



HOW AND WHY STATES ARE PARTNERING  
WITH BUSINESSES ON CHILD CARE

Public-private initiatives will be part of broader North Dakota legislative proposal in 2023; other states in Midwest have started new grant programs and expanded tax credits

by Jon Davis (jdavis@csg.org)

A decade ago, during the Bakken oil boom in western North Dakota, then-Mayor Brent Sanford had a workforce challenge on his hands: employers in his hometown of Watford City, with a population of just 1,744 people at the time, were struggling to attract workers because little or no child care services were available. Led by Sanford, the city collaborated with the local school district, county officials, the state and the business community to find a unique solution. City officials identified land for a new child care facility and apartment complex for teachers and

first-responders, and a mix of public dollars and business donations allowed construction to commence. Within five years’ time, a facility with the capacity to serve up to 211 children had opened. Watford City has since grown to about 6,000 residents, and another child care center, with some financial backing from the county, is slated to open in 2024. Today, Sanford is still immersed in addressing child care shortages, but now for the entire state as North Dakota’s lieutenant governor and Gov. Doug Burgum’s point person on the issue. “The desire is there [to address the problem],” Sanford says. “It’s not like we have to get attention for it. It’s a matter of figuring out what’s going to be the best return on our investment.”

‘A REAL WORKFORCE CRUNCH’

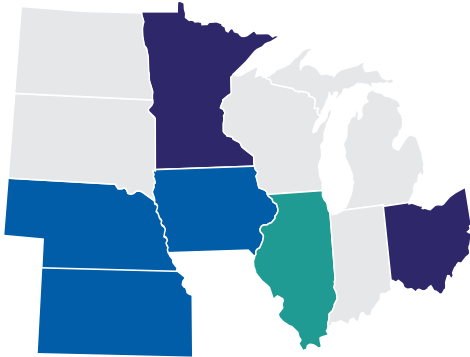
That task is, in part, up to the Early Childhood Council. Established by the legislature in 2021 (HB 1416), the group includes a mix of lawmakers, child care providers, stage agency heads and child care providers. Sanford serves as chair of the group. In September, he and Burgum released a framework for 2023

legislative action to address the three obstacles that families typically face: affordability, accessibility and quality of services. While details are to be worked out, Sanford says, various elements of the plan would cost the state an estimated \$70 million to \$80 million over the next two years. Ideas include expanding eligibility for families to get state assistance in paying for child care, establishing a state-level child care tax credit (similar to the existing federal credit) for low- and middle-income households, and increasing the rates paid by the state to qualifying child care providers. Part of the plan also will focus on one of the lessons Sanford learned from his time as mayor and as council chair — the value of partnering with businesses to make work-based child care part of the solution to shortages.



North Dakota Lt. Gov. Brent Sanford

TAX CREDITS FOR FAMILIES, EMPLOYERS IN  
MIDWEST (AS OF JUNE 2022)



- State offers child care tax credit for employers and dependent care tax credit for families
- State offers child care tax credit for employers
- State offers dependent care tax credit for families

Sources: Committee for Economic Development and CSG Midwest

ANNUAL MEAN WAGE COMPARISON FOR  
CHILD CARE WORKERS IN SELECT  
INDUSTRIES/SETTINGS (AS OF MARCH 2022)

Industry	Yearly wage
Child day care services	\$25,790
K-12 schools	\$31,350
Religious organizations	\$29,630
Civic and social organizations	\$25,690

Source: U.S. Bureau of Labor Statistics

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RECENTLY ENACTED CHANGES IN MICHIGAN LAW REFLECT RISE IN VOTERS’ USE OF ABSENTEE BALLOTS

In a bipartisan deal struck in advance of this year’s general election, Michigan legislators changed how some people can vote and when local election officials can begin processing absentee ballots. According to the *Detroit Free Press*, the agreement came after protracted negotiations as well as disagreements over the future of Michigan’s election laws, including gubernatorial vetoes of bills previously passed by the Legislature.

The governor and legislators ultimately found agreement on a four-bill package (HB 4491, HB 6071, SB 311 and SB 8). Among the provisions in the law: allowing election clerks from counties with 10,000 or more people to begin some processing of absentee ballots two days prior to Election Day.

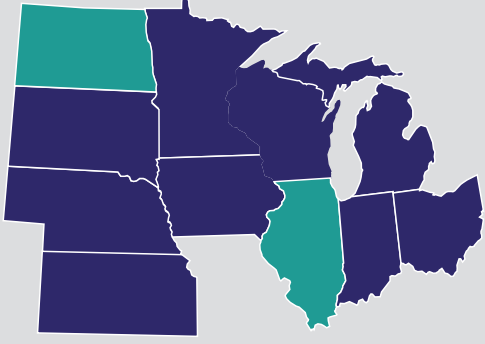
Local officials have said pre-processing will help them manage big increases in the use of absentee ballots by Michigan voters; for example, more than half of the ballots cast in the state’s August 2022 primary were absentee. Under the new law, clerks will be able to examine and verify the validity of ballots so that they are ready for tabulation, which still will occur on Election Day.

According to the National Vote at Home Institute, most states in the Midwest, except for **South Dakota** and **Wisconsin**, allow for some pre-processing of absentee ballots, though how this is defined can vary considerably. The institute also notes that five states in the Midwest — **Illinois**, **Kansas**, **Nebraska**, **Minnesota** and **Ohio** — allow early ballots to be scanned into tabulators ahead of Election Day.

Other parts of Michigan’s new law aim to ensure the security of absentee-ballot drop boxes (an alternative to sending in the ballot by mail). Video monitoring and regular inspections of the drop boxes will be required, and new chain-of-custody rules are in place for the handling of ballots from these boxes.

In future elections, too, active-duty military members, who are stationed overseas, will have the opportunity to return their ballots electronically. Lastly, for communities that struggle to find suitable polling locations, Michigan will allow in-person elections to be conducted at privately owned buildings.

ESTIMATED % OF VOTES CAST PRIOR TO ELECTION, BY MAIL OR OTHER MEANS, IN MOST RECENT PRESIDENTIAL ELECTION



- Between 61.8 percent and 82.9 percent
- Between 49.5 percent and 61.7 percent

Source: U.S. Census Bureau Current Population Survey

SASKATCHEWAN OPENS ARMS TO FAMILIES FROM UKRAINE WITH NEW SUPPORTS AND SERVICES

In the first seven months of the Russia-Ukraine conflict, nearly 2,000 displaced Ukrainians had come to **Saskatchewan**, and the province has committed not only to welcoming an unlimited number of them, but also providing targeted supports and services. Children are getting a tuition-free education in the province’s K-12 schools; families are eligible for additional income supports to help with the cost of raising children; and adults have access to employer-driven, province-supported job training.

Soon after Russia’s invasion of Ukraine, the Government of Canada created a special, accelerated temporary residence pathway for Ukrainians to live, work and study in the country.

Now, Saskatchewan leaders are seeking federal support for a plan to give the province more autonomy and flexibility over immigration policy — specifically, sole authority to select newcomers coming to the province. Jeremy Harrison, Saskatchewan minister of Immigration and Career Training, says his province needs new arrivals to meet its labor market needs and grow the population.



HOW LEGISLATIVE PAY IS SET: A LOOK AT A RECENT ILLINOIS COURT CASE, AND REVIEW OF OTHER STATE LAWS

More than a decade ago, when the Great Recession rocked state budgets across the country, **Illinois** legislators passed bills over multiple years to freeze their own scheduled cost-of-living salary increases and to require each member of the General Assembly to take unpaid furlough days.

Were these moves constitutional?

That question came before the Illinois Supreme Court this year, in a case brought by two now-former legislators who based their lawsuit on this language in the state Constitution: “*Changes in the salary of a member shall not take effect during the term for which he has been elected.*”

The two lawmakers said that the legislatively enacted changes in pay took effect mid-term, thus violating language in the Legislative Salary Clause.

Illinois’ top court ruled against the former legislators, but its decision left the question about the constitutionality of mid-term salary freezes unresolved. Instead, the justices ruled against the two plaintiffs because they had waited too long to make their claim and had voted for the salary freezes while in office. “[As a result,] they cannot now be allowed to challenge the reductions in their salaries during their previous terms in office,” the court concluded.

According to the *Chicago Tribune*, if all legislators serving in the General Assembly during this period had requested and been ordered back pay, the cost to taxpayers would have been \$10 million or more.

In Illinois, a Compensation Review Board recommends salaries for various state officials, including members of the General Assembly. Decades ago, at the board’s suggestion, lawmakers included statutory language that triggers automatic cost-of-living adjustments to legislator pay.

In most Midwestern states, legislators vote on their own salary levels and any changes to them. But there are exceptions; for example, an independent, citizen-run Legislative Salary Council establishes pay levels in **Minnesota**; and **Nebraska**’s Constitution caps legislative pay at \$1,000 per month.

Additionally, **South Dakota**’s legislative salaries are adjusted annually to equal 20 percent of the state’s median income; and **Indiana** uses a statutory formula that sets the pay of legislators at 18 percent of that of trial court judges. In **Wisconsin**, a joint legislative committee approves the pay of members by either adopting or amending recommendations made by the state director of employment relations.

PAY FOR LEGISLATORS IN MIDWEST (2022)	
Jurisdiction	Compensation level
Illinois	\$70,645 a year
Indiana	\$28,791 a year
Iowa	\$25,000 a year
Kansas	\$88.66 per session day
Michigan	\$71,685 a year
Minnesota	\$48,250 a year
Nebraska	\$12,000 a year
North Dakota	\$537 per month, plus \$193 per session day and interim committee day
Ohio	\$68,674 per year
Saskatchewan	\$103,285 per year (Canadian \$)
South Dakota	\$13,957 per year
Wisconsin	\$55,141 per year
Sources: CSG Midwest, The Council of State Governments’ “The Book of the States,” and the National Conference of State Legislatures	

SEVEN STATES PARTNERING ON PLANS TO MAKE THE MIDWEST A HUB OF CLEAN-HYDROGEN ACTIVITY

Seven governors have agreed to collaborate on plans to develop a clean-hydrogen market, supply chain and workforce for the Midwest.

The memorandum of understanding was signed in September. With it in place, the states of **Illinois**, **Indiana**, **Michigan**, **Minnesota**, **Ohio** and **Wisconsin** (along with Kentucky) will develop a uniform definition of “clean hydrogen,” identify the most promising technologies and industries for hydrogen production, review infrastructure and workforce needs, determine potential end users in the region, and explore potential state financing options. Participants in this newly created Midwestern Hydrogen Coalition may also partner on efforts to become a federally designated “clean hyrdogen hub,” funding for which was included in the Bipartisan Infrastructure Law of 2021.

Elsewhere in the region, after this year’s passage of LB 1009, Nebraska formed a state working group to draft and submit a proposal for that state to become a clean hydrogen hub.





CHILD CARE CHALLENGE AHEAD FOR STATES: MAKE DO WITHOUT AMERICAN RESCUE PLAN ACT DOLLARS

» CONTINUED FROM PAGE 1

“We’ve got a real workforce crunch with not having enough people for the jobs that are coming in,” Sanford says. “Having anything to offer in the way of child care is a good advantage, so for us to help narrow the gap is most effective.”

Part of North Dakota’s proposal envisions the state providing some kind of matching investment for employers who offer workers a child care benefit (a certain dollar amount to be spent on child care).

Additionally, Sanford says, new public-private partnerships with businesses need to be pursued, particularly to help parents and other wage-earners who work nontypical hours and need a nontraditional solution to their child care needs.

“There’s never enough day care,” Sanford says. “If employers are saying, ‘This is a problem for us,’ that makes a difference.”

North Dakota and many other states in the Midwest are looking for the broader business community to be part of the solution, with policy levers that include tax incentives and grants to build child care capacity.

‘WORK THAT ALLOWS ALL OTHER WORK’

This year in Iowa, legislators established a nonrefundable state version of the federal Employer Provided Child Care Tax Credit.

The goal of the credit is to encourage businesses to establish and operate their own child care facilities, or to contract with existing providers to provide such services to workers.

Under HF 2564, which takes effect in 2023, businesses can get a credit of up to 25 percent for operating their own facility or up to 10 percent for contracting the services (same as the federal credit).

Iowa Rep. Jane Bloomingdale, who led legislative efforts on HF 2564, says mirroring the existing federal tax credit was a simple way to provide a state incentive because legislators didn’t have to re-invent the wheel.

“Right now, we have just a handful of businesses across the state that take

“Right now, we can’t find staff at the wages that [child care] providers can afford to pay.”

Cindy Lehnhoff, director, National Child Care Association

advantage of the federal tax credit,” she adds.

“I would love to see it make a difference quickly. I’m hoping that the state tax credit will get that to double in the first year and build from there.”

A total of \$2 million will be made available to Iowa businesses.

Another strategy being used by Iowa: allocating state grants for individual businesses or employer consortia that commit to building on-site child care centers or providing the care via new partnerships with existing providers.

As of September, Iowa had awarded \$75.6 million to 191 projects through the Child Care Business Incentive Grant. The result so far has been the addition of more than 10,700 new

child care slots in Iowa.

In November 2021, Michigan launched what it has dubbed a “tri-share” pilot program, with employers, qualifying workers and the state itself equally splitting the costs of building up child care capacity.

In different regions of the state, an organization has been tapped to serve as a “facilitator hub,” serving as an intermediary between employers, families and child care providers as well as providing overall management of the tri-share model.

In Kansas this year, lawmakers expanded the reach of a tax credit for employers: a credit equal to up to 50 percent of the costs of opening an on-site child care center, or 30 percent for providing a benefit for workers to access the care somewhere else in the community.

According to the group Kansas Action for Children, the credit previously had been available only to large corporations and financial institutions. This year’s HB 2237 opens up the tax incentive to small businesses as well. Up to \$3 million in credits may be issued annually.

Illinois also offers businesses tax credits to offset the costs of starting up and operating a child care facility for workers, as well as a separate program for manufacturers that offer on-site services.

Wisconsin has been one of many states to direct additional federal funding from the American Rescue Plan Act to child care.

“[It’s] the work that allows all other work,” Wisconsin Department of Children and Families Secretary Emilie Amundson says.

A total of \$10 million in ARP dollars has gone to Partner Up!, a grant program for Wisconsin businesses that buy slots at existing child care providers on behalf of their workers.

A ‘FUNDING CLIFF’ IN STATE CHILD CARE SYSTEMS

Increasing the number of available child care slots is a central goal of these new state investments and public-private partnerships.

But states also need to be mindful of the need for more workers to provide the care for children, notes Cindy Lehnhoff, director of the National Child Care Association.

“Right now, we can’t find staff at the wages that providers can afford to pay,” she says. “If you don’t help providers directly, they can’t help their staff. The number one reason they can’t find staff, it’s a lot of hard work — physically and emotionally — for a little bit of money and no benefits or retirement.”

The ARP helped as it was the first federal support for wages in states that chose to use their funds for child care workers, but that assistance is coming to an end, Lehnhoff notes.

The Bipartisan Policy Center estimates the end of pandemic-related federal support for child care will leave states facing a \$48 billion funding “cliff,” which, in the Midwest, ranges from \$98.5 million in South Dakota to more than \$1.6 billion in Illinois and Ohio (see graphic on this page).

Without sustained federal funding, Lehnhoff predicts, “we’ll probably go backwards.”

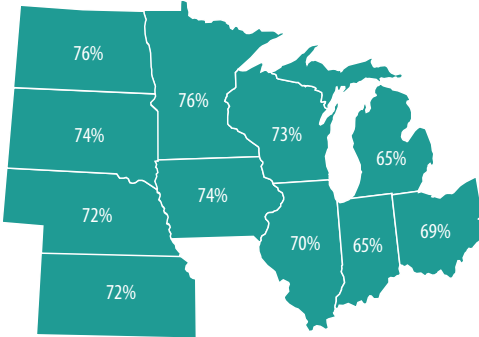
Across the country, child care traditionally has been viewed as a service to be delivered by the private market and paid for by individual families — as opposed to publicly funded K-12 schools or universities. As a result, child care subsidies for providers and parents have been limited or nonexistent.

In North Dakota, state involvement in child care will expand if legislators approve the plan unveiled by Burgum, Sanford and others.

Along with the tax credits and business partnership, that plan is likely to include scholarships and on-the-job training for future and current child care workers, along with new grants and quality-based incentives for providers.

But Sanford says there is an important distinction between child care and education: the latter is a constitutionally mandated function of state government, the former is a private-sector endeavor. A teacher gets paid by the state and a local school district; a child care worker does not. That won’t change in North Dakota, Sanford says.

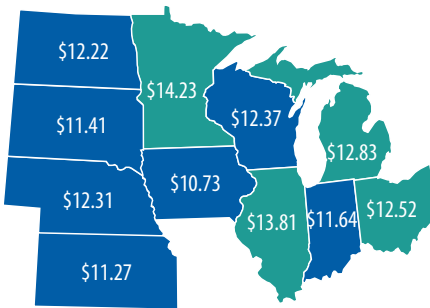
% OF CHILDREN UNDER AGE 6 WITH ALL AVAILABLE PARENTS IN LABOR FORCE (2021)\*



\* Percentages for North Dakota and South Dakota are for 2019.

Source: KIDS COUNT, a project of the Annie E. Casey Foundation

HOURLY MEAN WAGE OF MIDWEST’S CHILD CARE WORKERS (2021)



- Above U.S. hourly mean wage of \$12.40
- Below U.S. hourly mean wage of \$12.40

Source: U.S. Bureau of Labor Statistics

THE ‘FUNDING CLIFF’ AHEAD: LOSS OF FEDERAL CHILD CARE DOLLARS FOR STATES AFTER MONEY FROM AMERICAN RELIEF PLAN ACT RUNS OUT

State	Amount of estimated funding cliff
Illinois	\$1.66 billion
Indiana	\$1.13 billion
Iowa	\$477 million
Kansas	\$446 million
Michigan	\$1.47 billion
Minnesota	\$677 million
Nebraska	\$300 million
North Dakota	\$98.6 million
Ohio	\$1.67 billion
South Dakota	\$129 million
Wisconsin	\$746 million

Source: Bipartisan Policy Center





GREAT LAKES

Five takeaways from the recent Great Lakes-St. Lawrence Legislative Caucus meeting, including climate-change adaptation strategies and a ‘moon shot’ goal of cleaning up all ‘Areas of Concern’ by decade’s end

1 MORE RAIN COMING, MORE ADAPTATION PLANS NEEDED

When a “billion dollar disaster” hits the Great Lakes region, a drought or severe storm is almost always the cause. Don Wuebbles’ message to legislators: Expect the frequency of potentially high-cost events to increase over the rest of this century, as the amount of precipitation in the region increases by 10 percent and temperatures rise by more than 5 degrees Fahrenheit (based on a “low scenario” of climate change along with a baseline of temperatures from the late 20th century). “Our choice is whether to adapt proactively or respond to the consequences of what happens when there’s a disaster,” Wuebbles, a professor of atmospheric science at the University of Illinois, said to legislators at this year’s meeting of the Great Lakes-St. Lawrence Legislative Caucus. According to Wuebbles, too many toxic sites (landfills, coal ash storage ponds and industrial facilities) currently sit too close to the lakes, when considering a future with more extreme rainfall, a greater chance of flooding and higher lake levels. He also suggested that policymakers re-examine zoning and planning standards along their coastlines, invest in nature-based shoreline resilience (for example, the restoration of wetlands and an increased use of vegetation), and upgrade their water infrastructures. “To minimize suffering [from climate change], what we have to do is really get into heavy mitigation and adaptation,” he said.

2 NUTRIENT POLLUTION PROBLEM MAY WORSEN IN FUTURE

A warmer, wetter Great Lakes region also could lead to a spread of harmful algal blooms, a problem that is concentrated now in the Western Lake Erie Basin. “As the other lakes warm, it’s likely to be an increasing issue across the [basin],” Wuebbles said. Runoff from agricultural land is a prime contributor to this pollution problem, and to date, the response from state and federal governments has largely been to incentivize the adoption of new conservation practices or pay to keep certain land

out of production. (See page 5 for examples of state programs.) “I wish I could tell you that we’re making huge progress, and that I could give you a time frame by which we think the blooms will be out of the lakes,” Chris Korelski, director of the U.S. Environmental Protection Agency’s Great Lakes National Program Office, said at the GLLC meeting. “We’re nowhere near that.” Without more progress, he said, pressure will mount for “a regulation of the agriculture community to a much greater extent than you’re seeing today.” In her presentation to legislators, Molly Flanagan, chief operating officer and vice president of programs at the Alliance for the Great Lakes, noted that upstream pollution in Ohio costs an average Toledo family of five close to an extra \$100 on their water bill every year.

3 A CLEANUP OF ALL TOXIC HOT SPOTS IS NOW IN SIGHT

Between now and the end of this decade, Korelski envisions full or near completion of what he said would be perhaps the greatest achievement in Great Lakes restoration — a cleanup of the 31 Areas of Concern on the U.S. side of the border. First identified by the U.S. and Canadian governments in the 1980s, AOCs dot the entire Great Lakes coastline. They are a legacy of heavy industrial activity from the early- to mid-20th century, when little or no government regulations were in place to limit what could be dumped into the waters of the Great Lakes basin. “You have hundreds of millions of cubic yards of contaminated sediments that were left behind,” Korelski said.

As a result, the region has toxic hot spots where water quality is low, and waterfronts are degraded and unusable for recreation. Cleaning up a single AOC can cost hundreds of millions of dollars, and between 1987 and 2010, only a single one of these areas was delisted. Progress has accelerated with the Great Lakes Restoration Initiative (which began in 2010), and last year’s Bipartisan Infrastructure Law allocates an additional \$1 billion for Great Lakes restoration. Most of that money will go to AOC cleanup. Korelski said his office is targeting to have the environmental work at these sites completed by 2030. “It is a moonshot, but I am very optimistic that we can hit [that goal] or get very close to it,” he said.

4 STATES HAVE HISTORIC CHANCE TO UPGRADE WATER SYSTEMS

Flanagan said the recent Bipartisan Infrastructure Law also gives states

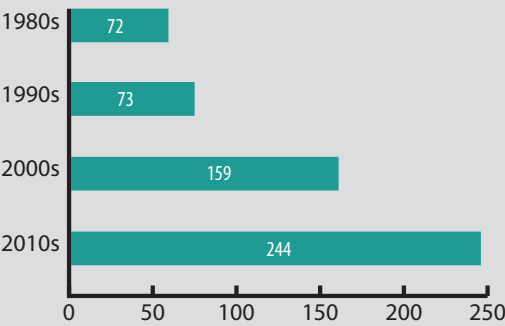
the chance to begin addressing an outdated water infrastructure. Remove lead pipes from drinking water systems. Stop sewer overflows into waterways. Prevent community flooding. That is the task for states as they prepare to use the new federal dollars. Flanagan urged lawmakers at the GLLC meeting to get this money to under-resourced communities, which sometimes struggle to meet the necessary federal or state cost-shares for water projects. Grants and loan principal forgiveness are two ways to help disadvantaged communities overcome funding obstacles, Flanagan said. She also suggested that lawmakers enact state bans on residential water shutoffs and establish permanent low-income water assistance programs.

5 A CALL FOR REGIONAL COOPERATION ON INVASIVE SPECIES

The Alliance for the Great Lakes and other groups are calling for congressional action that would have the federal government fully fund the construction phase of the Brandon Road project in Illinois. Minus such a new law, though, a non-federal match of some kind will be needed to get this invasive-species control project to the finish line. The U.S. Army Corps of Engineers is leading the work, but the federal agency’s projects require non-federal sponsors. Right now, the cost-share for Brandon Road is 80 percent (federal) and 20 percent (non-federal sponsor). Current congressional proposals call for a change to 90-10. Even that change could leave Illinois, the non-federal sponsor, with costs approaching \$100 million. “We just don’t have that kind of money in a reserve vault, so it will take legislative cooperation — maybe not just in Illinois, but maybe by collaborating and coordinating with the other Great Lakes states,” Illinois Department of Natural Resources Director Colleen Callahan said at the GLLC meeting. Michigan already has contributed some money to initial phases of the project, which calls for the construction of a new electric barrier and other controls at the Brandon Road Lock and Dam. The goal is to keep invasive carp and other species from moving from the Mississippi River System into the Great Lakes.

Article written by Tim Anderson, who can be reached at [tanderson@csg.org](mailto:tanderson@csg.org). CSG Midwest provides staff support to the Great Lakes-St. Lawrence Legislative Caucus, a binational, bipartisan group of state and provincial legislators. Illinois Rep. Robyn Gabel serves as caucus chair; Minnesota Rep. Jennifer Schultz is the vice chair.

TRACKING THE RISE IN BILLION-DOLLAR WEATHER AND CLIMATE DISASTERS: # OF SUCH EVENTS, BY DECADE, IN 11-STATE MIDWEST\*



\* These are events where the damages/costs exceeded \$1 billion (inflation adjusted to allow for apt comparison of costs/damages in each decade).

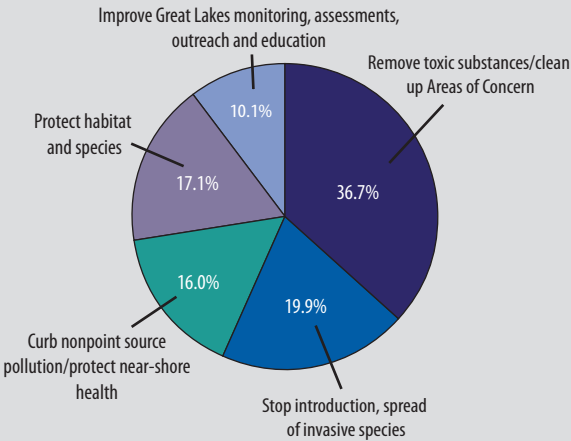
Source: National Oceanic and Atmospheric Administration

10 U.S. STATES ESTIMATED TO HAVE HIGHEST NUMBER OF LEAD SERVICE LINES IN THEIR DRINKING WATER SYSTEMS

State	Estimated # of lead lines
Illinois	679,000
Ohio	650,000
Michigan	460,000
New York	360,000
New Jersey	350,000
Missouri	330,000
Wisconsin	330,000
Indiana	290,000
Texas	270,000
Minnesota	260,000

Source: Natural Resources Defense Council

HOW MONEY FROM GREAT LAKES RESTORATION INITIATIVE WAS USED IN 2021



Source: Great Lakes Restoration Initiative





# GREAT LAKES & AGRICULTURE

Response to nutrient runoff problem centers on delivery of incentives, technical assistance to farmers

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

When they reported on the condition of the Great Lakes earlier this year, the Canadian and U.S. governments told a now-familiar story about the status of Lake Erie.

"Poor and unchanging," the binational study found, both on measures of the impacts of nutrient runoff and the harmful algal blooms that this pollution can cause.

And binational researchers warned of other areas with nutrient-related impairments — Green Bay in Lake Michigan, Saginaw Bay in Lake Huron, Lake St. Clair, and Hamilton Harbour and the Bay of Quinte in Lake Ontario. Even some short-lived blooms in Lake Superior (whose overall status on these indicators is "good and unchanging") have been observed in recent years.

How are Great Lakes states and provinces working to curb the nutrient runoff and related blooms?

For three years, a group of lawmakers has been exploring that question, as part of the work of the Great Lakes-



Wisconsin Sen.  
André Jacque

St. Lawrence Legislative Caucus Nutrient Management Task Force. (CSG Midwest provides staff support to the caucus.)

Their review shows a greater emphasis on policies that target agricultural activity and

practices (a source of much of the nutrient runoff), but that focus little on new regulations and more on a mix of incentives, technical assistance and new partnerships for farmers.

## 'ENGAGING AND INCENTIVIZING'

Agriculture contributes to excess nutrients in surface water when fertilizer use, animal manure and soil erosion are not managed responsibly. Conversely, certain farm practices help keep nutrients from leaving the field and entering waterways.

"One of the key takeaways is the importance of engaging with and incentivizing agricultural producers to adopt best practices," says Wisconsin Sen. André Jacque, chair of the GLLC task force.

One option for states: encourage farmers themselves to lead the way.

Wisconsin's Producer-Led Watershed Protection Program is an example of this approach. Since 2015, legislative appropriations have provided grants to groups of farmers who take on water quality initiatives, using evidence-based methods best suited for their local watershed.

Milwaukee River Watershed Clean Families is one of the producer groups that has received a state grant through this program. Among its activities: conducting farmer-to-farmer outreach on practices to prevent nutrient runoff, partnering with the county on a long-term demonstration plot to experiment with cover crops and different seed types, and events to raise awareness about water quality.

Since the programs' first year, the amount of state funding has grown from \$250,000 to \$1 million a year; in all, 41 farmer groups are participating.

## VOLUNTARY PROGRAMS GROW IN MICHIGAN, MINNESOTA

Simple reporting and local flexibility are part of the appeal of Wisconsin's program.

In Michigan, regulatory assurances help attract involvement in a long-running, voluntary conservation program: If a participating farmer

adopts a state-recommended conservation plan, he or she gets certain statutory protections against penalties and fines in the event of accidental discharges.

Since the Michigan Agricultural Environmental

Assurance Program began, more than 1 million acres of farmland have been enrolled.

"[It] provides farmers with on-farm demonstration projects and technical assistance to apply conservation practices to their specific farms," notes Michigan Sen. Dan Lauwers.

Along with this up-front assistance, participants get increased access to cost-share programs (nutrient management practices often have up-front costs, but long-term savings), and at the end of the process, they receive a "environmentally verified" sign for their property.

Similarly, Minnesota's Agricultural Water Quality Certification Program allows producers to promote their farm as being protective of water quality.

Under the program, a mix of technical and financial assistance goes to farmers seeking certification.

Once a field is assessed and a site-specific plan is developed, any number of conservation practices may be implemented. Among the most common: the use of cover crops, adoption of a nutrient-management plan, improvements in tile drainage and irrigation water management, and the construction of grassed waterways.

The Minnesota Legislature requires that regular evaluations be done on the program's effects. The most recent study found that 216 million pounds of soil have been kept on Minnesota fields annually, and 76.2 million pounds of sediment and 47,878 pounds of phosphorus have been prevented from entering the state's waters every year.

A separate analysis has found economic benefits for participating farmers as well: profits that were 6 percent higher compared to non-certified farmers, as well as better debt-to-asset and operating expense ratios. These benefits have been shown over three years of study.

As of April, 1,197 farms totaling more than 845,000 acres had been certified and had added 2,414 conservation practices. Minnesota expects to have 1 million acres enrolled by the end of this year.

## OHIO'S 'INCREMENTAL IMPROVEMENTS'

Ohio has been ground zero for the problem of nutrient pollution in the Great Lakes, and the state's H2O initiative marks an unprecedented effort to address it. For the current biennium budget, legislators allocated \$120 million to incentivize farmers to adopt one or more practices proven to protect water quality.

H2Ohio originally focused on 14 counties in northwest Ohio, an agriculture-heavy area where nutrient pollution from farms gets to Lake Erie via the Maumee River and contributes to harmful algal blooms. The program now encompasses land in the entire Western Lake Erie Basin.

Thus far, close to 35 percent of cropland in that basin (in Ohio) has been enrolled in H2O.

"[It] has made incremental improvements in the watershed, just as other programs the task force has endorsed have in other watersheds," says Ohio Rep. Michael Sheehy, whose legislative district encompasses the Maumee River watershed.

"Much more needs to be done to achieve the goal of 40 percent nutrient reduction by 2025." (That is the target set by the U.S. and Canadian governments, as well as Michigan, Ohio and Ontario.)



As part of the H2Ohio plan, Ohio's soil and water conservation district offices lead local efforts to help farmers implement the best management practices. Counties in the Maumee River watershed each have a localized phosphorus target to help ensure accountability, and district offices are developing individualized nutrient-management plans to reduce the most phosphorus runoff at each location.

## LOCAL EXPERTS, SUPPORT MAKE IMPLEMENTATION POSSIBLE

These state-supported programs typically include a series of conservation measures for farmers to take, and one of the more common science-based practices is the use of cover crops.

Planted after harvest, cover crops sequester carbon in the soil while reducing soil erosion and nutrient runoff from fields during fallow seasons.

"Evidence largely suggests cover crops do not raise yields or returns in the first years of adoption," notes Carl Zulaf, a professor of agricultural economics at The Ohio State University.

As a result, only 5 percent of U.S. cropland had cover crops in 2021. To encourage a large-scale adoption, Zulaf says, a sizable national subsidy is needed.

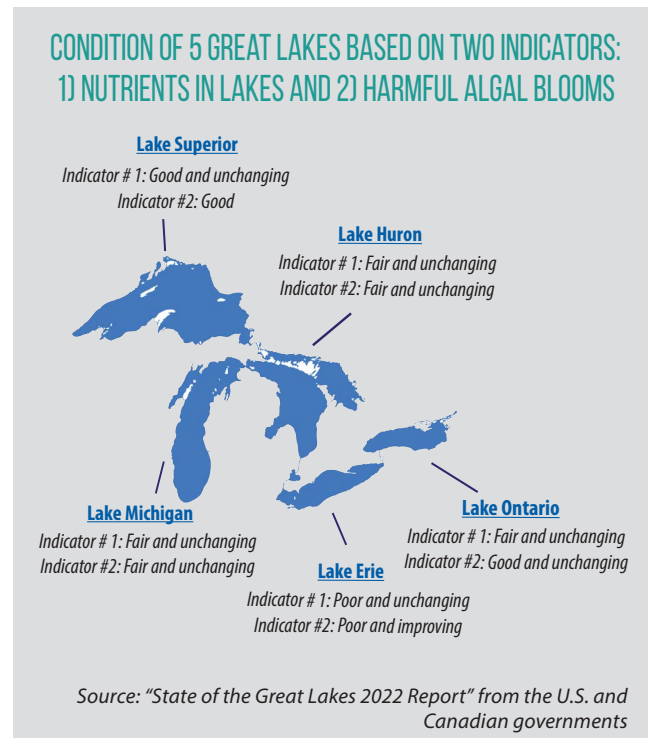
At the state level, Illinois provides a \$5 per acre premium discount on crop insurance to producers who plant cover crops; in 2022, the incentive will apply to 100,000 acres, double the previous years' allocation. Iowa, Indiana and Wisconsin also offer this premium discount.

But financial incentives alone often are not enough.

The support of local experts — specifically, talented staff in local conservation districts — is essential to provide farmers with up-front and ongoing technical assistance, the Great Lakes task force found. Additionally, these experts can help with accountability in state-funded programs. (Are the conservation plans on farms being properly and fully implemented? Is water pollution being prevented? Is water quality improving?)

Legislatures can strengthen this assistance by providing a dedicated funding source for these offices.

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. Carolyn also has provided staff support to the Great Lakes-St. Lawrence Legislative Caucus Task Force on Nutrient Management.





CRIMINAL JUSTICE & PUBLIC SAFETY

Changing behaviors of domestic abusers is goal of interventions being used in some state prisons; the search for an effective model continues

by Derek Cantù (dcantu@csg.org)

For 33 years, October has been recognized as National Domestic Violence Awareness Month.

Progress has been made over that time in reducing instances of domestic abuse against women and men. According to the U.S. Bureau of Justice Statistics, in 2003, there were more than 1.48 million known victims of domestic abuse in the country, or 6.2 people for every thousand people ages 12 and older. Last year, that number was around 911,000, or 3.3 people for every thousand.

Despite the positive turn, understanding how to successfully reform abusers has proven to be elusive.

One place where such programming for domestic violence offenders can and often does take place: state correctional facilities.

Can prison-based interventions be effective in reducing recidivism and preventing future, sometimes fatal acts of abuse?

Policymakers, correctional leaders and experts on domestic-violence prevention continue to grapple with this question in many states, including Nebraska and Iowa.

2 TRAGIC DEATHS IN NEBRASKA

For years, Doug Koebernick, inspector general of the Nebraska Correctional System, has recommended that the state consider reinstating domestic violence intervention programming in prisons.

It has not existed for incarcerated individuals since 2015. In the inspector general's latest annual report, he noted that department clinicians had recommended domestic violence programming for more than 500 people in Nebraska's prison system. Without the availability of such programs, interventions occur post-release, or not at all.

The Nebraska Department of Correctional Services has cited at least two reasons for not offering services: a lack of evidence supporting their efficacy, and the availability of more-effective interventions in community settings for parolees.

However, in multiple annual reports, Koebernick has pointed out that parolees' participation in these community-based programs apply only "if it is a condition of their parole, or [if they are] participating in work release," and that "people who wait until reaching community corrections to undergo treatment might already have regular access to their domestic partners."

Such was the case for Hailey Christiansen and Brooke Koch, two Nebraska women murdered by intimate partners who had previously abused them and had been incarcerated. The two women's stories helped inspire the successful passage this year of the

NEBRASKA IS TAKING A DEEPER DIVE INTO DOMESTIC VIOLENCE-RELATED DEATHS TO UNDERSTAND AND PREVENT THEM

When he first began working on a bill to create an administrative body to examine domestic abuse-related deaths, Sen. Tom Brandt says, Nebraska was one of nine states that did not have such a review team in place. The absence of one made it more difficult to identify patterns of behavior and implement preventive measures. (A 2021 report from the National Domestic Violence Fatality Review Initiative also found that Illinois and Wisconsin had no or limited-activity review teams in place.)

Working with victims' families, advocacy groups and others, Brandt developed the framework for a State Domestic Abuse Death Review Team. Run out of the attorney general's office, the team would investigate contributing factors to these deaths and provide recommendations for change. Members would be privy to a large number of records associated with individual cases, including, when applicable, information from the state prisons.

Brandt initially thought his bill would only get a hearing, and not pass, as it was getting late into the Unicameral's 2022 session. However, during that hearing, another senator, Wendy DeBoer, asked to include the measure in her own omnibus priority bill, LB 741. "That happens like zero times — that somebody asks to include somebody else's bill," Brandt says.

LB 741 passed unanimously and was signed into law in April. The result: Brandt's vision for a Domestic Abuse Death Review Team is now a reality.



Nebraska Sen. Tom Brandt

Domestic Abuse Death Review Act (see sidebar article).

Koebernick acknowledges that the model of intervention training previously used in Nebraska prisons — known as the "Duluth Model" — had limited success. National studies, too, have raised questions about the value of this model in preventing future domestic violence.

Nonetheless, Koebernick believes the state should evaluate if non-Duluth models could be useful in Nebraska. One possible alternative already is being employed in a neighboring state.

NEW INTERVENTION IN IOWA

In 2010, the Iowa Department of Corrections began a pilot project to assess whether a new intervention model could change the behavior of convicted domestic abusers.

Today, that same model — a revised version of the Achieving Change Through Values-Based Behavior Program, or ACTV — has replaced all previous domestic assault programming. It now operates in multiple prison settings.

Earlier this year, Dr. Amie Zarling, a developer of the ACTV model, published the results of an experimental study examining differences in the outcomes of two sets of Iowa Department of Corrections offenders: those who took ACTV-based intervention classes vs. participants in the Duluth Model. The 338 men evaluated were all first-time (convicted) domestic abusers; they took part in the programming outside of prison while on probation.

Her study sums up the differences in the two types of interventions this way: "Instead of examining how one's thoughts about women originated or replacing the thought 'She shouldn't treat me this way' with a more

positive or egalitarian thought, [the ACTV model] encourages behaving with respect toward one's partner even when having that thought."

That is not to say that the ACTV model teaches participants to suppress feelings of toxic masculinity.

"If a man's belief that he is superior to women comes up, ACTV addresses that; it just doesn't automatically assume that is the thing shaping the men's behavior," says Zarling, a psychologist and associate professor of human development and family studies at Iowa State University.

Her study showed mixed results. In terms of participants who acquired a domestic abuse charge one year following their treatment, there was not a significant difference between Iowa's ACTV and Duluth participants. (Zarling notes the number of transgressors was low and that "it's really hard to find differences between groups when the outcome measure has such a low base rate.")

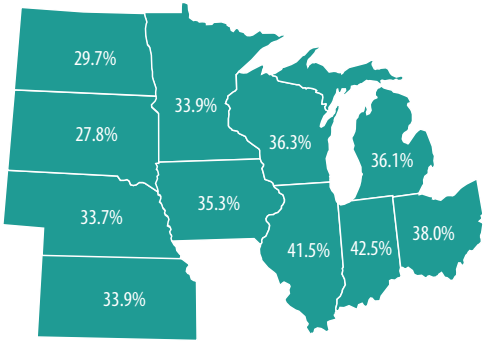
Conversely, data collected from administrative records and female victim reports show that ACTV participants had fewer violent and nonviolent criminal charges and engaged in fewer acts of intimate partner violence after treatment when compared to those in the Duluth group.

"I think this indicates we might be on the right track," Zarling says.

She adds that subsequent studies are still needed, as are more resources to train programmers.

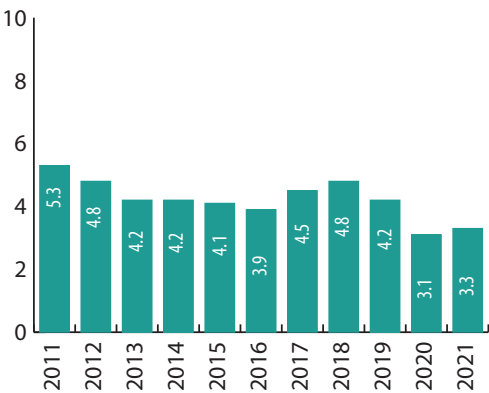
North Dakota Rep. Shannon Roers Jones and Illinois Sen. Robert Peters serve as co-chairs of the Midwestern Legislative Conference Criminal Justice & Public Safety Committee. Nebraska Sen. John McCollister is the vice chair. Derek Cantù is CSG Midwest's staff liaison to the committee.

% OF WOMEN REPORTING SEXUAL CONTACT VIOLENCE, PHYSICAL VIOLENCE AND/OR STALKING BY AN INTIMATE PARTNER DURING THEIR LIFETIME



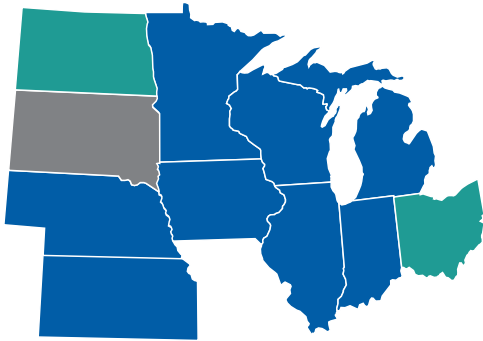
Source: "The National Intimate Partner and Sexual Violence Survey" (2017 report, which includes most recent state-by-state information, from 2010-2012 survey)

RATES OF DOMESTIC VIOLENCE VICTIMIZATION IN U.S., 2011-2021: # OF VICTIMS PER 1,000 PEOPLE AGE 12 AND OLDER, 2011-2021



Source: U.S. Bureau of Justice Statistics

STATE STANDARDS FOR TREATMENT OF PERPETRATORS OF INTIMATE PARTNER VIOLENCE (AS OF OCTOBER 2020)



Source: "Assessing States' Intimate Partner Violence Offender Treatment Standards using a Principles of Effective Intervention Framework" (2021 report)



Photo: Nadine Shaabana (Unsplash)



# RADIOACTIVE WASTE TRANSPORTATION

As spent nuclear fuel sits at plants across Midwest, the U.S. Navy demonstrates how to ship this radioactive waste safely and securely

by Mitch Arvidson (*marvidson@csq.org*)

Every year, about three million shipments of radioactive materials occur across the United States.

Trucks and trains carry low-level radioactive waste from hospitals or universities, transuranic waste from U.S. defense facilities, and uranium to nuclear power plants.

However, one type of radioactive material tends to receive the most public attention — spent nuclear fuel.

This attention may be due to the higher levels of radioactivity in spent nuclear fuel, or because it has been part of a decades-long, and still-unresolved, challenge of what do to with the radioactive waste produced by the nation’s nuclear power plants.

Without a single, permanent national repository, or a few larger interim storage sites, the spent fuel from these plants largely remains unshipped and on-site — and will stay at these locations until a solution to the storage problem arises.

For these reasons, shipments of spent nuclear fuel have sometimes taken on an almost mythical, impossible quality.

Yet one organization has been transporting spent nuclear fuel across the country without incident for more than 65 years.

Since 1957, the U.S. Navy has completed almost 1,000 shipments from various ports to the Idaho National Laboratory, via routes that run through parts of Ohio, Indiana, Illinois, Missouri, Kansas and Nebraska in the Midwest.

## HIGH RADIOACTIVITY, HIGH LEVELS OF SAFETY

Used in 11 aircraft carriers and 67 submarines in the U.S. Navy’s fleet, nuclear power allows for stealthy, high-speed travel. For example, the USS Missouri recently completed a seven-month deployment in which it covered 40,000 nautical miles and was at sea 90 percent of the time, all without the need to refuel.

When these ships’ nuclear reactors are refueled or defueled, the spent fuel needs to be transported for inspection in Idaho. It is shipped in one of two kinds of shipping containers, both of which meet or exceed federal safety requirements.

Computer modeling and scale model testing has shown that these containers can withstand a 30-foot drop onto an unyielding surface and a 40-inch drop onto a metal rod, or being engulfed by a 1,475 degrees Fahrenheit fire for 30 minutes or immersed in 50 feet of water. Additionally, the fuel itself is durable, having been designed to withstand intense battle shock.

And there is another layer of safety for these radioactive waste shipments: accident demonstration exercises led by the U.S. Navy and held along a shipping route.

These recurring exercises have taken place in locations throughout the country, including Topeka, Kan., and Fort Wayne, Ind.

Various scenarios are used to model an accident during shipment; then, first responders simulate their actions to assess, respond to and secure the accident scene.

Most recently, the Naval Nuclear Propulsion Program held an accident demonstration exercise in the Missouri town of Moberly; several members of The Council of State Governments’ Midwest Radioactive Materials Transportation Committee were on hand to watch and take part in the September event.

In this particular demonstration scenario, a shipment was traveling via rail from Virginia to Idaho.

A utility boom truck was approaching an intersection in Moberly and failed to stop in time, resulting in the overhead boom equipment hitting the shipping container. The truck remained upright but began leaking hydraulic fluid, while several heat dissipation fins on the shipping container were bent and the back wheels of the railcar derailed.

Armed shipment couriers traveling in the rail escort vehicle behind the container, along with the train crew traveling in the locomotive in front of the container, took immediate action to ensure the well-being of the boom truck driver. They also established a safety zone around the container of spent nuclear fuel.

Then, local fire and police departments came to assist with the emergency response. State-level organizations began arriving, too, such as the Missouri Department of Health and Senior Services to

monitor radiation levels coming off the shipping container. The Moberly police chief served as the main public information officer.

Through the accident demonstration, says Ryan Seabaugh of the Missouri Department of Natural Resources, participants were able to gain “a greater understanding of the importance of and need for effective communication among different organizations, in



Members of The Council of State Governments’ Midwest Radioactive Materials Transportation Committee take part in a recent U.S. Navy exercise in Missouri. Pictured are Swapan Saha of the Kansas Division of Emergency Management, Minnesota Rep. Pat Garofalo, and Ryan Seabaugh of the Missouri Department of Natural Resources.

addition to clearly understanding the roles that each organization plays in this type of emergency response.”

For the exercise, Seabaugh, a member of CSG’s Midwest Radioactive Materials Transportation Committee, coordinated with other state agencies while also providing feedback on the accident scenario and first-responder response.

There are several goals for these kinds of exercises.

First, they provide an opportunity to conduct regional outreach with host communities and states. Additionally, local emergency service personnel and interested political leaders are able to familiarize themselves with naval shipments and interact with shipment couriers. Finally, these demonstrations serve as training opportunities for personnel to practice emergency actions.

## BUILDING TRUST IN SHIPMENTS

While U.S. Navy shipments have some unique aspects to them, seeing the containers in person and watching a well-organized response to unlikely accident scenarios can raise public confidence in radioactive materials shipments of all kinds.

Such trust will be needed if or when a permanent repository is found to store spent nuclear fuel from the nation’s power plants. For this highly radioactive waste to reach a national repository, shipments will need to go through many communities of the Midwest, a region home to more than 30 operating or decommissioned nuclear power reactors.

“Seeing the demonstration validated my belief that regardless of a person’s view on nuclear power, we can safely transport [commercial spent nuclear fuel] to a centralized repository,” says Minnesota Rep. Pat Garofalo, another member of the CSG interstate committee.

Mitch Arvidson serves as CSG Midwest program manager for the Midwest Radioactive Materials Transportation Project and the Midwest Radioactive Materials Transportation Committee.

## ABOUT THE COUNCIL OF STATE GOVERNMENTS’ MIDWESTERN RADIOACTIVE MATERIALS TRANSPORTATION COMMITTEE (MRMTC)

Formed in 1989, and with members from 12 Midwestern states, the MRMTC identifies and resolves regional issues related to the transport of radioactive waste and materials.

The committee mostly focuses on U.S. Department of Energy shipments and works closely with several offices within the agency. However, when related events or trainings are held by other organizations, such as the recent demonstration exercise in Missouri (see article on this page for details), the committee is able to send interested members to attend and learn.

Each state is represented on the MRMTC by a gubernatorial appointee from a relevant agency. Legislators on the committee are appointed by the chair of CSG’s Midwest Legislative Conference.

“Being a newcomer in my current role [in state government], the MRMTC has been invaluable in connecting me with resources, other states with diverse perspectives and experiences, and helping me stay updated on current or future events that could have relevance to Missouri,” says Ryan Seabaugh, a committee member who works at the Missouri Department of Natural Resources.

“Given the highly specialized nature of radioactive materials, we simply do not have access to these resources in individual state legislatures,” says Minnesota Rep. Pat Garofalo, a member of the committee.



Minnesota Rep. Pat Garofalo

Five other legislators serve with Garofalo on the committee: Kansas Rep. Mark Schreiber, Nebraska Sen. Suzanne Geist, Minnesota Sen. Mike Goggin, and North Dakota Rep. Dan Ruby and Sen. Dale Patten.

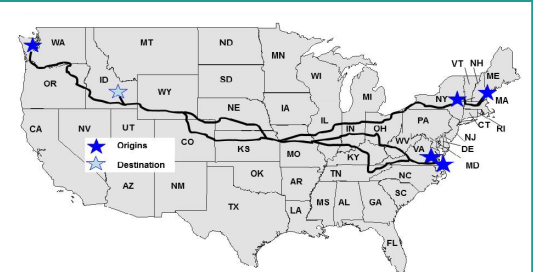
## AMOUNT OF SPENT NUCLEAR FUEL BEING STORED IN MIDWEST \*

State	Metric tons of uranium	U.S. rank
Illinois	11,156	1
Iowa	657	31
Kansas	885	26
Michigan	3,440	10
Minnesota	1,557	22
Missouri	924	25
Nebraska	1,053	24
Ohio	1,571	21
Wisconsin	1,588	20

\* Indiana, North Dakota and South Dakota do not have nuclear power plants. Missouri is included in the table because it is part of The Council of State Governments’ Midwest Radioactive Materials Transportation Project.

Source: Nuclear Energy Institute

## TYPICAL ROUTES FOR U.S. NAVY SHIPMENTS OF SPENT NUCLEAR FUEL



Sources: U.S. Department of the Navy and the National Nuclear Security Administration





# PROFILE: MINNESOTA SENATE MAJORITY LEADER JEREMY MILLER

‘If someone says no, try to find new paths to yes’: Lifelong Minnesotan uses lessons from back home as a legislative leader in a state where parties share power

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

Like many people who decide to run for public office, Jeremy Miller did so to make a difference in the lives of others, especially in his home community of Winona.

But what made Miller’s candidacy unique at the time was the “when” in his own life.

Miller was only 27 years old, and with his first election victory in 2010, he became the second-youngest Minnesotan ever to serve in the state Senate.

“I’ll be honest, there were some challenging times,” Miller says about when he first arrived in St. Paul.

“Especially in the beginning, there were members and others inside what I call ‘the bubble’ at the Capitol that were disrespectful or made comments that I was too young, or I didn’t have the experience to be a state senator.”

What got Miller through: some timeless values passed on by his parents and others.

From his father, the longtime mayor of Winona, he learned the importance of continually working on and building relationships. From a high school cross country coach (Jim Flim), Miller was instilled with the value of perseverance.

Last, but not least, there was this message about flexibility and persistence from his mother: “If someone says no, try to find a new path to yes.”

Miller says those three lessons, along with a commitment to hard work, respect for others and honesty, helped him crack “the bubble.”

By 2019, he had been elected president of the state Senate by legislative peers, the youngest senator to serve as the chamber’s presiding officer. Two years later, he became Senate majority leader.

In a conversation with CSG Midwest, Miller shared his perspective on legislating and leadership, as well as his priorities for the year ahead. Here are excerpts.

**Q** You have been in office for more than a decade, but are still a relatively young legislator at age 39. Have you seen other young people follow in your footsteps?

**A** One of the things that I’m most proud of is that I’ve had several members from both sides of the aisle approach me over the years to share that they originally thought they were too young to run for office, but changed their mind after being encouraged by my style of collaboration and success of getting things done. So, to me, that’s pretty special, to think that I’ve made



## BIO-SKETCH: MINNESOTA SEN. JEREMY MILLER

- ✓ first elected to the Minnesota Senate in 2010 at the age of 27
- ✓ has served as Senate majority leader since September 2021; became the youngest president of the Senate in Minnesota history in 2019
- ✓ is entrepreneur and small-business owner, and is chief financial officer of his family’s full-service recycling business
- ✓ lives in his hometown of Winona, in southeast Minnesota, with his wife, Janel, and three sons: Drew and twins Luke and Tom.

“In politics, and life in general, there aren’t too many trips down easy street. ... It takes a lot of perseverance to find that common ground in order to get things done.”

a positive impact and encouraged other younger people, at least in some capacity, to run for public office.

**Q** Why have you found persistence and perseverance, traits you took or learned from people such as your parents and high school cross country coach, to be important in the legislative arena?

**A** In politics, and life in general, there aren’t too many trips down easy street. Not many things come easy, especially in a split legislature (where control is divided among the two parties). You have ideas from Democrats and Republicans, you have ideas from metro and suburban members in addition to rural members, and it takes a lot of perseverance to try to find that common ground in order to get things done.

My No. 1 priority, and the reason I ran for the Minnesota Senate, is to help make a difference in the lives of others. And the way you help make a difference is you work together and you get things done. ...

My business background has helped me more than anything else in developing relationships, and being able to work together to find common ground. When it comes to business, when you’re working on getting a deal, there’s give and take and there’s compromise. Eventually, you either make a deal or you don’t, but then you move on to the next deal.

**Q** This year, the Minnesota Senate lost David Tomassoni, a longtime, well-respected member who also once held

your same position as Senate president. Were there any lessons you gained from him?

**A** I really become close friends with Sen. Tomassoni, and he became a mentor of mine. He was a great example of a legislator who not only was committed to the district that he represented, but to working together with legislators to try to find common ground on important issues. ....

Too often in politics, especially in this day and age, the political divide seems to be getting worse and the divisiveness continues to get nastier by the day. Having a member like Sen. Tomassoni — someone focused on bringing people together and building bridges — was really an asset for the Minnesota Senate, and he will be missed dearly. *[Editor’s note: Sen. Tomassoni served in the Legislature for 29 years; he passed away earlier this year from amyotrophic lateral sclerosis.]*

**Q** Next year, there will be many first-time senators in Minnesota. What challenges does that pose for more-veteran members like yourself?

**A** This will be one of the largest turnovers in the history of the Senate when it comes to new members just because of all the retirements that we’ve had on both sides of the aisle.

The most important thing for veteran members, and one of the things I’m going to focus on the most is, No. 1, just listening to the new members about what issues are important in their districts. And No. 2, really working hard to develop those relationships

and making the new members feel comfortable here in the Senate.

The most important thing for me, and hopefully for my colleagues, is to work together and get good things done for the people of the state of Minnesota. The best way we can do that is to listen and learn from each other.

**Q** Speaking of the 2023 legislative session, what will be your legislative focus?

**A** We are going to have three priorities.

The first is permanent, ongoing tax relief to put money back in the pockets of hardworking Minnesotans. Every single paycheck, week after week, month after month, year after year. We’re really focused on helping Minnesotans afford life, especially when they’re facing record rates of inflation.

The next priority is going to be public safety. We hear from too many people who no longer feel safe in the community where they live, where they work, and where they’re raising a family. We’re going to make public safety a top priority by supporting police officers and getting tough on crime.

And the third priority is education. We’re seeing too many kids fall behind in the classroom, and we’re hearing from too many parents who feel like they’ve been shut out of their children’s education. So we’re going to focus on empowering parents to be partners with teachers in their kids’ education, and then we’re going to focus on providing more resources to give students more opportunities to be successful in the classroom and beyond.



# FIRST PERSON: CORRECTING AN OVERSIGHT IN REGULATING A BRAND-NEW MARIJUANA MARKET

In Michigan, we have begun requiring dispensaries to have liability insurance; our law from 2021 addresses inherent risks in this rapidly growing industry



by Michigan Sen. Curt VanderWall  
([sencvanderwall@senate.michigan.gov](mailto:sencvanderwall@senate.michigan.gov))

A new green marketplace has been spreading across the United States. The growing footprint of marijuana legalization has presented lawmakers with fresh challenges and opportunities to strike the proper balance between providing room for the emerging cannabis industry to flourish naturally and developing the right guardrails to ensure consumer protections and public safety.

Nearly all U.S. states and territories, including most Midwestern states, now have some level of cannabis legalization.

As chairman of the Michigan Senate's Committee on Health Policy and Human Services, I've had a front-row seat to the evolution of state law since 2018, when voters made our Great Lakes state the 10th in the nation to legalize the recreational use of marijuana for adults 21 and older.

## LEGALIZATION TAKES HOLD

Michigan voters first legalized cannabis for medical use in 2008. The implementation of that new law raised significant issues pertaining to local medical marijuana dispensaries.

As a result, legislation was passed to create a regulatory structure for licensing, growing, manufacturing and selling cannabis.

Like a modern Wild West, this new, unregulated industry sector offered potential windfalls and hazards; it needed to be reined in and tamed in a way that would allow for natural growth

This law is about raising the bar in Michigan. It incentivizes quality products and guarantees protections when low-quality products make it to consumers.

while providing guardrails of protection for consumers.

In 2018, voters approved the recreational use of marijuana for adults age 21 and over.

That law included several forward-thinking provisions, including the creation of licenses for on-site cannabis consumption and temporary events (if permitted by the local municipality).

Rick Snyder, Michigan's governor at the time, soon issued an executive order establishing the Marijuana Regulatory Agency (it was reorganized earlier this year as the Cannabis Regulatory Agency) within our state's Department of Licensing and Regulatory Affairs.

One of the agency's earliest efforts was to release regulations to steer implementation of the 2018 law.

As with the rollout of any brand-new industry, lawmakers have had to react to unforeseen circumstances in order to ensure public safety and protect consumers while also not over-regulating the marketplace.

## FILLING THE LIABILITY GAP

One important overlooked protection was the need for marijuana dispensaries to carry liability insurance.

This was remedied by Michigan's Public Act 160 of 2021, which I first introduced in the Legislature as SB 461.

The law clarifies what is required for proof of financial responsibility for licensees, and ensures that cannabis industry licensees will file proof of liability insurance in an amount not less than \$100,000.

A licensee's policy must be issued by an authorized insurer or captive insurance company authorized to handle this type of business. It must cover bodily injuries to a qualifying patient, including those caused by the intentional action of a licensee or his or her agent.

The insurance policy cannot include a provision or clause relieving the insurer from liability or a claim under the state law.

If a licensee fails to maintain proof of financial responsibility, the Cannabis Regulatory Agency must immediately suspend the license until such proof is provided.

Previously, there wasn't any real requirement for dispensaries to carry liability insurance — despite clear warnings that it was only a matter of

time until we saw significant injuries or deaths due to contaminated or intentionally adulterated cannabis products.

In 2019, an outbreak of lung injuries associated with THC-containing e-cigarette, or vaping, products illuminated the need for forward-thinking legislation as our recreational marijuana market expanded.

The U.S. Centers for Disease Control and Prevention reported that a Vitamin E acetate additive in vaping products was compellingly linked to 2,807 hospitalizations and 68 deaths.

In November 2021, the Marijuana Regulatory Agency recalled nearly 65,000 pounds of cannabis and identified a reported 18 adverse reaction complaints ranging from serious side effects and hospitalization to mild allergic-type reactions.

Experience and common sense tell us that it's only a matter of time before a personal injury or death puts dispensaries and growers on the hook for huge settlements and fines.

It's in the state's interest to make sure licensees are properly insured.

There is a strong case that liability insurance requirements strike a proper balance in promoting responsible growth and exploration in an emerging marketplace and providing consumer protection and recourse against industry providers.

At the end of the day, this law is about raising the bar in Michigan. It incentivizes quality products and guarantees protections when low-quality products make it to consumers.

## A RAPID GROWTH INDUSTRY

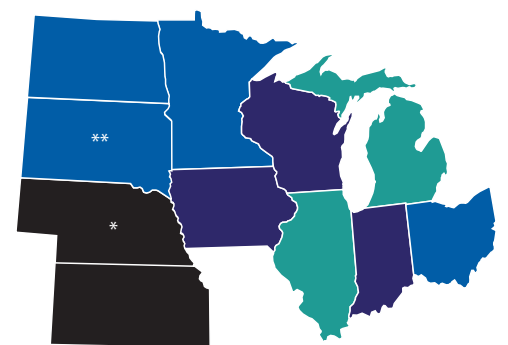
Michigan's marijuana industry is growing rapidly.

A recent report by a Seattle-based cannabis website shows that Michigan is home to the third-highest number of cannabis-related jobs, behind California and Colorado, with 31,152 workers employed as of January 2022.

Just 18 months after recreational marijuana became available to purchase in the state, a report conducted by the Anderson Economic Group found that about \$3.2 billion in cannabis had been sold in Michigan in 2020.

An estimated 2 million people used marijuana in 2020 — a 75 percent increase from 2010.

## LEGAL STATUS OF MARIJUANA IN MIDWESTERN STATES (2022)



- Medical and recreational use legal
- Medical use only legal
- CBD or low-THC products only legal
- Illegal

\* Nebraska has decriminalized marijuana possession.

\*\* Initiated Measure 27, if approved in the Nov. 8 election, would legalize recreational marijuana use.

Source: National Organization for the Reform of Marijuana Laws

Reported retail sales accounted for just \$1 billion of the group's findings.

And in March, Michigan's Cannabis Regulatory Agency director announced that more than \$42.2 million from the state's Marijuana Regulation Fund would be distributed among 163 local municipalities. (Revenue from marijuana sales also is used to support Michigan's K-12 schools and transportation infrastructure.)

This new cannabis industry will continue to grow and present fresh challenges and opportunities for lawmakers to strike the proper balance in regulating a previously unregulated market.

Consumer and provider protections, including liability coverage requirements such as PA 160 of 2021, must remain at the top of our concerns.

Sen. Curt VanderWall was first elected to the Senate in 2018, after serving a term in the House. He serves as chair of the Senate Committee on Health Policy & Human Services and is co-chair of the Joint Legislative Audit Committee.

## 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).



CSG NATIONAL CONFERENCE SET FOR DEC. 7-10 IN HAWAII; MIDWESTERN LEGISLATIVE CONFERENCE EXECUTIVE COMMITTEE TO MEET, INSTALL OFFICERS

Registration continues for the upcoming National Conference of The Council of State Governments.

This year’s meeting is being held Dec. 7-10 in Honolulu, Hawaii, with sessions planned on a wide range of issues — for example, state budgets, long-term care, cybersecurity, affordable housing, workforce development, mental health and teacher shortages.

Additionally, attendees will get updates on the work of two signature initiatives of CSG: its roles in assisting states with interstate compacts (through the National Center for Interstate Compacts) and improving criminal justice systems (via the CSG Justice Center).

A preliminary meeting agenda and hotel information, along with registration links, are available at [csg.org](https://csg.org).

At the National Conference, the 2022 class of CSG Toll Fellows will be recognized, as will recipients of this year’s 20 Under 40 Leadership Award program.

The Midwestern Legislative Conference Executive Committee also will meet. One order of business: the formal installation of the MLC’s new slate of officers. Michigan Sen. Roger Victory will take over as chair of the MLC. His fellow officers will be Ohio Sen. Bill Reineke, first vice chair; Saskatchewan Speaker Randy Weekes, second vice chair; and Kansas Sen. Carolyn McGinn, immediate past chair.



Michigan Sen. Roger Victory



IMPROVING JUVENILE PROBATION POLICY IS FOCUS OF CSG JUSTICE CENTER TOOLKIT

The Council of State Governments Justice Center, in partnership with Arnold Ventures, has unveiled a groundbreaking new toolkit to advance a more effective and equitable approach to states’ juvenile probation systems.

This new resource for legislators and other leaders includes a 50-state scan of existing laws, court rules and policies.

For example, which states employ graduated sanctions for youths who don’t comply with conditions of probation? In the Midwest, only one state, South Dakota, requires graduated responses, while the policy is outlined in three others: Illinois, Nebraska and North Dakota.

The 50-state scan also examines:

- variations in the establishment of statewide probation conditions for youths on community supervision;
- limits on young people being detained or incarcerated due to technical violations of their probation conditions; and
- requirements on the collection of statewide data on juvenile probation violations.

Probation is the most commonly used intervention for youths in the justice system. But research shows that current probation practices have a limited impact on recidivism and can even do more harm than good, especially for lower-risk youths. The toolkit offers an array of ideas to improve state policy. It is available at [csgjusticecenter.org](https://csgjusticecenter.org).



GREAT LAKES CAUCUS MEETS IN CHICAGO, SELECTS TWO LEGISLATORS TO LEAD BIPARTISAN, BINATIONAL GROUP STARTING IN 2023

Joined by leading policy experts and scientists on the Great Lakes, state and provincial legislators came to Chicago in September for a weekend devoted to learning about how and why to protect the largest freshwater system in the world.

The binational, bipartisan Great Lakes-St. Lawrence Legislative Caucus is unique in its composition and focus.

Counting legislators from all 10 jurisdictions of the Great Lakes basin (eight U.S. states, two Canadian provinces) as members, the GLLC’s mission is to strengthen the role of state and provincial lawmakers in policies that impact the Great Lakes and the region’s other water resources.

The group’s Annual Meeting is central to this mission, providing a forum for legislators to exchange ideas and innovations with one another and leading experts. This year’s topics included



controlling the spread of invasive species, reducing nutrient pollution, cleaning up Areas of Concern, and addressing the problem of PFAS contamination. The meeting also featured a session on the impact of climate change in the Great Lakes region (see pages 4 and 5 for more information).

NEW LEADERSHIP TEAM ON BOARD

For the past several years, Illinois Rep. Robyn Gabel and Minnesota Rep. Jennifer Schultz have led the caucus as its chair and vice chair, respectively. Gabel led this year’s meeting in Chicago. However, the caucus regularly rotates its two-officer team, and at the September meeting, members elected Wisconsin Sen. André Jacque as incoming chair and Illinois Sen. Laura Fine as incoming vice chair. Their terms begin in 2023.

Additionally, the caucus has an Executive Committee made up of legislators from all 10 jurisdictions. If you are interested in serving on this committee, please contact CSG Midwest director Mike McCabe at [mmccabe@csg.org](mailto:mmccabe@csg.org) or 630.925.1922.

CSG Midwest provides staff support to the caucus, which also receives financial support from the Joyce Foundation, the Erb Family Foundation and the Charles Stewart Mott Foundation. Next year’s GLLC Annual Meeting will be held Sept. 8-9 in Québec City.

Caucus membership is free and open to all legislators from the Great Lakes states and provinces. Visit [greatlakeslegislators.org](https://greatlakeslegislators.org) to become a member.



Illinois Sen. Laura Fine and Wisconsin Sen. André Jacque, pictured here at the Great Lakes-St. Lawrence Legislative Caucus Annual Meeting in Chicago, will soon resume the leadership positions as vice chair and chair, respectively, within the group.

CSG, WISCONSIN LEADERS PARTNER ON POLICY SESSIONS FOR LEGISLATORS AND STAFF

“Under the Dome” continues to bring tailored programming to Midwest’s capitol

When Wisconsin Assembly Speaker Pro Tempore Tyler August and his staff wanted a national perspective on mental health policy in preparation for the coming 2023 session, they turned to CSG Midwest.

In short order, an “Under the Dome” program was put together and held in August inside Wisconsin’s Capitol. The event featured presentations from two policy experts at The Council of State Governments’ Center of Innovation: Sean Slone, senior policy analyst, and Sarah Needler, director of research (both pictured to the right). Together, they talked about a wide range of mental health policy topics and strategies that emerged from a CSG partnership with The Commonwealth Fund.

Two separate sessions were made available to legislators, along with staff for Wisconsin’s four party caucuses and nonpartisan legislative service agencies.

The goal of CSG Midwest’s Under the Dome program is to bring customized policy and



professional development sessions directly to state legislators and their staff. CSG Midwest works with interested legislators and legislative leadership to develop the program .

If you are interested in bringing Under the Dome to your state or province, contact Laura Tomaka, CSG Midwest’s director of policy and professional development, at 630.925.1922 or [ltomaka@csg.org](mailto:ltomaka@csg.org).

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators representing 11 states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin) and the Canadian province of Saskatchewan. The provinces of Alberta, Manitoba and Ontario are MLC affiliate members.



BILLD ALUMNI NOTES

TWO GRADUATES ASSUME LEADERSHIP POSITIONS FOR CSG JUSTICE CENTER

In late September, two alumni of the Bowhay Institute for Legislative Leadership Development joined three other state officials as the newest members of the CSG Justice Center's Advisory Board.

**Ohio Sen. Theresa Gavarone** and **North Dakota Rep. Shannon Roers Jones** (graduates of the 2017 BILLD program) are now part of the 18-member panel of state and local leaders that guide the center's policy and project priorities. **Illinois Sen. Elgie Sims** (BILLD class of 2014) also is a member of the Advisory Board and is part of its multi-branch Executive Committee.

Sen. Gavarone was first elected to the Ohio House of Representatives in 2016 and has served in the Ohio Senate since 2019. She has worked on a variety of legislative issues and has sponsored bills on topics related to elections security, religious freedom of expression, school bus safety, mental health care access, communications disabilities, cybersecurity and water quality, among others. She currently is a member of the Ohio Senate Judiciary Committee.



Rep. Roers Jones has served in the North Dakota Legislative Assembly since 2016. A member of the Judiciary Committee, she has been a leading voice on criminal justice reform and substance use disorders. Roers Jones developed legislation to seal criminal records, expand access to harm-reduction resources, allow greater access to driving privileges for those participating in 24/7 sobriety programs, and improve cooperation between tribal, state, county and municipal law enforcement. She also serves as co-chair of CSG's Midwestern Legislative Conference Criminal Justice & Public Safety Committee.



The CSG Justice Center, which just marked its 20th anniversary, is a trusted source among policymakers for research-informed practices and technical assistance that helps drive improvements in criminal justice systems. In the Midwest, the center has partnered with nine states on justice reinvestment and four states on juvenile justice reform.

RECENT BILLD GRADUATE RECOGNIZED BY CSG AS UP-AND-COMING LEADER

**Ohio Rep. Susan Manchester** (BILLD class of 2022) is among this year's recipients of the 2022 CSG 20 Under 40 Leadership Award, which recognizes young elected and appointed officials who exemplify strong leadership skills and have demonstrated a commitment to public service.



Now serving her second term in office, Rep. Manchester previously worked at a nonprofit organization focused on mentoring young people. She also has served as a congressional staffer, and as a student at The Ohio State University, she participated in Campus Crusade for Christ and mentored young women.

Among this year's other 20 Under 40 Leadership Award recipients is South Dakota Sen. Michael Rohl.



ANOTHER STEP IN LEADERSHIP: 10 BILLD ALUMNI COMPLETE CSG'S TOLL PROGRAM; CLASS INCLUDES OFFICIALS FROM ALL 3 BRANCHES OF GOVERNMENT

In August, 12 emerging leaders from all three branches of state government in the Midwest took part in The Council of State Governments' Henry Toll Fellowship program.

This year's Toll Fellows class from the region included nine state legislators, all of whom also are graduates of the Bowhay Institute for Legislative Leadership Development, or BILLD — a regional program of CSG's Midwestern Legislative Conference.

- Illinois Sen. Dale Fowler (BILLD class of 2018)
- Illinois Sen. Ann Gillespie (BILLD class of 2021)
- Illinois Rep. Sonya Harper (BILLD class of 2017)
- Ohio Rep. Paula Hicks Hudson (BILLD class of 2021)
- Nebraska Sen. Megan Hunt (BILLD class of 2021)
- South Dakota Rep. Taylor Rehfeldt (BILLD class of 2021)
- Minnesota Rep. Ruth Richardson (BILLD class of 2019)
- Wisconsin Rep. Lisa Subeck (BILLD class of 2016)
- Kansas Sen. Dinah Sykes (BILLD class of 2017)

A 10th member of this year's Toll Fellows class, North Dakota Treasurer Thomas Beadle, is a BILLD graduate as well (BILLD class of 2013).

In all, close to 50 leaders from across the country, and from all three branches of state government, were selected this year and took part in the Toll Fellows program. Rounding out this year's class from the Midwest were Jace Beehler, chief of staff for North Dakota Gov. Doug Burgum; and Shawn Jurgensen, special counsel to Kansas Supreme Court Chief Justice Marla Luckert.

Illinois Sen. Dale Fowler views the Toll experience as a second step in his journey of growth and

"I will take the experiences and knowledge gained and incorporate them into my public service efforts."

*Illinois Sen. Dale Fowler, 2022 Toll Fellows graduate and 2018 BILLD Fellow graduate*

development as he hones the skills he needs to be a better leader and advocate for his southern Illinois community.

"Being selected was an extraordinary honor," Fowler says.

"This program created the opportunity to share ideas with other state legislators and afforded me the ability to bring those ideas back to Illinois. I will take the experiences and knowledge gained and incorporate them into my public service efforts."

ABOUT CSG'S LEADERSHIP PROGRAMS

Held every year in Lexington, Ky., the five-day Henry Toll Fellowship program offers training to stimulate personal assessment and growth while providing priceless networking and relationship-building opportunities.

The BILLD and Toll Fellowship programs are among the ways that The Council of State Governments helps state officials advance their leadership and legislating skills.

The BILLD program is for newer state and provincial legislators from the Midwest; the Toll Fellowship program is for mid-career to senior officials from all three branches of government.

Both programs are held every summer, and the competitive application process for both programs will begin in early 2023.



CONGRATULATIONS TO THIS YEAR'S CLASS OF CSG TOLL FELLOWS FROM THE MIDWEST



This year's Midwestern graduates of The Council of State Governments' renowned Henry Toll Fellowship program are:

Front row, from left to right: Nebraska Sen. Megan Hunt and Wisconsin Rep. Lisa Subeck

Second row, from left to right: Illinois Sen. Ann Gillespie and Ohio Rep. Paula Hicks-Hudson

Third row, from left to right: North Dakota Treasurer Thomas Beadle; North Dakota Governor's Chief of Staff Jace Beehler; Illinois Rep. Sonya Harper; and Sen. Dale Fowler

Top row, from left to right: South Dakota Rep. Taylor Rehfeldt; Shawn Jurgensen, special counsel to Kansas Supreme Court Chief Justice Maria Luckert; Kansas Sen. Dinah Sykes; and Minnesota Rep. Ruth Richardson

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](https://csgmidwest.org) and [csg.org](https://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](mailto:lkliwer@miprc.org)  
630.925.1922 | [miprc.org](https://miprc.org)



### CSG National Conference

December 7-10, 2022 | Honolulu, Hawaii  
Contact: [membership@csg.org](mailto:membership@csg.org)  
859.244.8000 | [web.csg.org](https://web.csg.org)



### Midwestern Legislative Conference Annual Meeting

July 9-12, 2023 | Detroit, Michigan  
Contact: Jenny Chidlow ~ [jchidlow@csg.org](mailto:jchidlow@csg.org)  
630.925.1922 | [csgmidwest.org](https://csgmidwest.org)



### Bowhay Institute for Legislative Leadership Development

August 18-22, 2023 | Madison, Wisconsin  
Contact: Laura Tomaka ~ [ltomaka@csg.org](mailto:ltomaka@csg.org)  
630.925.1922 | [csgmidwest.org](https://csgmidwest.org)



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

September 8-9, 2023 | Québec City, Québec  
Contact: Mike McCabe ~ [mmccabe@csg.org](mailto:mmccabe@csg.org)  
630.925.1922 | [greatlakeslegislators.org](https://greatlakeslegislators.org)



# STATELINE MIDWEST

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

#### CSG Midwest Office Staff

**Michael H. McCabe**, Director  
**Tim Anderson**, Director of Communications  
**Mitch Arvidson**, Program Manager  
**Derek Cantù**, Policy Analyst  
**Jenny Chidlow**, Director of Operations  
**Jon Davis**, Policy Analyst and  
Assistant Editor  
**Ilene K. Grossman**, Assistant Director

**Laura Kliewer**, Senior Program Manager  
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**Laura A. Tomaka**, Director of Policy  
and Professional Development  
**Kathy Treland**, Administrative Coordinator  
and Meeting Planner

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ORGANIZATION  
U.S. POSTAGE PAID  
FOX VALLEY, IL  
PERMIT NO. 441



### October 2022

The Council of State Governments, Midwestern Office  
701 E. 22nd Street, Suite 110 | Lombard, IL 60148-5095  
Phone: 630.925.1922 | Fax: 630.925.1930  
Email: [csgm@csg.org](mailto:csgm@csg.org) | [csgmidwest.org](https://csgmidwest.org)

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