sportsbooks.

In June, the **Saskatchewan** Indian Gaming Authority announced a vendor agreement with the British Columbia Lottery Corporation to develop an online gambling site that will include single-event sports betting. The portal is scheduled to be available to provincial residents before the end of the year, the authority said.

LEGAL LANDSCAPE FOR SPORTS BETTING IN MIDWEST (AS OF SEPTEMBER 2022)



- Legal and operational; both retail and online sportsbooks allowed
- Legal and operational; only retail sportsbooks allowed (tribal casinos only in North Dakota and Wisconsin)
- Legal, not yet operational (legal for retail sportsbooks only in Nebraska, legal for retail and mobile sportsbooks in Ohio)
- Not legal

Source: American Gaming Association

MINNESOTA HAS NEW PRIVACY PROTECTIONS FOR STUDENTS USING SCHOOL-ISSUED TECH DEVICES

A new **Minnesota** law, the Student Data Privacy Act, bans schools and their technology providers from tracking students’ activities via school-issued laptops or software, as well as from selling, sharing or disseminating young people’s educational data. HF 2353 was passed unanimously by the House and Senate before being signed by Gov. Tim Walz in late May.

Neither schools nor their technology providers can surveil students via tools such as remote location tracking or web cameras, except for specific exceptions such as instances of a device being stolen or activities “necessary to respond to an imminent threat to life or safety.” Additionally, “student interactions” with a school-issued device — for example, his or her web-browsing activity — cannot be electronically accessed or monitored.

Public schools in Minnesota must now notify students and parents about any contracts with tech providers that grant these companies access to young people’s educational data. These school-provider agreements must include security safeguards, and once the contracts are up, the tech companies must destroy the data or return the information to the educational institutions.

Student data privacy laws are in place in all Midwestern states except **Wisconsin**, according to Student Privacy Compass, a website that tracks this activity. Another Minnesota bill from this year, HF 3724, would have barred social media platforms such as TikTok and Instagram from using algorithms to drive user-generated content to those under age 18. It failed to advance.



STATES HAVE MANY OPTIONS TO ENCOURAGE MORE PRODUCT RECYCLING, LESS USE OF LANDFILLS

» CONTINUED FROM PAGE 1

But instituting such bans can be difficult.

As a class of chemicals, Jones says, PFAS can have some “really important functions, so we’d like to be able to distinguish between what are the essential needs and then where there are some good substitutes that are available and that would not be just better for our health, but better for our economies and the ecology.”

PFAS refers to a class of many different chemical compounds. Two of them, PFOA and PFOS, have “become the poster children for PFAS,” Jones says, because the toxicity and health effects of these particular compounds are relatively known. The same cannot be said for many other chemical compounds in the PFAS family that remain in use today. (PFOA and PFOS are no longer manufactured in the United States.)

In Minnesota, Wazlawik says, one reason for the success of her food-packaging ban was that parts of the food industry already were moving toward PFAS alternatives in its products.

According to Doll, another policy lever for states is to help private industry find those alternatives. “It’s not just about dinging the companies,” she says.

Minnesota has a university-led Technical Assistance Program to help businesses with environmental stewardship. In the state of Washington,

a recent law directs the Department of Health to designate chemicals of concern and then identify the products in which these chemicals are being used.

To ban the use of these chemicals, the department must first demonstrate that “safer alternatives are feasible and available.”

‘ALL OVER THE PLANET’

The Environmental Working Group, a nonprofit, nonpartisan research and advocacy organization, tracks PFAS pollution in public and private water systems, and then regularly updates its national findings by state. As of June, it had documented close to 3,000 contaminated sites in the United States.

Michigan has among the highest number of these sites, but Jones says that’s because the state has been a leader in terms of monitoring and testing.

“These chemicals are all over the world now, but Michigan has taken a much more aggressive role in trying to figure out where these chemicals are,” Jones says.

“That’s been really important, because we need to understand what the scope of the problem is and how to prioritize cleanups. Where is it the worst? Where are the hotspots?”

Along with widespread testing for the presence of PFAS in the environment, Michigan has regulatory standards for levels of PFAS in drinking water, surface water, groundwater, and the releases by

wastewater treatment plants.

In recent years, too, legislators have invested heavily in PFAS contamination and cleanup — most recently with this year’s SB 565, which specifies that \$55 million in state water revolving funds be used to eliminate PFAS and other emerging contaminants in drinking water.

According to Wazlawik, much of the work in Minnesota is being guided by a PFAS “blueprint,” an agency-led effort that prioritizes the state’s response. In future sessions, she says, much of the legislative role will be to adequately fund those priorities.

Part of the focus in Minnesota, and other states, is getting a better handle on the risks of different PFAS chemicals to human health.

Jones says a colleague at MSU’s Center for Policy Research aptly refers to PFAS as “general messer-uppers.”

“They’re not your classical environmental poison,” he says. “They mess up a lot of biological functions, and then the question is, at what level does that become significant? And we just need to know more.”

According to the U.S. Centers for Disease Control and Prevention, high levels of certain PFAS may lead to increased cholesterol levels, a greater chance of kidney or testicular cancer, small decreases in infant birth weights, and an increased risk of high blood pressure.

PFAS FALLOUT FOR FARMERS

To date, much of the attention on PFAS has related to the contamination of drinking water.

But Jones says the focus of states may turn more and more to the presence of PFAS on agricultural land, and in crops and livestock. To date, that problem has been most acute in the Northeast, as evidenced by Maine’s new \$60 million trust fund for impacted farmers.

Earlier this year, though, the state of Michigan issued a consumption advisory regarding beef from a farm in the state. The cause: the use of biosolids containing PFAS on the land where the cattle were located.

“Some groups estimate that 20 percent of the farms may already have contaminated biosolids spread on them,” Jones says. “If that’s the case, what do we do next? How do we preserve our farms? Can you add things into the soil that keep the PFAS chemicals from getting into the crops?”

Those are among the many questions that may lie ahead for legislators, whose work on addressing the impacts of “forever chemicals” has just begun.



Minnesota Rep. Ami Wazlawik

Kansas Sen. Carolyn McGinn has chosen water policy as the focus of her Midwestern Legislative Conference Chair’s Initiative for 2022. A series of articles is appearing in *Stateline Midwest* this year in support of this initiative.

HOW STATES ARE TACKLING THE PFAS PROBLEM: 5 EXAMPLES OF STRATEGIES IMPLEMENTED IN MIDWEST

ENACT LAWS BANNING PFAS IN CERTAIN PRODUCTS

1

MINNESOTA will soon become the first state in the Midwest to ban the use of PFAS in food packaging. Under SF 20, signed into law in 2021, “No person shall manufacture or knowingly sell ... a food package that contains intentionally added PFAS.” The law takes effect in 2024. According to Safer States, which tracks PFAS-related legislation, 10 other U.S. states have taken steps to eliminate PFAS in food packaging. To date, the most common state action has been to ban or limit the use of firefighting foam with PFAS — including laws in **ILLINOIS**, **INDIANA**, **MICHIGAN**, **MINNESOTA**, **OHIO** and **WISCONSIN**.

TEST THE WATER AND RAISE PUBLIC AWARENESS

2

Many Midwestern states have expanded PFAS testing and monitoring in drinking water. That includes **MINNESOTA**, which has an interactive online dashboard that allows residents to find out levels of PFAS (if any) in their community water systems. In unveiling this new resource, the Department of Health noted that Minnesota has joined states such as **ILLINOIS**, **MICHIGAN** and **OHIO** in conducting statewide testing of PFAS in drinking water.

SET LIMITS ON THE PRESENCE OF PFAS IN THE WATER AND AIR

3

MICHIGAN and **WISCONSIN** are among the states with enforceable standards that require action to be taken if certain PFAS compounds are detected in local drinking water systems at or above levels considered harmful to human health. The U.S. Environmental Protection Agency is planning to adopt standards that are more stringent than any current state-level limits. Some states also have established regulatory standards for the presence of PFAS in surface water (**MICHIGAN**, **MINNESOTA** and **WISCONSIN**), groundwater (**MICHIGAN**), soil (**MICHIGAN** and **WISCONSIN**), and the air (**MICHIGAN**), according to The Environmental Council of the States.

INVEST IN PFAS REMEDIATION AND CLEANUP

4

Earlier this year, **MICHIGAN** lawmakers made a historic \$4.7 billion investment in the state’s water infrastructure. One area of emphasis: PFAS cleanup. Language in Michigan’s SB 565 allocates \$55 million in state water revolving funds to address PFAS and other emerging contaminants in drinking water. Another \$15 million will be used to clean up a single PFAS-contaminated site in the state.

FILE LAWSUITS AGAINST PFAS POLLUTERS

5

Four years ago, **MINNESOTA** reached an \$850 million settlement with 3M. The state had sued the company over the degradation of drinking water and other natural resources in parts of the Twin Cities metropolitan area due to the production of PFAS. Money from the lawsuit is going to 14 impacted communities to invest in their drinking water infrastructure. According to Safer States, **MICHIGAN**, **OHIO** and **WISCONSIN** are among the 13 U.S. states where attorneys general have active lawsuits over PFAS contamination against manufacturers and others.

EXAMPLES OF STATE REGULATION OF PFAS IN DRINKING WATER	
State	Rule
Michigan	Has enforceable maximum contaminant levels for seven PFAS compounds
Minnesota and Illinois	Sets health advisory guidelines (not legally enforceable) for six PFAS compounds
Wisconsin	Has enforceable drinking water standards for two PFAS compounds
Source: The Environmental Council of the States and CSG Midwest research	

AGRICULTURE & NATURAL RESOURCES

Iowa, the nation’s leader in biofuels production, is pairing a first-of-its-kind E15 requirement with infrastructure grants for gas stations

by Carolyn Orr (carolyn@strawridgefarm.us)

Iowa is the nation’s No. 1 ethanol-producing state, yet it ranks 28th in ethanol consumption, according to the U.S. Energy Information Administration.

“You can’t buy it if it isn’t sold,” says state Rep. Lee Hein, who has long lamented the limited opportunity that Iowans have to support a homegrown product.

“Where it is sold, it is the low-cost fuel and people will try it and use it.”

He’s hopeful a new law will help expand ethanol’s use. Under HF 2128, signed by the governor in May, fuel retailers must sell 15 percent ethanol at the pump by 2026.

“It was a long haul,” Hein says about the path to the bill’s passage. “It took two legislative sessions and multiple meetings between legislators and a wide variety of stakeholders.

“But by adding exemptions [for certain retailers] and infrastructure support, we got the majority of the industry to support the legislation. It will dramatically increase ethanol consumption while reducing fuel costs for Iowa drivers.”

The change is expected to more than double the number of gas stations in the state carrying E15. Iowa is the first U.S. state to have this blending standard; across the border in Canada, a 15 percent requirement will take effect in Ontario in 2030.

NEGOTIATIONS, EXEMPTIONS, GRANTS LEAD TO PASSAGE

Originally considered in 2021, Hein says, the measure encountered pushback from convenience stores and petroleum groups, as well as resistance from lawmakers generally opposed to state mandates.

Under the final-negotiated version of HF 2128, certain stations are exempt or can pursue waivers from the E15 requirement.

For example, there is a carveout for stations that sold less than

300,000 gallons of gas in 2020 (so long as they have not previously sold E15), a recognition that smaller, single-station operations may not have the capital or resources to make the necessary modifications.

Additionally, a retailer can seek an exemption by: 1) submitting a waiver describing why equipment at the location can’t support the higher ethanol blend, or 2) hiring a qualified expert to inspect the facility and certify that it can’t meet the requirement. For example, stations with decades-old motor fuel storage tanks are eligible for the waiver.

According to Hein, less than 10 percent of the stations in Iowa will qualify for an opt-out.

HF 2128 also provides grants for gas stations to install the necessary E15 infrastructure, via a three-tiered system under Iowa’s Renewable Fuel Infrastructure Program.

• Tier I — Gas station has never sold E-15 blends and sells less than 140,000 gallons of gasoline annually. For this tier, state grants cover the lesser amount of 90 percent of the cost or \$63,900.

• Tier II — Gas station has never sold E-15 blends but sells more than 140,000 gallons of gasoline annually. For this tier, state grants cover the lesser of 75 percent of the infrastructure costs or \$53,250.

• Tier III — Stations not in tiers one or two fall into this category. For this tier, state grants cover the lesser of 70 percent of the costs or \$50,000.

Minnesota has a similar grant program for retailers to install the necessary E15 infrastructure.

In Iowa, even with the negotiated changes, some legislators still opposed the bill due to concerns about a state mandate, but the measure ultimately received widespread, bipartisan support.

Under the law, stations selling diesel containing more than 20 percent biodiesel also will qualify for the infrastructure grant program.

In addition, Hein says HF 2128 doubles the biodiesel tax credit rate to 4 cents per gallon and extends it through 2027. And Iowa is the first U.S. state to extend the credit to include higher biodiesel blends (B20 and B30).

PERMANENT REPEAL OF E15 SUMMER BAN UNDER DISCUSSION

Coincidentally, the legislation was under discussion this year at the same time President Joe Biden visited an Iowa ethanol

plant. He was there to announce a national emergency waiver from the U.S. Environmental Protection Agency designed to reduce consumer fuel costs by allowing E15 to be sold year-round.

Without such a waiver, the Clean Air Act prohibits sales of E15 in the summer because, when compared to regular blended gasoline, the greater volatility of this higher ethanol blend can lead to more ground-level ozone, or smog.

The federal waiver was only for summer 2022; discussions continue over whether to allow for permanent, year-round sales of E15.

Proponents of such a federal change say that the emissions produced by E15 are less than E10 or straight gasoline.

E10 has become a key part of the economy across the Midwest, a region that is home to nearly all of the top ethanol-producing states (see map).

Ethanol is used for more than one-third of the nation’s corn supply, provides jobs in many rural communities, and increases the farm-level corn price in the area of an ethanol plant by about 45 cents.

With all this supply, though, the Midwestern states use less than 20 percent of the nation’s ethanol.

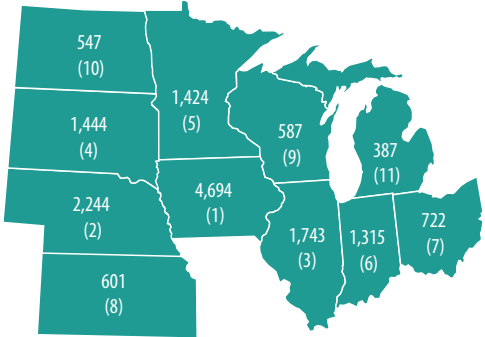
Minnesota Rep. Paul Anderson and Illinois Rep. Norine Hammond serve as co-chairs of the Midwestern Legislative Conference Agriculture & Natural Resources Committee. The co-vice chairs are Saskatchewan MLA Steven Bonk and Kansas Sen. Marci Francisco. Carolyn Orr is CSG Midwest staff liaison to the committee.

EXAMPLES OF HOW STATES SUPPORT BIOFUELS

- ✓ REQUIRE CERTAIN BLENDS OF BIOFUELS TO BE SOLD AT THE PUMP
- ✓ PROVIDE GRANTS TO RETAILERS TO INSTALL HIGHER-BLEND INFRASTRUCTURE
- ✓ OFFER TAX CREDITS AND INCENTIVES TO PRODUCERS OR RETAILERS
- ✓ PROVIDE EXEMPTIONS TO SALES OR MOTOR FUELS TAX
- ✓ ESTABLISH GRANTS FOR RESEARCH AND DEVELOPMENT OF ADVANCED BIOFUELS
- ✓ CREATE AND TRACK STATEWIDE GOALS FOR ANNUAL RENEWABLE FUELS SALES
- ✓ OFFER TAX CREDITS FOR PURCHASE OF VEHICLES THAT RUN ON HIGHER BLENDS
- ✓ REIMBURSE LOCAL GOVERNMENTS/ SCHOOLS FOR BUS RETROFITS
- ✓ REQUIRE STATE’S VEHICLE FLEET TO RUN ON HIGHER BLENDS

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

ANNUAL PRODUCTION CAPACITY OF ETHANOL PLANTS IN MIDWEST STATES, MILLION GALLONS PER YEAR (U.S. RANK IN PARENTHESES)



Source: U.S. Energy Information Administration

ANNUAL ETHANOL PRODUCTION CAPACITY IN FOUR CANADIAN PROVINCES

Province	Million gallons per year
Alberta	61
Manitoba	39
Ontario	366
Saskatchewan	91

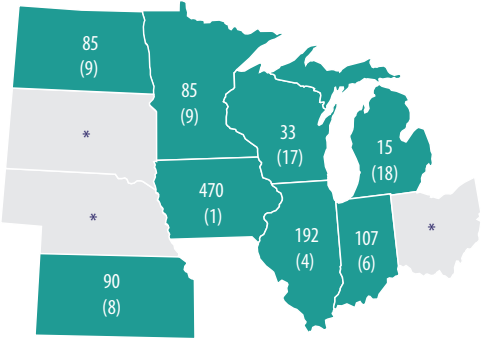
Sources: Renewable Industries Canada and U.S. Department of Agriculture Foreign Agricultural Service

% 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

ANNUAL PRODUCTION CAPACITY OF BIODIESEL PLANTS IN MIDWEST STATES, MILLION GALLONS PER YEAR (U.S. RANK IN PARENTHESES)



* The state did not have any plants producing biodiesel as of January 1, 2022.

Source: U.S. Energy Information Administration



HEALTH & HUMAN SERVICES

In a year that ALS took the life of a longtime colleague, Minnesota legislators make historic investment in research, caregiver support

by Jon Davis (jdavis@csg.org)

Minnesota earlier this year made the largest single state investment into ALS research — \$20 million over the next three fiscal years — under legislation sponsored by Senate President Pro Tem David Tomassoni, who died last month of complications from the neurodegenerative disease.

SF 3372 authorizes \$20 million to be allocated in fiscal year 2023 for grants to Minnesota-based research facilities, universities and health systems for “clinical and translational” research on ALS — research on people via surveys or clinical trials, or into connecting the findings in different areas as a way to more effectively advance from discovery to application.

Grants could go to drug development, precision medicine, medical devices, assistive technology and cognitive studies.

Another \$5 million is slated for caregiver support programs with ALS-specific respite care services.

Both pots of funds can be awarded through June 30, 2026.

“Watching him champion this, knowing full well he would not benefit from it ... in politics it’s connect the dots to tell a story to influence the outcome,” says Minnesota Rep. Dave Lislegard, who agreed to sponsor SF 3372’s companion bill in the House (HF 3603).

“To watch him go through this, it’s a true testament to the kind of champion he was,” he says.

House Deputy Minority Leader Anne Neu Brindley, for whom the law is also personal — her husband, Jon, died from ALS in 2016, one year before she joined the Legislature in a special election — agrees.

“He was the driver. We all watched what happened to him in the course of just over a year,” says Neu Brindley, whose amendment to HF 3603 added the money for caregiver support.

“The only reason we were able to do that is because Sen. Tomassoni was right in front of us. It was happening right in front of us,” she says.

‘THE CHAMPION HE WAS’

Tomassoni, who played

professional hockey in Italy for 16 years (and skated for Italy’s 1984 Olympic team) before winning a Minnesota House seat in 1992, announced in July 2021 that he had been diagnosed with ALS, or amyotrophic lateral sclerosis (also known as Lou Gehrig’s disease).

ALS is an always-fatal progressive motor neuron disease that has no known cure.

According to the ALS Association, most people in the U.S. who develop the disease do so between ages 40 and 70, with a median age of 55 at the time of diagnosis.

Men develop ALS 20 percent more commonly than women, and, for reasons still unknown, military veterans are more likely to be diagnosed with ALS than the general public.

Only 5 percent to 10 percent of cases can be attributed to a family history of the disease; in some of those cases the disease can be traced to a genetic mutation, the association says.

OPPORTUNITY TO BE A NATIONAL LEADER

Minnesota’s law is the first of its kind in the country, Neu Brindley says, adding that as of early September, no research grants had been issued yet.

The state is also working with the ALS Association to further stretch the caregiver grant allocation by trying to provide training to family members to become caregivers (as opposed to hiring caregivers), she says.

This is important, Neu Brindley says, as Medicare doesn’t cover the kind of home care support ALS patients need — such as 24-hour care, meal delivery, homemaker or personal care services — because it only covers home care on a short-term or intermittent basis, which is impossible by definition for ALS patients.

“We have an opportunity in Minnesota to be a leader in this. So little money is put into this space [ALS research and support] that we can be a real leader with relatively little money,” Neu Brindley says, adding that she’s open to expanding caregiver funding but wants to see results from this first allocation.

Such support is one of the ALS Association’s policy recommendations for states (see graphic in right column for other ideas).

Tomassoni, quoted by the St. Paul *Pioneer Press* at a signing ceremony for SF 3372, expressed his hope that the state’s new investment marks



Minnesota Rep. Anne Neu Brindley, center, talks with Reps. Kristin Robbins, left, and Tama Theis, right, after delivering an emotional floor speech in March about her late husband’s battle with ALS. (Copyright Minnesota House of Representatives; photo by Paul Battaglia)

“the beginning of the eradication of an insidious disease.”

“Not for me but for future generations,” he said. “[Baseball great] Lou Gehrig died of ALS in 1941, and for too long, little to nothing has been done in research to uncover new and effective treatments for ALS. ... If we do nothing else this session, we can all say we accomplished something significant, something significant in a virtually unanimous fashion.

“I don’t remember ever in my 30 years in the Legislature passing such a significant bill this early in the session without leveraging it against something else. I think we can all be proud of that, too.”

MORE FEDERAL FUNDING NOW GOING TO RESEARCH

Federal support for ALS research got a significant boost in the fiscal year 2022 budget — 20 percent above FY 2021 levels, to almost \$200 million.

Part of that funding commitment includes implementation of the ACT for ALS law, a measure signed into law late last year. Money will go to public-private partnerships that research rare neurodegenerative diseases. The goals: advance understanding of the diseases, and develop new treatment methods.

Under the new law, too, the U.S. Food and Drug Administration was charged with developing a five-year action plan for extending the lives of patients through advances in drugs, other medical products and new treatment methods.

That plan was released in June.

The U.S. Congress also continued funding an ALS-focused research project at the Department of Defense (\$40 million), while providing \$115 million to the National Institutes of Health and \$10 million for an ALS Registry and Biorepository, according to the ALS Association.

Minnesota Rep. Jennifer Schultz and Michigan Rep. Bronna Kahle serve as co-chairs of the Midwestern Legislative Conference Health & Human Services Committee. Kansas Sen. Pat Pettey is vice chair. Jon Davis is CSG Midwest staff liaison to the committee.

SOME NUMBERS ON ALS, OR LOU GEHRIG’S DISEASE, AND ONE OF MANY UNKNOWN

31,843

ESTIMATED # OF PEOPLE IN THE UNITED STATES WITH ALS

20%

ALS IS 20% MORE COMMON IN MEN THAN IN WOMEN, BUT WITH INCREASING AGE, THE INCIDENCE OF ALS EQUALS OUT BETWEEN MEN AND WOMEN

90%

APPROXIMATE % OF ALS CASES NOT ATTRIBUTABLE TO GENETICS OR KNOWN FAMILY HISTORY

???

FOR YET-UNKNOWN REASONS, U.S. MILITARY VETERANS ARE MORE LIKELY TO BE DIAGNOSED WITH ALS THAN CIVILIANS

Sources: U.S. Centers for Disease Control and Prevention and the ALS Association

IDEAS ON HOW STATES CAN HELP PEOPLE LIVING WITH ALS AND THEIR FAMILIES

- ✓ boost funding for caregiver support programs
- ✓ improve access to broadband and assistive technology for ALS patients
- ✓ fund wrap-around services such as transportation, housing, nutrition and home modification
- ✓ ensure access to specialized services that people with ALS need during disasters and public health emergencies
- ✓ craft policies on telehealth and professional licensing that foster access to specialized care and remote clinical trials
- ✓ support multidisciplinary care at ALS clinics and other health care settings (such care has been shown to increase the length of life for people living with ALS up to 9 months)

Source: ALS Association



Minnesota Sen. David Tomassoni, at left in wheelchair, Rep. Anne Neu Brindley, Rep. Dave Lislegard and others applaud as Gov. Tim Walz signs SF 3372 into law. (Copyright Minnesota House of Representatives; photo by Paul Battaglia)

FISCAL AFFAIRS

Year of tax cuts has included plans to move toward a flat income tax in two Midwest states, and targeted relief for working families in others

by Tim Anderson (tanderson@csg.org)

Most states in the Midwest, in some way, cut taxes as a part of this year’s legislative sessions.

One that could not was North Dakota, where the state’s part-time legislature only convenes in odd-numbered years.

But several of the state’s top political leaders appear eager to join the tax-cutting trend in early 2023, unveiling a plan this summer that they say would be the largest income-tax reduction in North Dakota history.

Their vision is for North Dakota to move away from its five-tiered, graduated income-tax system (the current top rate is 2.9 percent, lowest among the 50 states) and replace it with the lowest flat tax rate in the nation, 1.5 percent.

The plan also would eliminate all income taxes for individuals with adjusted incomes of up to \$54,725 a year or joint filers with earnings of up to \$95,600.

North Dakota Sen. Scott Meyer says this change would mean no income tax at all for 60 percent of the state’s taxpayers, and an even higher percentage would be fully exempt in legislative districts like his that have higher numbers of low- and middle-income households.

The cost to the state: an estimated loss of \$500 million during its two-year budget cycle. That equates to about 10 percent of North Dakota’s total general fund budget in 2021-2023 (\$4.99 billion).

“Right now, our state is a little flush with funds due to the increase in oil prices; we’ve been very fortunate with our abundance of resources,” Meyer says.

“But those resources obviously are finite and things can change. So maybe this [proposed tax change] forces the legislature to become more nimble and to check how we’re spending.”

Some legislators, including Meyer, have contemplated complete elimination of the income tax. But he says the volatility of oil and gas tax revenue (which North Dakota relies on for its general fund as well as to build up reserves), combined with concerns about local property tax burdens, makes it prudent to keep the income tax as a revenue source.

HISTORIC YEAR FOR FLAT-TAX SUPPORTERS

All but seven U.S. states levy some

kind of income tax (South Dakota is one of the exceptions), and most have some kind of tiered, “graduated” system — rates of taxation go up at higher income levels.

But the Tax Foundation says the year 2022 marked “something of a flat tax revolution.”

“In more than a century of state income taxes, only four states have ever transitioned from a graduated-rate income tax to a flat tax,” Jared Walczak wrote for the foundation in September.

“Another four adopted legislation doing so this year, and a planned transition in a fifth state (Arizona) is now going forward.”

In the Midwest, Illinois, Indiana and Michigan have had flat-tax systems since the 1960s (graduated-tax systems are barred in the Illinois and Michigan constitutions), and Iowa will soon join these states as the result of legislation passed this year.

Under HF 2317, Iowa will gradually move to a flat tax rate of 3.9 percent by 2026. It has been one of seven Midwestern states with a graduated tax structure; for incomes above \$78,435, the top rate is 8.53 percent.

This transition to a flat tax in Iowa, along with a new exemption for retirement income, will reduce net general fund revenue by \$1.2 billion in FY 2026, according to the state’s Legislative Services Agency. Additionally, if certain fiscal triggers are met, Iowa will transition to a flat corporate income rate of 5.5 percent.

Indiana and Nebraska also adopted income tax-related changes this year:

- Indiana’s HB 1002, signed into law in March, will drop the current flat rate of 3.23 percent to 3.15 percent starting next year. Further reductions will occur if two thresholds are met: 1) year-over-year revenue growth in the general fund is at least 2 percent, and 2) the balance in the state pension fund sufficiently covers pension liabilities.

If these thresholds are met, the flax tax rate in Indiana falls to 2.9 percent by 2029. The revenue loss for the state would be an estimated \$942 million by 2030, according to an analysis of HB 1002 by the Indiana Legislative Services Agency.

- In Nebraska, the top rate (which applies to incomes above \$32,210 for single filers and \$64,430 for joint filers) in the state’s graduated system will fall from 6.84 percent to 5.84 percent by 2027.

LB 873, signed into law in April, also gradually drops the corporate income tax rate to 5.84 percent; accelerates a phaseout of Social Security income; and expands a refundable income tax program to not only include property taxes paid to K-12 schools, but community colleges as well.

All told, by FY 2027-’28, the various provisions in LB 873 will result in a net revenue loss to the state of \$948 million, Nebraska fiscal analysts say.

For Meyer, part of the appeal of the flat-tax proposal in North Dakota is that it’s simple and clean, and because of the exemptions from income taxation for many households, “everyone will benefit,” he says.

Supporters of a graduated system, in contrast, say it provides a counterweight to the regressivity of other major sources of state revenue such as the gas tax and sales tax.

“Higher rates on higher incomes are an effective way to capture the increasing share of economic benefits flowing to those at the very top,” Wesley Tharpe, deputy director of state policy research for the Center on Budget and Policy Priorities, noted three years ago in an article supporting Illinois’ proposed switch from a flat tax to graduated income tax. (Illinois voters rejected this proposed constitutional change.)

ILLINOIS EXPANDS REACH OF EARNED INCOME TAX CREDIT

This year, the center tracked how some states used their strong fiscal standing to target relief for “families struggling to afford the basics.”

Illinois, for instance, permanently expanded its earned income tax credit (SB 157) from 18 percent to 20 percent of the federal credit while also making more people eligible — namely, childless adults between the ages of 18 and 24 or 65 and older, as well as certain immigrant workers.

Most states in the Midwest have an EITC of some kind, but policies vary in terms of the amount of the credit and whether it is refundable or non-refundable.

According to the Center on Budget and Policy Priorities, another policy option for states is to provide a child tax credit to families. Three U.S. states added such credits this year, but none in the Midwest. Many states in the region do offer child care tax credits (see map).

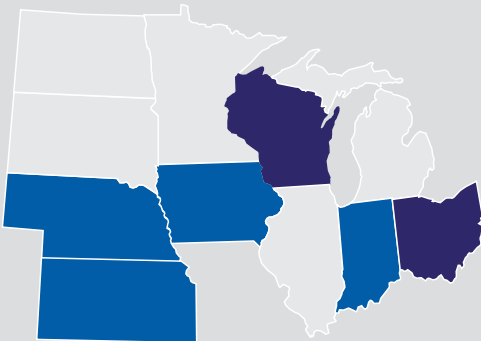
Other policy moves this year included an end to the grocery sales tax in Kansas (HB 2106) and the issuance of tax rebate/refund checks in states such as Illinois and Indiana.

Across the border in Saskatchewan, all tax filers are receiving a \$500 tax credit as part of the province’s four-point “affordability plan.”

Minnesota Rep. Fue Lee and Kansas Rep. Troy Waymaster serve as co-chairs of the Midwestern Legislative Conference Fiscal Affairs Committee. CSG Midwest director Mike McCabe provides staff support to the committee.



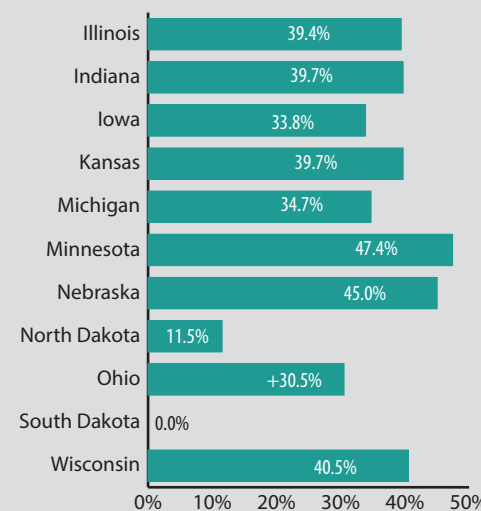
INCOME TAX REDUCTIONS ENACTED OR IMPLEMENTED IN 2021 AND 2022



- Cut in individual and corporate income taxes
- Cut in individual income tax

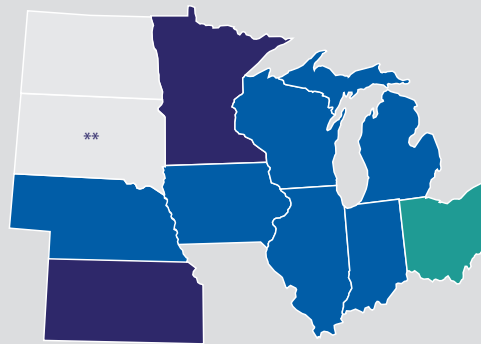
Sources: Tax Foundation and CSG Midwest research

INDIVIDUAL INCOME TAX AS A % OF TOTAL STATE TAX COLLECTIONS (2021)



Source: Federation of Tax Administrators

STATUS OF TWO TARGETED TAX CREDITS IN MIDWEST*



- State has fully refundable Earned Income Tax Credit
- State has fully refundable Earned Income Tax Credit and child and dependent care tax credit
- State has non-refundable Earned Income Tax Credit and child and dependent care tax credit

* The size of the state Earned Income Tax Credit is typically set at some percentage of the federal EITC: 20 percent in Illinois, 9 percent in Indiana, 15 percent in Iowa, 17 percent in Kansas, 6 percent in Michigan, 10 percent in Nebraska and 30 percent in Ohio. Wisconsin has a graduated rate that ranges anywhere from 4 percent to 34 percent of the federal EITC. Minnesota has a Working Family Credit not tied to the federal EITC. However, on average, Minnesota’s credit is equal to 34 percent of the federal EITC.

** The state does not have an income tax.

Source: Tax Credits for Working Families



CRIMINAL JUSTICE & PUBLIC SAFETY

Another Midwestern state has a ‘sanctuary city’ law on the books; Illinois, Indiana and Kansas show how varied the approaches can be

by Derek Cantù (dcantu@csg.org)

Lawmakers in Kansas this year passed a bill preempting local jurisdictions from enacting so-called “sanctuary” protections — policies that, in part, restrict cooperation between law enforcement and federal immigration authorities.

HB 2717 became law only a few months after a sanctuary ordinance was adopted by officials in Wyandotte County, one of Kansas’ most populated counties.

That ordinance included language instructing police not to ask about the immigration status of individuals seeking help.

It also directed local law enforcement not to respond to calls “for assistance for federal immigration enforcement authorities to enforce immigration law” (unless to mitigate a public safety threat).

For example: a “federal immigration detainer,” in which the U.S. Immigration and Customs Enforcement (ICE) asks for information about the impending release of an undocumented person in custody, and requests that the person be held an extra 48 hours after his or her scheduled release from jail or prison in order to give agents time to collect the individual.

HB 2717 bans local policies preventing law enforcement from fully exchanging information and working with federal immigration authorities. It also specifies that identification cards issued by municipalities “shall not be used to satisfy any requirement of state law for proof of identity.”

That language is a direct response to another part of the Wyandotte County ordinance authorizing the issuance of municipal ID cards for undocumented individuals to use in order to access local services (for example, attending doctor visits or opening bank accounts).

“We can’t have a patchwork of laws across the state of Kansas, and we can’t have incentives for individuals to risk their lives making the trip to the United States illegally,” says Rep. Patrick Penn, who supported HB 2717.

FOLLOWING INDIANA’S LEAD

In written legislative testimony, HB 2717 architect Kansas Attorney General Derek Schmidt wrote, “It seems to me an affront to basic rule-of-law principles for local politics to dictate non-cooperation with federal authorities who are attempting to enforce laws that Congress unquestionably had the constitutional authority (and duty) to enact.”

Opponents of such preemption, however, contend sanctuary policies can prevent undocumented residents

from exploitation while promoting greater dialogue between community members and police.



Illinois Sen.
Omar Aquino

In 2012, University of Illinois-Chicago researchers surveyed

more than 2,000 Latinos living in and around four major U.S. cities; about 70 percent of undocumented respondents indicated they were less likely to contact police with information about a crime due to concerns about being asked about their immigration status.

During a committee hearing on HB 2717, a man testified about his mother, who had two children kidnapped by an abusive ex-husband and taken to Mexico. Because the mother was undocumented, she was unwilling to contact law enforcement and didn’t see her children for two decades.

According to Schmidt’s testimony, at least 12 states have enacted statewide bans on local sanctuary policies, including Indiana, whose 2011 bill (SB 590) served as a model for Kansas.

Indiana’s law included provisions that prohibited law enforcement from verifying a person’s citizenship or immigration status if the person had contacted law enforcement to either report a crime or be a witness to one.

Kansas’ law, however, does not include such language.

ILLINOIS’ DIFFERENT PATH

Illinois, meanwhile, has taken a very different approach. Over the last five years, the General Assembly passed multiple bills changing the relationship between local law enforcement and federal immigration agencies, including:

- The TRUST Act (SB 31 of 2017), which instructs law enforcement to not honor federal immigration detainers in the absence of a judicial warrant. Local police also cannot stop, search or arrest individuals based solely on their immigration or citizenship status.

- The VOICES Act (SB 34 of 2018) established new state certification requirements for federal T and U visas, which provide temporary immigration protections for undocumented

individuals who are victims of human trafficking or certain other crimes. Victims who obtain these visas agree to assist with prosecutions and investigations of the case.

- SB 667, the Illinois Way Forward Act, passed last year. It bars law enforcement from assisting in federal immigration investigations and from transferring undocumented persons to immigration detention centers (the bill outlawed such facilities statewide beginning in 2022) in cases where the only alleged offense is the civil violation of illegal immigration.

“It’s not the job of local law enforcement to essentially be ICE,” says Illinois Sen. Omar Aquino, who sponsored each of those bills.

“It’s not in their jurisdiction [or] their role to enforce immigration policy, and especially a policy on the federal level, which is one that is certainly outdated and in need of comprehensive immigration reform.”

Fred Tsao of the Illinois Coalition for Immigrant and Refugee Rights, says sanctuary policies don’t make undocumented individuals immune to federal seizure.

“If ICE were to somehow find out that someone is getting released from a county jail or from a state prison, and they’re waiting outside the jail or prison door, nothing is to stop those ICE agents from immediately apprehending that person,” Tsao says.

In Kansas, both Schmidt and Gov. Laura Kelly, who signed HB 2717 into law, agreed immigration concerns should be the prerogative of the federal government and not states.

(Schmidt and Kelly are opponents in this year’s race for governor.)

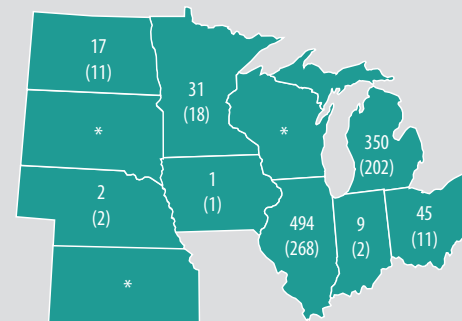
HB 2717 opponent Rep. Louis Ruiz says local governments should have the authority to deal with immigration and law enforcement issues on the ground level, as they see fit, until federal reform is achieved.

Although Wyandotte County’s ordinance may have differed from other Kansas communities that passed sanctuary policies in that it also distributed municipal IDs, Ruiz says these cards allowed undocumented residents “to move around the city without fear of retribution.”

With the new law in place, Ruiz fears those residents will be forced to move back into the “shadows.”

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 vice chair. Derek Cantù is CSG Midwest staff liaison to the committee.

OF UNAUTHORIZED IMMIGRANTS REMOVED BY U.S. IMMIGRATION & CUSTOMS ENFORCEMENT AGENCY, FY 2020 (# REMOVED WITHOUT CRIMINAL CONVICTIONS IN PARENTHESES)



* Data unavailable

Source: Transactional Records Access Clearinghouse, Syracuse University

ESTIMATED # OF UNAUTHORIZED IMMIGRANTS IN MIDWEST (2015-2019)

State	Number	Share of U.S. total
Illinois	425,000	3.8%
Indiana	102,000	0.9%
Iowa	37,000	0.3%
Kansas	69,000	0.6%
Michigan	91,000	0.8%
Minnesota	81,000	0.7%
Nebraska	42,000	0.4%
North Dakota	5,000	0.0%
Ohio	89,000	0.8%
South Dakota	7,000	0.1%
Wisconsin	70,000	0.6%

Source: Migration Policy Institute

2 OTHER EXAMPLES OF RECENT LAWS, PROPOSALS IN MIDWEST

IOWA

Passed in 2018, Iowa’s SF 481 orders local law enforcement to fully comply with federal immigration detainer requests, and it bars municipalities from adopting policies that restrict cooperation with immigration authorities. Violation of the law can result in a loss of state funding. Also under SF 481, the state prohibits local ordinances that discourage police from asking about the immigration status of a person who has been detained or arrested. However, officers cannot inquire about the immigration status of a person who is reporting a crime.



MINNESOTA

Bills introduced last year (HF 1919 and SF 2118) sought to make Minnesota a “sanctuary state.” State and local government employees would have been prohibited from honoring immigration detainers, making arrests solely for immigration purposes, sharing government database information with immigration authorities, or assisting in civil immigration enforcement operations. The measures included exceptions to allow communication with federal immigration authorities about a person’s criminal record.





PROFILE: MICHIGAN SENATE MAJORITY FLOOR LEADER DAN LAUWERS

‘The other four days’: Lauwers has found some of the most rewarding legislative work to be outside the Capitol — at home with constituents

by Tim Anderson (tanderson@csg.org)

Glance at Michigan’s legislative calendar, and the job may appear to be more half-time than full-time for the state’s 148 representatives and senators. You’re in Lansing for session and committee hearings on Tuesdays, Wednesdays and Thursdays, then back home most of the rest of the time. That’s what Dan Lauwers saw and thought when he first ran for a legislative seat a decade ago. “What I missed was the other four days a week,” he says. “That’s all of your local work [in the district] trying to solve problems.”

As it turns out, the “off days” have in many ways been the busiest, most gratifying part of the job for Lauwers. “If you have good staff, and if you’re willing and able to put the time in, you’re really able to help a lot of people,” he says.

“I can’t believe how many times, almost every time when I’m out in public, someone will walk up to me and say, ‘I just want to thank you for doing this or doing that.’

“Those are the real rewards of the job.” That’s not to say Lauwers doesn’t get satisfaction from work inside the Capitol.

A few years ago, when Michigan farmers were facing staggering, weather-related losses, he became the point person on creation of a new low-interest disaster-loan program.

When a repeat-offense drugged driver took the lives of young people in his home district, Lauwers pushed for bills that strengthened penalties, closed loopholes and improved the processing of toxicology reports.

He refers to measures like those as the “95 percent” — the vast majority of bills that are not strictly partisan, can gain widespread support, and can make a positive difference in people’s lives.

Pick your battles. Manage your time wisely. Commit to solving the everyday problems of your constituents.

Those are some of the lessons that he has gleaned from 10 years of legislative service, including stints as majority leader in the House and now as majority floor leader in the Senate.

UNEXPECTED TURN TO POLITICS

Lauwers came to politics unexpectedly. When Bill Schuette, then a member of the U.S. Congress, was looking to fill a staff position, he said in exasperation to a friend, “I wish I could just hire someone who understands Michigan agriculture.” That friend knew just the person: Lauwers, a nearby farmer.



BIO-SKETCH: MICHIGAN SEN. DAN LAUWERS

- ✓ is Senate majority floor leader; also was House majority floor leader
- ✓ first elected to the Michigan Legislature in 2012 (House from 2013 to 2018, and Senate beginning in 2019)
- ✓ founded Eastern Michigan Grain in 1993 and led the company through 2013
- ✓ he and his wife, Kellie, are the parents of three children: Jon, Lauren and Nick
- ✓ serves as a member of the CSG Midwestern Legislative Conference Executive Committee

“It’s important to observe how others are getting things done and to know your legislature. Have some humility.”

Lauwers got the job and moved to Washington, D.C., knowing little about politics but caring deeply about agriculture — a policy area that he ended up working on in the nation’s capital during the farm credit crisis of the 1980s.

He eventually returned to eastern Michigan, raising three children with his wife, Kellie, while also starting his own grain-elevator business.

When he was elected to the Legislature, Lauwers had to hand off day-to-day operations of that business, once he discovered that the job of legislator was much more than “half-time” work.

In an interview with CSG Midwest, he shared his perspective on legislating and leadership. Here are excerpts.

Q Looking back at your initial decision to run for the Legislature, why did you do it and what were your goals?

A At the time I decided to do it, at every gathering with friends and family, we heard over and over again: “My kids are graduating and moving to California” or “My kids are moving to Chicago.”

Well, my kids were just hitting the high school years, and I knew they were going to be in that same boat soon. And I was really hoping that if we provided enough opportunity, maybe they would choose to remain close to home.

Because at that time, everywhere I went on the campaign trail, the question was, “Where can I find a job?” Today, everywhere I go, the question is, “Where can I find an employee?”

Q Has state policy made a difference in terms of providing more opportunities?

A I think we’ve made the state a more inviting place, a little more customer-oriented, if you will. In my first term, we deleted more laws from the books than we put on. I think that has made a difference, enabling more people to consider Michigan as being a good place to live and work.

Q In the area of agriculture, in particular, how much emphasis do you place on being a voice for Michigan farmers?

A It’s extremely important. On the production side, on the farming side, we’re down to 1 or 2 percent of the [total] population. So it’s not understood and not familiar to a lot of people. And all legislation is really about education.

So on agriculture, it’s important to share that firsthand knowledge you have so people can make a sound decision. That’s been my experience in the Legislature.

We’ve had good support for pretty much every agricultural issue that has cropped up in the almost 10 years that I’ve been serving.

Q Michigan has legislative term limits, so you’re now one of the more tenured members. What lessons on legislating have you learned over the past decade that you try to pass on to newer members?

A I’ve noticed that a number of people come to the Legislature almost swinging, ready to fight. Something got them fired up and they become elected. But with that, I think it’s important to observe how others are getting things done, and to know your legislature. Have some humility, then apply your own skills to be effective.

It’s interesting, too, that one thing I’ve observed about good legislators in general, and most of the people in leadership, is that they have experienced a fair amount of loss in their lives. They’ve lost a job or a business or a spouse or a brother. They’ve survived loss, and that seems to focus their energy on what’s important.

So they’re better able to make those decisions about what’s worth fighting for and what isn’t.

Q You’ve served in leadership in both chambers. What are some of the leadership attributes that you believe are important in the legislative arena?

A It’s some of the same skills that I’ve used in my business, or really we all use in raising family.

Make your expectations clear, make sure they’re understood, be consistent and hold people accountable. I think everyone appreciates that understanding of what’s expected of them, and seeing that everyone’s treated equally and held accountable.

Then, if there’s a problem, you just find out what expectation they’re not understanding. Get it cleared up and move on.

FIRST PERSON: HOW TO HELP ELECTION WORKERS PROVIDE EQUAL ACCESS TO OUR DISABLED CITIZENS

A partnership between a disability rights group and the secretary of state's office aims to ensure polling places can meet the needs of all Iowans



by Iowa Secretary of State Paul Pate

Spearheaded by U.S. Sen. Tom Harkin of Iowa, the Americans with Disabilities Act became the law of the land just over 32 years ago.

It made a dramatic impact on providing access to public accommodations for millions of Americans. For state and local election officials, the ADA requires us to ensure every polling place is accessible for voters. However, there is much more we can do beyond meeting the minimum requirements of the ADA.

I want every voter to have a positive experience at the polls. The key to meeting that goal: provide poll workers with the necessary tools in a format that is easy to follow.

When I returned to the Iowa Secretary of State's Office in January 2015, 20 years after my first tenure on the job began, one of my top priorities was helping veterans and Iowans with disabilities vote. That initiative turned into a multi-pronged, multi-year effort geared toward voter and poll worker education and community outreach, as well as providing the necessary resources at every polling place.

The initiative was recognized with a U.S. Elections Assistance Commission Clearie Award in 2018. But our work was far from finished.

Ahead of the 2020 elections, my office unveiled a new tool to ensure accessibility at every polling place in Iowa.

The "Voting Accessibility Quick Check" booklet is something every precinct election official in the country should have on Election Day.

We partnered with Disability Rights Iowa to produce "The Voting Accessibility Quick Check" booklet. It's a tool for precinct election officials to use to ensure polling places meet ADA requirements, as well as to quickly recognize and fix any accessibility issues that may arise on Election Day.

A polling place that was chosen in August could look very different on a snowy November day in Iowa.

Our "Quick Check" booklet focuses on the three main components of the polling place: the outside, the entrance and the inside.

It reminds poll workers of things like the necessity for every parking lot to have one accessible space for every 25 spaces, the need for signs from the main entrance to the accessible entrance, and the importance of having all paths of travel be at least 36 inches wide.

It's not enough to be accessible at 7 a.m. when voting begins.

Polling places are busy on Election Day. Due to a high volume of people coming in and out of the building, the initial setup could inadvertently change. Tables and chairs might move. Signs could shift. Walkways that were accessible when the polls opened might have obstacles accidentally placed in the path.

That's why the "Quick Check" guide is such a useful tool. It's a handy, easy-to-follow booklet that any poll worker can utilize to check for accessibility and adjust when needed.

The booklet includes information about accessible voting equipment, spacing and signage, and it can be used as a measuring tool. Panels in the easy-fold booklet provide the necessary measurements and accessibility requirements for every aspect of the polling place.

'QUICK CHECK,' BIG DIFFERENCE

The "ADA Checklist for Polling Places" (produced by the U.S. Department of Justice) is a 25-page document that provides technical assistance for polling place accessibility.

A few years ago, my office provided tablets to all 99 counties with this checklist installed as an app. This allowed auditors to identify and set up polling places ahead of elections.

Our "Quick Check" booklet is a fantastic supplement to the ADA checklist to use on Election Day. Just six pages long, with graphics and a measuring tool, it is an easy-to-manage instrument that poll workers and

county auditors have found useful to double-check ADA accessibility at the polls before they open on Election Day morning.

Most important, we are ensuring that Iowans with disabilities have equal access to voting.

"It has been an honor to partner with the Secretary of State's Office in preparing the quick-check voting guide," Catherine Johnson, executive director of Disability Rights Iowa, says.

"It has been an exciting experience for our agency to participate in [its] growth and development."

We must continue to find unique and innovative ways to help all eligible citizens cast their ballots.

The U.S. Election Assistance Commission's report on Disability and Voting Accessibility in the 2020 Elections showed significant progress in making voting easier for people with disabilities. Among people with disabilities who voted in person, 18 percent reported difficulties. This is down from 30 percent in 2012.

Despite improvements, there is still much more work to be done. "The Voting Accessibility Quick Check" booklet is something every precinct election official in the country should have on Election Day. It's a tool that helps make elections more accessible for eligible voters by allowing precinct election officials to review accessibility throughout the day and to quickly remedy any concerns that arise.

That, in turn, makes their jobs easier. Those are two goals every state election commissioner should strive to achieve.

Paul Pate returned to the Iowa Secretary of State's Office in 2015, 20 years after his first stint in the position. He also has served as a state senator and as Cedar Rapids mayor. Secretary of State Pate is a 2015 graduate of The Council of State Governments' Henry Toll Fellowship program.

SUBMISSIONS WELCOME

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

NUMBERS ON VOTING AMONG U.S. CITIZENS WITH A DISABILITY

17.7 MILLION	# OF PEOPLE WITH DISABILITIES WHO REPORTED VOTING IN THE NOVEMBER 2020 ELECTIONS — ABOUT 11 PERCENT OF ALL VOTERS
+5.9	THE PERCENTAGE POINT CHANGE IN TURNOUT IN DISABLED VOTERS BETWEEN 2016 AND 2020 (55.9% IN 2016 VS. 61.8% IN 2020)
18%	% OF VOTERS WITH DISABILITIES REPORTING SOME TYPE OF DIFFICULTY VOTING IN PERSON IN 2020 (THAT IS DOWN FROM 30% IN 2016)
74%	% OF VOTERS WITH DISABILITIES IN 2020 WHO CAST BALLOTS BY MAIL OR EARLY IN PERSON



Source: U.S. Election Assistance Commission

TURNOUT RATES IN MIDWEST AMONG DISABLED AND NON-DISABLED VOTERS, 2020 (ESTIMATES)

State	Disability	No disability	Disability gap*
Illinois	64.3%	68.9%	-4.6
Indiana	59.3%	61.2%	-2.0
Iowa	67.4%	70.9%	-3.5
Kansas	58.7%	66.8%	-8.1
Michigan	60.1%	68.0%	-7.9
Minnesota	76.3%	78.0%	-1.8
Nebraska	62.8%	65.5%	-2.7
North Dakota	73.1%	66.4%	+6.8
Ohio	62.5%	71.4%	-8.9
South Dakota	54.4%	59.2%	-4.8
Wisconsin	63.6%	75.0%	-11.4
United States	61.8%	67.5%	-5.7

* The sample size was low in many states, which increases the margin of error and decreases the likelihood of finding a disability gap that exceeds the margin of error. In the Midwest, the disability gap in 2020 was large enough to be outside the margin of error in Michigan, Ohio and Wisconsin.

Source: U.S. Election Assistance Commission



LOOKING BACK, LOOKING AHEAD: CSG JUSTICE CENTER CELEBRATES 20 YEARS OF DATA-DRIVEN, CONSENSUS-BASED WORK IN STATES

This summer, I was thrilled to kick off the CSG Justice Center’s 20th anniversary celebration.

Twenty years ago, a group of dedicated criminal-justice stakeholders and thought leaders released the Criminal Justice/Mental Health Consensus Project.

The report outlined 47 policy statements to guide legislators, practitioners and advocates as they work to improve responses to people with mental illnesses who have contact with the criminal justice system.

This publication was the first of its kind, and it did what the CSG Justice Center does best: bring together key leaders from various impacted systems to come to consensus around evidence-based policy recommendations.

When we published this report in 2002, those original staff members were still part of The Council of State Governments’ Eastern Regional Conference.

Today, we have blossomed into the CSG Justice Center, an organization of more than 100 researchers, practitioners, and policy experts who believe deeply in our mission to advance public safety, strengthen communities and promote second chances.

Now more than ever, we are proud to assist leaders as they arrive at shared understandings of problems and consensus-based solutions.

While bipartisan agreement can seem elusive in these times, I take pride in our role in nurturing and maintaining the ability of our state and local partners to work across ideological lines to improve their justice systems in meaningful and lasting ways.

OUR PRESENCE: CONSENSUS, REFORMS AND RESULTS

For 20 years, the CSG Justice Center has used data and research-driven practices to improve diversion systems, expand reentry supports and foster meaningful justice reforms.

The results we’ve helped our partners achieve are numerous and significant.

We have prioritized treatment over incarceration for adults and youth with behavioral health conditions by building commitments for change and securing more than \$140 million in federal funding for communities.

We have also helped establish more than 520 diversion programs nationally, including 150 alternatives to traditional law enforcement responses to people in crisis and hundreds of mental health courts.

A particular point of pride is the national Stepping Up initiative, which

Guest Author: Megan Quattlebaum

Megan Quattlebaum serves as director of the CSG Justice Center, leading a staff of more than 100 people.



works with more than 550 counties to reduce the number of people in jail with mental illnesses.

In the field of reentry, we’ve helped generate more than half a billion dollars in federal investments to expand services and enable second chances, including growing Second Chance Act funding by \$75 million in just over 10 years.

We have also helped create more than 1,000 reentry programs and initiatives that have served over 160,000 adults and youth returning to communities and impacted even more through state and local policy changes.

Our impact has also extended to state capitols, where we have supported the passage and implementation of reforms in both Democratic- and Republican-led states to halt unsustainable prison growth, including leading the charge to create the Justice Reinvestment Initiative.

This work has facilitated major justice reforms in 31 states and the investment of \$245 million in efforts to control the growth of prison populations, reduce recidivism and increase the availability of treatment.

We have also supported states to reform their juvenile justice systems.

OUR PLANS: LOOKING FORWARD

Today, our work is evolving to meet the real-time challenges and opportunities in the field, including an increasing focus on providing guidance for states and localities to tackle racial inequities.

As an organization, we are uniquely positioned to break down complex silos, bringing people together across disciplines and ideologies to facilitate change.

Our work not only sparks creativity and consensus in states and communities, but also on Capitol Hill, delivering tangible and significant value to our stakeholders and other partners, while also encouraging them to strive for more.

I look at this anniversary not only as an occasion to celebrate our successes over the past 20 years, but also as an opportunity to take stock of where we are and where we want to go during the next 20 years.



And we’re dreaming big.

We’ve set concrete and ambitious future milestones, including helping states scale reentry supports, positioning communities to greatly expand diversion and crisis supports for people with behavioral health needs, expanding front-end diversion for juveniles, removing barriers for occupational licensing, and ensuring that relevant, up-to-date data analyses are publicly available to inform criminal justice policy decisions nationally.

Additionally, one of our main goals is to center racial equity in all of our projects and programs, including training our own staff to advance this important work.

To address the woeful overrepresentation of Black, Indigenous, and people of color in the criminal and juvenile justice systems, we must have honest conversations about what the data show us and pursue consensus-based solutions with creativity, persistence, bravery and hopefulness.

Our staff have the capacity and drive to ensure the CSG Justice Center will continue to not only help states and communities improve their justice programs, but also shape the future of justice policy in the United States.

I am so excited to see what we will accomplish in the next 20 years.

OUR PEOPLE: CELEBRATING OUR STAFF AND PARTNERS

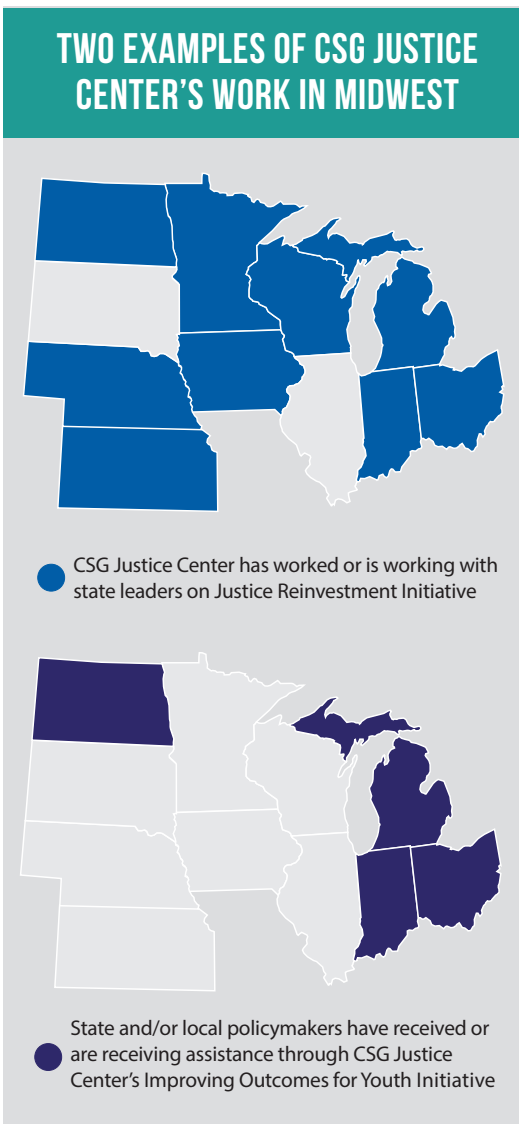
The CSG Justice Center is the sum of our people — our dedicated board and staff, who are exceptionally gifted and committed to their work.

Our Advisory Board represents a cross-section of leaders who shape criminal justice policy across the United States; their leadership in shaping our policies and priorities is invaluable.

Our staff are the other engine of our success; their expertise and dedication to the work is truly inspiring. I am proud to work for an organization filled with passionate, hard-working and enthusiastic individuals who come to work every day wanting to make our justice system more fair, equitable and efficient.

Ultimately, this anniversary is also a celebration of our members and partners in all 50 states with whom we have worked over the last two decades, and who have helped us impact the lives of millions of Americans.

We are so grateful for the trust that state and local leaders have placed in us while we help them achieve their goals,



and we look forward to helping them continue to do so for the next 20 years.

Lastly, I want to thank our funders for their generous support.

Their commitment to improving our justice and safety systems has made our work possible.

We are grateful to the initial group of foundations that supported the Consensus Project alongside the U.S. Departments of Justice and Health and Human Services — the van Ameringen Foundation, the Melville Charitable Trust, the Robert Wood Johnson Foundation, the MacArthur Foundation and the Open Society Institute.

We are proud that many of these initial private and public funders remain our partners and supporters to this day.

Throughout the rest of this year, we will be celebrating our anniversary by highlighting the CSG Justice Center’s 20 years of impact.

This will include sharing our top projects and publications from the past 20 years, connecting with our members through social media campaigns and other platforms, sharing “fun facts” about our organization that most people do not know, and overall, celebrating the CSG Justice Center’s work.

Please make sure to follow along on our social media to ensure you don’t miss any of the activities we have planned.

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.

THE 2022 BILLD CLASS



Row 1: Rep. Carolyn Jackson (IN); Rep. Susan Manchester (OH); Rep. Esther Agbaje (MN); Rep. Dagmara Avelar (IL); Rep. Dontavius Jarrells (OH); Rep. Mari-Lynn Poskin (KS); Rep. Becky Drury (SD); Rep. LaurieBeth Hager (ND); Rep. Christina Haswood (KS); MLA Erika Ritchie (SK); Rep. Lindsay James (IA)

Row 2: Rep. Nick Hoheisel (KS); Rep. Paul Thomas (ND); Rep. Henry Stone (IA); Rep. Jodi Emerson (WI); Rep. Kristin Robbins (MN); Rep. Jake Teshka (IN); Sen. Erin Tobin (SD); Rep. David Richter (ND)

Row 3: Sen. John Cavanaugh (NE); Rep. Maurice West (IL); Rep. Greg Boe (MN); Rep. Andrew Beeler (MI)

Row 4: Sen. Michael Fagg (KS); Rep. David Abbott (IN); Sen. Michael Klimesh (IA); Rep. Patrick Windhorst (IL); Rep. Samba Baldeh (WI)

Row 5: MLA Nathan Neudorf (AB); Rep. Amos O'Neal (MI); Sen. David Wheeler (SD); MLA Tim McLeod (SK); Sen. Eliot Bostar (NE); MLA Jim Lamaigre (SK); Rep. Abraham Aiyash (MI); MLA Josh Guenter (MB); Sen. Julian Bradley (WI)

Not pictured: Rep. Andrea White (OH)

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IN AUGUST, 38 LEGISLATORS FROM MIDWEST STATES, PROVINCES COMPLETED BILLD — THE REGION’S PREMIER LEGISLATIVE LEADERSHIP PROGRAM

‘Renew your passion for public service’: 4 members of the 2022 class reflect on what they valued most from the 5-day experience

ILLINOIS REP. MAURICE WEST

What I liked best and found most valuable “The best part was the fact that the atmosphere in the room quickly welcomed in trust and confidentiality amongst my colleagues. We had discussions that we were confident we were not going to meet us back in our states. That is extremely important, especially when party affiliations are showcased. I also liked that partisan politics were left in our individual states, and we didn’t bring it with us. I may not agree with what you just said, but no need to fight you over it when we are both here to become better leaders.”

How I describe my BILLD experience “I will tell legislators that come into the Illinois General Assembly after me that if they have a desire to be a leader under the dome, then they better apply for BILLD. The conference will ensure that you have all the resources and connections needed to be effective.”



MICHIGAN REP. ABRAHAM AIYASH

What I liked best and found most valuable “The communication session and economic forecast sessions were incredibly helpful. One gave us more practical, qualitative skills and the other provided some technical insight on each state’s economic future, concerns, and areas of promise. ...The opportunity to engage with legislators of different beliefs and political parties gave me hope in the era of hyper-partisan politics. I hope to bring that same spirit back to our state capitol to better build relationships that will help create spaces for reforms and policies that will improve the lives of our residents.”

How I describe my BILLD experience “BILLD is an opportunity to engage with ambitious, forward-thinking leaders across the Midwest to better understand how different state governments operate and allows you to think about how to engage with civility, productivity, and compromise without short changing your values. If you want to be a better legislative leader, BILLD will give you the regional network and inspiration to learn from a diverse array of folks in public service.”



MINNESOTA REP. KRISTIN ROBBINS

What I liked best and found most valuable “My favorite part of the program was the opportunity to build relationships with other legislators from other Midwest states and Canadian provinces. It was very helpful to be able to compare notes on bills, learn about differences in how our bodies and caucuses function, and talk about ways we may be able to work together on issues our states/provinces are both dealing with. ... I also really enjoyed the issue-oriented briefings on energy and the economic/labor market outlook. I think we all value the opportunity to get thought leadership/briefings on important macro-level issues, which is not usually possible in a legislative session.”

How I describe my BILLD experience “BILLD was an excellent experience. ...The sessions delivered good content and were intentionally designed to maximize mixing the group and creating opportunities for networking and relationship building. There was a good mix of thought leadership, professional development, networking and some time for personal reflection. I would highly recommend it to all of my colleagues! It is worth the time commitment and is an opportunity to recharge and renew your passion for public service.”



OHIO REP. SUSAN MANCHESTER

What I liked best and found most valuable “I thoroughly enjoyed the opportunity to network with other state legislators from across the Midwest. It was so refreshing to relate to each other on the personal and professional challenges we face ... I found the sessions on civility and communication to be most valuable. Our session on civility reminded us that we have all experienced a turning point in life that has shaped us into the people we are today. Developing empathy based on understanding those experiences is a critical skill for navigating today’s divisive political environment. The session on communication showed us the importance of listening and valuing what other people have to say. ... The beauty of BILLD is that we focused on our roles as people who are legislators, not as legislators who represent a particular party.”

How I describe my BILLD experience “The BILLD program creates an open environment for bipartisan discussions on the fundamentals of working with people. We were reminded that we are people first, not party affiliation first. As I’ve spoken with friends and family about my experiences at BILLD, everyone is encouraged to hear that there is a program like this for state legislators to come together and learn. Participating in the BILLD program is a tremendous asset for legislators across the Midwest who want to better state government.”



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

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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.



Midwest Interstate Passenger Rail Commission Annual Meeting

November 16-18, 2022 | Indianapolis, Indiana
Contact: Laura Kliewer ~ lkliwer@miprc.org
630.925.1922 | miprc.org



CSG National Conference

December 7-10, 2022 | Honolulu, Hawaii
Contact: membership@csg.org
859.244.8000 | web.csg.org



Midwestern Legislative Conference Annual Meeting

July 9-12, 2023 | Detroit, Michigan
Contact: Jenny Chidlow ~ jchidlow@csg.org
630.925.1922 | csgmidwest.org



Bowhay Institute for Legislative Leadership Development

August 18-22, 2023 | Madison, Wis.
Contact: Laura Tomaka ~ ltomaka@csg.org
630.925.1922 | csgmidwest.org



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