

# STATELINE MIDWEST



MIDWEST

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## 10 STATES, 10 NEW LAWS ENACTED IN 2022 WITH BIPARTISAN SUPPORT

by Tim Anderson ([tanderson@csg.org](mailto:tanderson@csg.org))

In a given year, hundreds, sometimes thousands, of bills are introduced in a single state legislature. The highly partisan measures often receive the most public attention. But then, as Michigan Senate Majority Floor Leader Dan Lauwers noted in an interview earlier this year with CSG Midwest, there are the “95 percent” — bills that aren’t strictly partisan, can gain widespread support, and can make a positive difference in people’s lives. As the calendar year winds to an end, CSG Midwest is looking back at the 2022 legislative sessions with a focus on laws enacted with bipartisan support. For each of the 10 states where legislators met (North Dakota only holds session in odd-numbered years), we identified one such law.



### MICHIGAN: BIG INVESTMENT IN SCHOLARSHIPS

When young people across Michigan graduate from high school this spring, a vast majority of them will be eligible for state-funded scholarships to attend college. An initial investment of \$250 million is being made as part

of the state’s FY 2023 budget, with legislators coming to final agreement this fall on the new Michigan Achievement Scholarship. Under SB 842, a qualifying student will receive as much as \$27,500 (\$5,500 per year, for up to five years) to attend one of Michigan’s public universities. Alternatively, he or she could get up to \$8,250 (over three years) to attend a community college, \$20,000 (over five years) to attend a private postsecondary school, or \$2,000 to take part in job training. Some of this money comes in the form of a first-dollar scholarship; some is last-dollar (tuition costs are covered only after other financial aid has been used). Students will be eligible for the scholarships if their family demonstrates a financial need when they complete the Free Application for Federal Student Aid. According to Gov. Gretchen Whitmer, 94 percent of Michigan students attending community colleges and 76 percent going to a public university will qualify. *SB 842 was passed by the Michigan Senate without a single “no” vote and by a vote of 78-26 in the House (five members did not vote). Gov. Gretchen Whitmer signed the measure in October.*



### WISCONSIN: NEW PROTECTIONS FOR HEALTH CARE WORKERS

Amid reports of increased violence against health care workers across the country, Wisconsin legislators advanced a measure in early 2022 that enhances penalties for perpetrators of these crimes. AB 960 was signed into law in March, building in part on a measure from two years ago that made battery to a nurse a felony rather than a misdemeanor. (In Wisconsin, the crime of battery is typically a misdemeanor.) Under the 2022 law, if an individual “intentionally causes bodily harm” to any person working in a health care facility, he or she faces potential felony charges — punishable by up to six years in prison, a fine of up to \$10,000 or both. A threat of violence to these workers, as well as their family members, also is now a felony, if it is “a response to an action occurring at the health care facility.” *AB 960 passed the Wisconsin Assembly and Senate with only a single “no” vote. Gov. Tony Evers signed the law in March.*

### NUMBERS ON THE MIDWEST’S STATE LEGISLATURES AND GOVERNMENTS IN 2022

1,550	TOTAL # OF STATE LEGISLATORS IN THE 11-STATE MIDWEST
1.69:1	RATIO OF REPUBLICAN TO DEMOCRATIC LEGISLATORS IN THE 11-STATE MIDWEST DURING THE 2021-2022 BIENNium
49	# OF MEMBERS IN NATION’S SMALLEST STATE LEGISLATURE — NEBRASKA’S NONPARTISAN UNICAMERAL LEGISLATURE
201	# OF LEGISLATORS SERVING IN MINNESOTA — HOME TO THE MIDWEST’S LARGEST STATE LEGISLATURE
4	# OF STATE GOVERNMENTS IN MIDWEST WHERE PARTISAN POWER WAS DIVIDED THIS YEAR: SPLIT LEGISLATURE IN MINNESOTA; REPUBLICAN LEGISLATURES AND DEMOCRATIC GOVERNORS IN KANSAS, MICHIGAN AND WISCONSIN (SEE PAGE 2 FOR CHANGES FROM 2022 ELECTIONS)



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A LOOK AT HOW THIS YEAR’S ELECTION RESULTS WILL IMPACT STATE POLICY AND LEGISLATURES IN THE MIDWEST— IN 2023 AND BEYOND

1 TERM LIMITS COME TO NORTH DAKOTA, WHILE MICHIGAN VOTERS OK A TWEAK TO THEIR LAW

North Dakota now has among the strictest laws on legislative term limits in the country. In November, more than 60 percent of voters in that state approved a constitutional amendment placing a lifetime cap on legislative service — eight years in the House and eight years in the Senate.

With this change in North Dakota, all five Midwestern states that allow for citizen-initiated ballot measures now have term limits (see maps).

Three of these five states do not impose lifetime bans, however. Consecutive-only limits in Ohio and South Dakota allow legislators to bounce between the two legislative chambers and continue legislative service indefinitely, if they so choose and continue to be re-elected. (Nebraska has a consecutive ban as well, but it has a single-chamber legislature.)

North Dakota joins Michigan with a lifetime limit on legislative service.

In November, Michigan voters approved a legislatively referred constitutional amendment that retains, but modifies, that state’s term-limits law.

Michigan’s lifetime cap remains in place, with a maximum of 12 years of legislative service instead of 14. However, all 12 of those years can now be spent in a single chamber. The previous law set limits of three two-year terms in the House and two four-year terms in the Senate. In part, legislators hope the tweak will allow for more legislative continuity and institutional knowledge in each chamber.

Also this year, North Dakota joined five other Midwestern states with term limits for governors. Each of these states imposes a cap of two four-year terms. North Dakota now joins Michigan with a lifetime cap on gubernatorial service; the four other states have consecutive-only limits (see map).

2 3 LEGISLATIVE CHAMBERS FLIP, LEADING TO PARTISAN ‘TRIFECTAS’ IN 8 MIDWESTERN STATES

Next year, one party will have full control of the state legislature and governor’s office in all but two Midwestern states, the exceptions being Kansas and Wisconsin. This is because of a shift in the partisan balance of the Michigan and Minnesota legislatures.

Republicans had enjoyed majority control of the Michigan House and Senate, but Democrats were able to “flip” both legislative chambers in November while Gov. Gretchen Whitmer won re-election.

Minnesota had been one of the few U.S. states with a split legislature: one party controlling one legislative chamber each. Democrats now have a “trifecta.” They held control of the House and flipped partisan control of the Senate, while Minnesota Gov. Tim Walz won his re-election bid.

Over the next two years, Republicans will have full control of state legislatures and governor’s offices in Indiana, Iowa, North Dakota, Ohio and South Dakota. Along with Michigan and Minnesota, Democrats have a trifecta in Illinois. (Nebraska has a Republican governor and nonpartisan unicameral legislature, though a majority of legislators are Republican.)

One other noteworthy result from this year’s elections was the success of incumbent governors: In the Midwest, all eight seeking re-election won.

3 SOUTH DAKOTANS APPROVE MEDICAID EXPANSION; POLICY IN PLACE IN 9 MIDWESTERN STATES

South Dakota will soon become the ninth state in the Midwest that expands its Medicaid program to cover more low-income adults. The ballot measure won the support in November of 56

percent of voters. Since passage of the Affordable Care Act, states have had the option of expanding the reach of this public health insurance program. Most states have done so through legislative and gubernatorial action. However, South Dakota now joins Nebraska in having the expansion approved through a citizen-initiated ballot measure.

Kansas and Wisconsin are the only states in the Midwest, and two of 11 nationally, that have not expanded Medicaid under the ACA, according to the Kaiser Family Foundation.

4 ‘RIGHTS’ AMENDMENTS ADDED TO STATE CONSTITUTIONS IN MICHIGAN, IOWA AND ILLINOIS

Michigan is the first state in the Midwest with constitutional language that explicitly secures a right to an abortion. Fifty-seven percent of state voters approved Proposal 3 in November. In the Midwest, since the U.S. Supreme Court’s overturning of *Roe v. Wade*, other notable developments on this issue have included the Indiana General Assembly’s adoption of a ban on most abortions and Kansas voters’ rejection (in August) of a legislatively referred proposal which stated, in part, that the Kansas Constitution “does not create or secure a right to abortion.”

At least two other legislatively referred “rights” amendments appeared on state ballots in the Midwest this year:

• In Iowa, voters added a “right to bear arms” in the state Constitution. Such provisions are common in U.S. state constitutions. The Iowa measure also adds new constitutional language that says any government restrictions on gun rights “shall be subject to strict scrutiny.”

• Illinois is poised to become the first state in the Midwest to include constitutional language guaranteeing workers’ rights to collective bargaining. (As of publication, there was not a final vote tally, but the measure appeared likely to pass.)

5 VOTERS CHANGE LAWS ON ELECTIONS, BAIL (IN OHIO) AND MINIMUM WAGE (IN NEBRASKA)

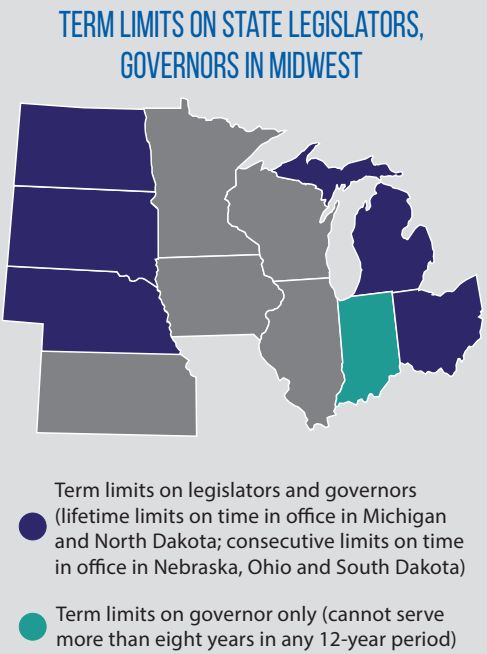
In all, voters in eight Midwestern states decided the fate of 15 proposed constitutional amendments or statutes this November. Among the measures that passed:

• The minimum wage in Nebraska will be gradually raised to \$15 an hour by 2026, with automatic, annual cost-of-living increases in subsequent years. Also in Nebraska, all voters will be required to show photo identification before casting a ballot.

• Changes in election law also are coming to Michigan. That state is constitutionally required to provide nine days of early, in-person voting. Additionally, voters can request an absentee ballot by mail for all future elections. When voting in person, an individual can verify his or her identity with a photo ID or a signed statement. The state also must ensure citizens’ access to absentee-ballot drop boxes, fund a ballot-tracking notification system, and pre-pay the postage for absentee applications and ballots.

• The Ohio Constitution now includes language that restricts voting in state and local elections to a U.S. citizen who is at least 18 years old and who has been a legal resident and registered voter for at least 30 days. This was one of two legislatively referred constitutional amendments approved by Ohioans. The second measure requires judges to consider public safety when setting bail amounts.

PARTISAN CONTROL OF STATE GOVERNMENTS IN MIDWEST ENTERING 2023 LEGISLATIVE SESSIONS				
State	House	Senate	Governor	Change due to 2022 election?
Illinois	Democrat (full control)			No
Indiana	Republican (full control)			No
Iowa	Republican (full control)			No
Kansas	Republican		Democrat	No
Michigan	Democrat (full control)			Yes <sup>1</sup>
Minnesota	Democrat (full control)			Yes <sup>2</sup>
Nebraska	Nonpartisan unicameral		Republican	No
North Dakota	Republican (full control)			No
Ohio	Republican (full control)			No
South Dakota	Republican (full control)			No
Wisconsin	Republican		Democrat	No
<sup>1</sup> The Michigan House and Senate flipped from Republican majorities to Democratic majorities.				
<sup>2</sup> The Minnesota Senate flipped from a Republican majority to Democratic majority.				





## YEAR IN REVIEW: A LOOK AT 10 BIPARTISAN BILLS PASSED BY THE MIDWEST'S LEGISLATURES IN 2022

» CONTINUED FROM PAGE 1

**MINNESOTA: MONEY FOR DROUGHT-HIT FARMERS, BROADBAND EXPANSION**

In Minnesota, the only Midwestern state with a split-control Legislature in 2022, leaders from both parties came together on a bill (HF 3420) to support drought-impacted farmers as well as bring broadband to the state's hardest-to-reach areas.

Checks of up to \$3,143 were sent this summer to nearly 3,000 Minnesota livestock farmers and specialty crop producers.

To apply for these state payments, a producer's farm operation had to be located in a county or nearby county designated as a natural disaster area due to drought conditions during the latter half of 2021.

Another \$2.5 million was appropriated for drought-relief loans and \$5 million for reforestation.

Minnesota also is using a mix of federal and own-state dollars to close gaps in broadband access.

New with this year's passage of HF 3420: a pilot program that enhances the state's funding match for projects that get high-speed internet to lower-density areas.

Typically, qualifying projects have been eligible for state grants equal to 50 percent of the total costs. The \$30 million pilot program allows for a 75 percent match if lower grant amounts are "not adequate to make a business case for the extension of broadband facilities."

**HF 3420 passed the House by a vote of 69-64 and the Senate by a vote of 66-1. Gov. Tim Walz signed the measure in May.**

**IOWA: BIPARTISAN SUPPORT FOR FIRST-IN-NATION E-15 MANDATE**

Extensive legislative negotiations over the future of ethanol policy in Iowa culminated with bipartisan approval of a bill that establishes the nation's first E-15 mandate.

HF 2128 requires most retailers to sell gasoline with a blend of 15 percent. Exemptions from the mandate are available for smaller gas stations (those that sold less than 300,000 gallons of gas in 2020) or locations with incompatible equipment.

To help retailers make the necessary infrastructure changes, legislators have created a three-tiered system of grant funding, with the state covering anywhere from 70 percent to 90 percent of the costs depending on the size of the gas station and whether it already had been selling E-15 blends.

Additionally, infrastructure grants are available for businesses that sell biodiesel blends of 20 percent or more.

Another provision in HF 2128 increases the state's per-gallon biodiesel tax credit and extends it through 2027.

**HF 2128 passed in the House by a vote of 81-13 and in the Senate by a vote of 42-3. Gov. Kim Reynolds signed the measure in May.**

**OHIO: NEW RIGHTS OF RELIGIOUS EXPRESSION FOR STUDENT ATHLETES**

Three years ago, as a cross-country runner on her local high school team, Noor Alexandria Abukaram was disqualified from a race because of a hijab she wore during the competition.

Soon after that incident, she began working with legislators on getting a bill on freedom of religious expression to the finish line.

That work paid off with this year's SB 181, which generally prohibits a school or interscholastic athletics organization from preventing the wearing of religious apparel (headwear, clothing, jewelry or other coverings) during athletic or other extracurricular events. An exception is made for any apparel that poses a "legitimate danger to participants."

Prior to the law, under Ohio High School Athletic Association rules, student athletes were banned from wearing head coverings unless they had been granted special permission prior to the event. Now, schools, conferences and the state association cannot require students to secure advanced approval or written waivers.

**SB 181 received unanimous approval in the Ohio House and Senate; Gov. Mike DeWine signed the bill in February.**

**NEBRASKA: FINANCIAL HELP FOR TEACHERS EARLY IN THEIR CAREERS**

Nebraska needs more teachers, and a new law aims to attract more young people to the profession.

Under LB 1218, the state will spend up to \$5 million a year to help full-time classroom instructors repay their loans; the total amount of assistance for an individual teacher could be as much as \$25,000 (\$5,000 annually for up to five years).

The law also expands the reach of Nebraska's existing Attracting Excellence to Teaching Program, under which early-in-their-career teachers have been eligible for loan forgiveness (up to \$3,000 annually, for up to five years, and a higher amount for being employed in high-need districts). A provision in LB 1218 now makes student teachers in Nebraska eligible for up to \$1,000.

The same measure makes changes to the teacher certification process, in part to make it easier for individuals with out-of-state licenses to secure work in Nebraska. Additionally, the State Board of Education can no longer require passage of a state-administered basic skills exam as a prerequisite for young people to enter Nebraska's teacher-education programs.

**LB 1218 passed on a vote of 46-0-3 in the Unicameral Legislature; Gov. Pete Ricketts signed the bill in April.**

**ILLINOIS: CRACKDOWN ON ORGANIZED RETAIL THEFT**

Illinois has defined a new crime of "organized retail theft," and is providing

law enforcement with additional tools to combat it. Lawmakers are targeting criminal enterprises behind some of the looting and smash-and-grab robberies of big box stores, auto dealers and other retailers.

This stolen merchandise is sometimes then sold via online marketplaces, with the proceeds used to fund other illegal activities such as gun and drug trafficking.

Under HB 1091, local prosecutors can fully pursue cases of organized retail theft when the crimes cross multiple jurisdictions. Additionally, the state attorney general's office can investigate and prosecute these cases through the convening of a statewide grand jury.

Illinois' new law also requires online retailers to verify the identity of high-volume sellers, and establishes a state-level intelligence-gathering platform to improve communication among retailers and law enforcement.

**HB 1091 was passed 96-5-2 in the House and 42-10 in the Senate; Gov. J.B. Pritzker signed the bill in May.**

**INDIANA: SAFEGUARDS AGAINST 'SLUMLORD' PURCHASES**

Indiana has new statutory language to keep foreclosed homes and other properties out of the hands of unscrupulous, sometimes out-of-state investors.

According to *The Indianapolis Star*, HB 1048 originally was introduced to allow local sheriffs to conduct online sales of foreclosed properties (in-person sales had been required). Such a move raised concerns among some lawmakers, though, who said it could worsen the problem of absent, faraway slumlords gobbling up properties in Indiana neighborhoods and taking advantage of lower-income households.

The bill was amended to prohibit certain individuals from acquiring foreclosed properties at sheriff's sales — those with housing-code violations against them or who are delinquent in paying taxes. In addition, any bidder on a foreclosed property must sign an affidavit affirming that he or she is not making the purchase on behalf of a prohibited buyer.

**HB 1048 passed both legislative chambers by wide margins: 50-0 in the Senate and 86-3 in the House. Gov. Eric Holcomb signed the bill in March.**

**KANSAS: TAX CREDITS, LOAN GUARANTEES FOR RURAL HOUSING**

Citing a continued lack of affordable housing as an impediment to economic growth, Kansas legislators have established a series of new tax credits and loan guarantees.

HB 2237 focuses particularly on building up the housing stock in Kansas' rural areas. For developers who build in the state's smallest counties (fewer than 8,000 people), an income tax credit of \$35,000 per new housing

unit now is available. Smaller credits are in place for developers of housing in other small or midsize counties.

Additionally, a total of \$2 million in loan guarantees is going to projects that build new homes or rehabilitate existing ones in Kansas' smallest counties (fewer than 10,000 residents). The guarantee, capped at \$100,000 per home, is an attempt to address the problem of construction costs sometimes coming in higher than a home's appraised value.

Separately, Kansas' budget (SB 267) directs additional dollars to a program that assists smaller communities looking to spur the construction of moderate-income, workforce housing. The new money, a total of \$20 million, comes from American Rescue Plan Act funds. Legislators also are using \$20 million in general-fund dollars to establish a Rural House Development Revolving Loan Program.

**The Kansas House and Senate passed HB 2237 with final votes of 109-12 and 34-3, respectively. Kansas' final budget agreement also received widespread, bipartisan support. Kansas Gov. Laura Kelly signed the budget in April and HB 2237 in May.**

**SOUTH DAKOTA: PROTECT AGRICULTURE SECTOR FROM CYBER ATTACKS**

South Dakota legislators took steps this year to position the state as a national leader in protecting its No. 1 industry, agriculture, from cyber-related attacks.

Under HB 1092, \$1.25 million is being allocated for two of the state's public universities to partner on new research, undergraduate and graduate curricula, and outreach to farmers and ranchers about cyber threats.

Among the goals of this new law: build a workforce pipeline in the state for the cybersecurity industry, a sector that South Dakota has targeted for new investments and economic growth.

Because of a legislative appropriation four years ago, South Dakota State University became the first school in the country to offer a bachelor's degree in precision agriculture. Its partner on this new CyberAg Partnership Initiative is Dakota State University, which has been designated as a "Center of Academic Excellence" by the federal government.

**HB 1092 passed 53-15 in the South Dakota House and unanimously in the Senate; Gov. Kristi Noem signed the bill in March.**





HEALTH & HUMAN SERVICES

Illinois aims to reduce Medicaid ‘churn’ and improve health outcomes by moving to 12 months of continuous coverage for all adults

by Jon Davis (jdavis@cs.org)

Under one of the first federal laws passed in response to the COVID-19 pandemic, states were offered a deal on Medicaid that every single one opted to take.

Allow covered individuals to stay continuously enrolled in the health insurance program through the course of the public health emergency, U.S. lawmakers said, and we’ll boost the federal Medicaid match rate (by 6.2 percentage points).

Coming up on three years, the public health emergency remains in place. But when it ends, potentially as soon as Jan. 11, 2023, so will this big, albeit temporary, change in health policy.

The Center for Children and Families at Georgetown University’s Health Policy Institute estimates the emergency’s end will mean about 80 million people nationwide could have their Medicaid status reviewed as states revert to their pre-pandemic policies on coverage status.

When that happens, the Kaiser Family Foundation says, between 5.3 million and 14.2 million Medicaid recipients could lose coverage due to status changes.

But a handful of U.S. states have taken steps to make 12-month continuous coverage for adults a permanent part of their Medicaid programs.

Illinois is the first, and thus far only, Midwestern state to do so.

ILLINOIS’ WAIVER REQUEST

Signed into law in early April, HB 4343 requires the Illinois Department of Healthcare and Family Services to seek the necessary federal waiver.

If this request is granted, 12 months of continuous eligibility will be extended to all Illinois adults on Medicaid — with or without a national public health emergency in place.

Illinois Rep. Mary Flowers’ work on the issue predates the pandemic and the subsequent temporary changes in federal policy.

She believes that by guaranteeing 12 months of enrollment, the state will ensure a continuum of care for

low-income people, who are less likely to seek care if uninsured.

Without a blanket policy of continuous coverage, an individual can lose his or her Medicaid benefits for many reasons — changes in income or family status, for example, or bureaucratic barriers to renewing one’s status, the Kaiser Family Foundation notes.

Currently in Illinois, Flowers says, 12 months of continuous eligibility only applies to adults in the state’s Medicaid managed-care program (HealthChoice Illinois). The policy does not extend to other Medicaid-enrolled adults.

“It just didn’t make sense to me that every eight months there was a redetermination process [for adults not in the HealthChoice program],” says Flowers, a sponsor of this year’s HB 4343. Nor did it make sense that if a mother lost her coverage for whatever reason, her whole family suffered the loss of coverage, too, she adds.

TEMPORARY GAPS IN CARE

The process of enrollees losing Medicaid coverage due to short-term changes in income and/or other circumstances, and then re-enrolling within a short period of time, is known as “churn.”

Nationally, the churn rate is estimated at 10.3 percent of Medicaid enrollees, says Jennifer Tolbert, director of state health reform and associate director for the Kaiser Family Foundation’s program on Medicaid.

“One of the advantages of continuing enrollment is you eliminate that churn, those temporary gaps in coverage that create administrative problems and hurdles for the people covered,” Tolbert says.

Georgetown’s Health Policy Institute noted in a July 2021 report that continuous eligibility can help Medicaid recipients and programs alike: Mitigate the harmful effects of income volatility for low-income families and essential workers, and reduce administrative costs so that states can “dedicate more of the Medicaid dollar to pay for health care.”

STATE POLICIES ON CHILDREN

States already have the option of providing 12 months of continuous coverage to children. Close to half of the U.S. states do this in their Medicaid and/or their Children’s Health Insurance Programs (CHIP).

That list of states includes seven in the Midwest: Illinois, Indiana, Iowa, Kansas, Michigan, North Dakota and Ohio.

Such a change requires states to amend their Medicaid plans, Tolbert says.

The process is different, and more difficult, for extending this continuous-coverage policy to the general adult population. States must apply for and secure a Section 1115 waiver, so named for the part of federal law that permits some experimentation with Medicaid programming. The waiver requires that any increase in costs be offset with savings elsewhere in a state’s Medicaid program.

Tolbert says just three states provide 12-month continuing enrollment for adults independent of federal pandemic aid (Montana, New York and Utah) — and only to narrowly targeted groups such as single adults below a certain income level or those with serious, disabling mental illnesses.

Illinois will join them if the U.S. Centers for Medicare & Medicaid approves the state’s waiver application (not yet submitted as of late October).

DECISIONS AHEAD FOR STATES

Under the American Rescue Plan Act, states also can provide 12 months of continuing enrollment for postpartum women. In the Midwest, Illinois, Indiana, Kansas, Michigan, Minnesota and Ohio have done so.

Tolbert says the benefits of 12-month continuous coverage for all adults are worth the effort to seek the waiver.

“One thing we do know is having coverage improves access to care,” she says. “People who are uninsured have much higher rates of not getting care. Having continuous enrollment can improve health outcomes.

“We’ve just had a natural experiment with keeping people on continuous coverage for two years where states haven’t been able to disenroll anyone,” she adds.

“I think, given this experience, a number of states are now looking at ways to potentially extend [coverage].”

Once the national public health emergency ends, states will begin reviewing the status of their Medicaid enrollees.

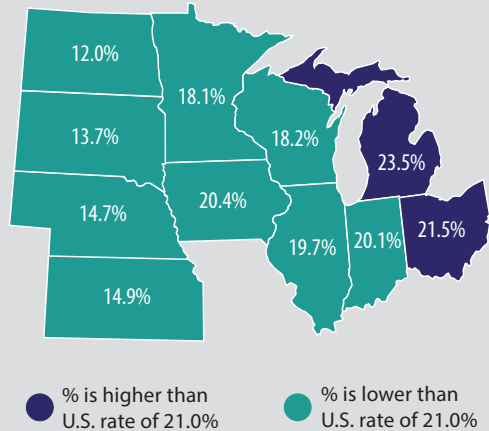
A Kaiser Family Foundation survey found that most states plan to take up to a year to make eligibility determinations. Federal guidance calls on all states to complete their renewal process within 14 months.

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.

MEDICAID ENROLLMENT AND TRENDS AMONG ADULT POPULATION IN MIDWEST (FEBRUARY 2020-JUNE 2022)		
State	# of adults on Medicaid as of June 2022	% increase in enrollment since February 2020
Illinois	3,295,377	28.4%
Indiana	1,827,655	28.6%
Iowa	747,253	21.2%
Kansas	416,231	27.9%
Michigan	2,818,610	26.1%
Minnesota	1,314,663	26.0%
Nebraska	328,389	48.1%
North Dakota	119,493	36.4%
Ohio	3,026,305	25.4%
South Dakota	121,493	27.5%
Wisconsin	1,289,203	30.5%
United States	88,978,791	25.6%

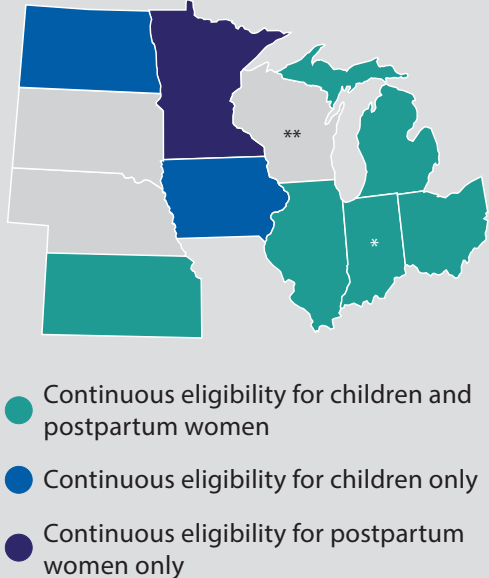
Source: U.S. Centers for Medicare & Medicaid Services

% OF STATE'S TOTAL POPULATION COVERED BY MEDICAID OR CHIP INSURANCE PROGRAMS



Source: Kaiser Family Foundation

STATUS OF STATE POLICIES ENSURING 12 MONTHS OF CONTINUOUS MEDICAID ELIGIBILITY FOR CHILDREN, POSTPARTUM WOMEN (OCTOBER 2022)



\* Indiana provides 12-month continuous coverage only to children under age 3.   
\*\* In Wisconsin, the state is seeking a federal waiver for a limited extension of coverage for postpartum women — to 90 days after pregnancy.

Source: Kaiser Family Foundation





# CRIMINAL JUSTICE & PUBLIC SAFETY

## Expunge? Seal? States re-examining laws that determine fate of conviction records for low-level marijuana possession offenses

by Derek Cantù ([dcantu@cs.org](mailto:dcantu@cs.org))

In early October, President Biden signed an executive order pardoning about 6,500 individuals who were federally convicted of simple marijuana possession between 1992 and 2021. He also urged governors to follow suit by pardoning state-level marijuana possession convictions.

While all Midwestern states allow people to petition for such pardons, they diverge over what to do with possession conviction records.

Illinois' 2019 legislation legalizing recreational marijuana (HB 1438) includes language to automatically expunge most past convictions, while Michigan lets people apply to have their records sealed. Under a 2020 law (HB 4980), Michigan will begin automatically sealing a limited number of certain convictions, but only after seven years.

Legislators and policymakers in other states remain uncertain, or unconvinced. In North Dakota, for example, the debate over how best to address low-level possession and related criminal records has evolved over the past four years.

A failed 2018 ballot initiative sought to not only legalize recreational cannabis, but also automatically expunge all nonviolent marijuana convictions within 30 days of passage (excluding sale-to-minor convictions).

Rep. Shannon Roers Jones, co-chair of the Midwestern Legislative Conference's Criminal Justice & Public Safety Committee, says although she spoke out against the measure at the time, she found common ground with advocates regarding decriminalization and clemency.

In the 2019 legislative session, she sponsored two bills on that front.

The first, HB 1155, would have made possession of drug paraphernalia and up to an ounce of marijuana a *noncriminal*, fineable offense instead of a misdemeanor.

"My thought process is more on weighing the harm to the person of consuming marijuana versus the harm to that person of having a criminal record that impacts [his or her] ability to hold a job, to find housing, to join the military," Roers Jones says.

HB 1155 didn't advance, but parts of it became HB 1050, which was signed into law that year, making possession of less than half an ounce of marijuana a *criminal* infraction. Subsequent infractions within a year elevate the penalty to a misdemeanor.

Another of her bills (HB 1256) created a way for people to petition to seal records of nonviolent, non-sex-offense convictions if they have been in good standing for three years.

Courts were also given the ability to grant "certificates of rehabilitation" to which people can refer for criminal background checks.



North Dakota Rep.  
Shannon Roers Jones

"I think that's maybe even more valuable than just having the record sealed, because we all know that if you do a Google search for somebody's name, that information is still going to be

out there," she says.

In 2021, legislators passed HB 1196, allowing multiple eligible convictions to be sealed at once rather than just the most recent one.

### EXPUNGEMENT VS. SEALING

Requiring offenders to apply to seal a marijuana record is common in multiple states. Some advocates say a better process would include automatic and full expungement — the actual destruction of physical records instead of sealing them from public view.

"When they are sealed or set aside, there are certain circumstances under



Michigan Rep.  
Graham Filler

which those records are still available for review by either law enforcement or the court system, and in some cases third-party background check companies," says Morgan

Fox, political director for the National Organization for the Reform of Marijuana Laws.

Roers Jones says erasing all traces of a criminal offense is nearly impossible in a digital age, while full expungement could complicate high-level background checks such as for federal employment. Instituting an automatic expungement process would put undue burdens and costs on state court systems, she adds.

"If the burden for sealing those records goes back to the court and they miss something, does that create a liability to someone whose record they haven't sealed?"

Michigan Rep. Graham Filler agrees.

In 2020, he led the passage of a package of bipartisan expungement-reform bills, one of which, HB 4982, allows individuals convicted of a marijuana misdemeanor offense to petition to have their conviction sealed.

(Prior to legalization, possession of any amount of marijuana was a misdemeanor.)

After law enforcement input, legislators included a 60-day window for prosecutors to rebut the sealing of a person's record.

"Law enforcement said, 'Look, there are a couple of cases where an individual was clearly a high-level drug dealer. ... For whatever reason, they pled down to use and possession for marijuana,'" Filler says. "That's really bad in a community when that individual is now going to automatically be able to wipe that away."

Illinois' law requires that all relevant records for previous possession arrests for up to 1.06 ounces (the current legal limit) be expunged by January 2025. For previous convictions of nonviolent possession charges, State Police had until mid-2020 to identify and share records with the Prisoner Review Board to evaluate for possible pardons. The board, before submitting its recommendations to the governor, informs county state's attorneys and gives them 60 days to object. The attorney general then petitions courts to expunge the criminal records of those granted a pardon.

People convicted of possessing more than 1.06 ounces but less than 17.64 ounces can petition the courts to have their records expunged (with input from state county attorneys). Illinois Gov. JB Pritzker said in October that nearly 800,000 convictions had either been pardoned or expunged.

### A FEDERAL ISSUE

Some Midwestern governors reject President Biden's suggestion.

Nebraska Gov. Pete Ricketts and Attorney General Doug Petersen released a joint statement calling the policy "ill-advised."

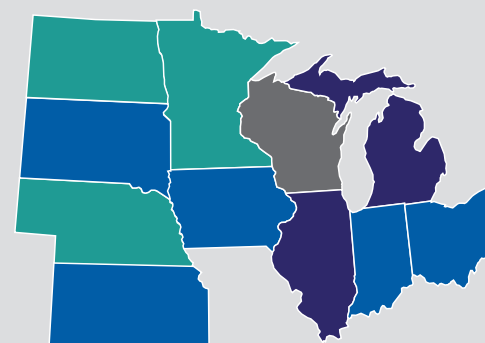
In his statement, Indiana Gov. Eric Holcomb said Biden should work to change federal law, "especially if he is requesting governors to overturn the work local prosecutors have done by simply enforcing the law."

"Until these federal law changes occur, I can't in good conscience consider issuing blanket pardons for all such offenders," Holcomb said.

Fox says Biden's action is a step in the right direction, but that Congress should extend federal pardons farther back than 1992, make people eligible for pardons regardless of immigration status, and completely de-list cannabis from the Controlled Substances Act. He also referenced federal legislation (HR 6129) that would award grants to states to help reduce the financial burden of expunging cannabis-related convictions.

Illinois Sen. Robert Peters and North Dakota Rep. Shannon Roers Jones 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's staff liaison to the committee.

### LAWS IN MIDWEST ON LOW-LEVEL MARIJUANA POSSESSION (2022)



- Legal (Illinois, up to 1.06 ounces; Michigan, up to 2.5 ounces or 10 ounces at home)
- Criminal offense (infraction or misdemeanor), but offense does not carry any threat of jail time (only first offense in Nebraska)
- Misdemeanor (for any amount on possession charge in Indiana, Kansas and Iowa; up to 7.05 ounces in Ohio and 2 ounces in South Dakota)
- Misdemeanor for first offense, felony for subsequent offenses

Source: National Organization for the Reform of Marijuana Laws

### OPTIONS IN MIDWESTERN STATES FOR DISPOSING OF LOW-LEVEL MARIJUANA POSSESSION CONVICTIONS

State	Pardon process?	Records sealed/expunged?*
Illinois	Yes	Automatically expunged
Indiana	Yes	Petition to seal
Iowa	Yes	Automatically sealed after 8 years
Kansas	Yes	Petition to seal
Michigan	Yes	Petition to seal, automatically sealed after 7 years
Minnesota	Yes	Petition to seal
Nebraska	Yes	Petition to seal
North Dakota	Yes	Petition to seal
Ohio	Yes	Petition to seal
South Dakota	Yes	N/A
Wisconsin	Yes (felony convictions)	Petition to seal; automatically sealed for younger people (offense committed under 25 years of age)

\* Expungement erases a criminal conviction from a person's criminal record. A sealed record is retained and can remain available to law enforcement. A pardon is an act of grace from a governing power that mitigates punishment and restores rights and privileges forfeited on account of the offense.

Sources: National Organization for the Reform of Marijuana Laws, Collateral Consequences Resource Center and CSG Midwest research





AGRICULTURE & NATURAL RESOURCES

From the ground up: New laws, investments reflect interest in building local food systems and helping home-based vendors

by Carolyn Orr (carolyn@strawridgefarm.us)

Since 1891, Eastern Market has served as a hub for Michigan farmers in the heart of the state’s largest city.

Its value only grew when the COVID-19 pandemic hit.

“Families from all over Michigan drove to the market to access local food,” says Brandon Seng, the director of food business development at Eastern Market.

But this big increase in demand also showed the market “couldn’t keep running on 100-year-old technology and facilities,” Seng adds.

To adequately store food, accommodate vendors and serve customers, the nation’s largest historic public market district (owned by Detroit, run by a nonprofit) is in need of an upgrade.

And as one example of how states in the Midwest are trying to bolster their local food systems, Michigan legislators allocated \$12 million in the most recent budget for capital improvements at Eastern Market.

“While the funding may be going to an urban Detroit location, the return on investment is going to be realized at rural family farms across Michigan and by having a safer and more secure food supply for everyone,” Michigan Sen. Roger Victory says.

In all, Michigan’s FY 2023 budget includes \$50 million in one-time funding for grants that support the state’s food supply chain, as well as food safety and security. Additionally, since 2017, lawmakers have provided more than \$7 million in grants to expand local food processing and distribution.

‘TAKE LESSONS FROM BROKEN SUPPLY CHAINS’

This emphasis on “local” is partly a response to disruptions during the pandemic to food production, distribution and inventory levels.

“We need to take the lessons learned from broken supply chains and focus on keeping our local communities fed and our local farmers growing,” Victory says.

Hence the new state support in Michigan for the 315-acre Eastern Market, a place that hosts 175

different vendors and attracts 2 million visitors a year.

“While most people see it as a farmers’ market, that is only one aspect of it,” Seng says. “It is a wholesale market, a food hub, and an aggregation and distribution facility.

“Michigan farmers from as far as 200 miles away bring everything from asparagus to peppers to the market, and independent grocers can buy the products for retail sales.”

Across the United States, more than 2,000 farmers markets are

in operation, and those that could stay open during the pandemic became lifelines of sorts — for producers who lost commercial contracts due to breakdowns in the global supply chain, and for consumers who couldn’t find what they needed or wanted on grocery shelves.

One example of their increased importance: A survey by the Farmers Market Coalition showed an almost 40 percent increase in sales from farmers markets for the Supplemental Nutrition Assistance Program (SNAP) between 2019 and 2020.

States currently support farmers markets in a variety of ways, including grants to help with promotion and awareness or to modernize operations (including installing equipment to accept payments for SNAP benefits). They also play a central role in overseeing farmers markets, with regulatory structures that are long-standing and often fairly consistent across the Midwest.

In contrast, laws have varied widely on how to handle another part of local food systems: home-based businesses.

MORE OPTIONS ON HOW HOME-BASED FOOD IS SOLD

What foods can people sell from their homes? Where can they sell these products?

Legislators have been taking a close look at those questions, and since the onset of the pandemic in 2020, five Midwestern states (Illinois, Indiana, Iowa, Minnesota and South Dakota) have changed their laws to open up new sales options.

One of those new measures is Indiana’s HB 1149.

“[It] creates new opportunities for home-based vendors, not by

changing what they can sell, but by changing where they can sell,” says Rep. Ed Clere, a co-author of the bill.

Clere, who previously helped manage a farmers market in his hometown, says the new law allows for online sales. “They can keep selling at farmers markets and then turn those customers into repeat buyers [via online transactions],” Clere says.

Unchanged in Indiana’s new law, he adds, are the types of foods that can be sold by these home-based businesses — only items that aren’t potentially hazardous and don’t need refrigeration to remain safe for consumption.

Sanitary procedures must be followed by these vendors, who also are required to complete food-handling training, Clere says.

In neighboring Illinois, the state’s Home to Market Act (SB 2007 of 2021) opens up new direct-sales opportunities for cottage food producers — for example, selling to customers online or at fairs and festivals. The same law also removed a \$1,000-a-month cap on sales while allowing for home-based pickups, shipping and delivery.

New laws in Iowa and South Dakota, meanwhile, address the other question: What can people sell from their homes? In both states, legislators chose to loosen restrictions.

• Cottage food producers in Iowa now can sell pickled and fermented foods, as well as certain meat products (HF 2431).

• In South Dakota, if an individual completes state-approved food safety training once every five years, he or she can sell all shelf-stable foods, and even

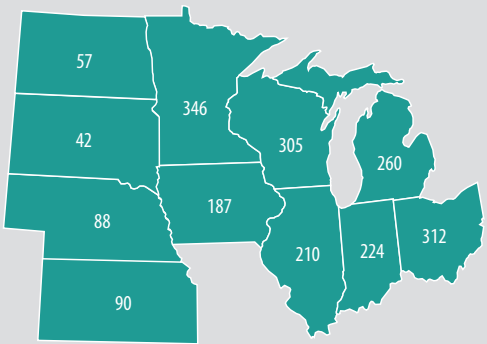
some fermented foods or items requiring refrigeration (HB 1322).

Two years ago, South Dakota legislators eliminated a \$5,000 annual sales cap on cottage food producers while also allowing them to sell their food from home (HB 1125).

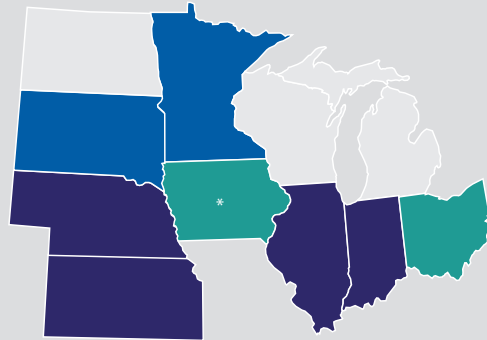
Minnesota lawmakers also recently changed the statutory limit on annual sales, from \$18,000 to \$78,000. Another provision in that 2021 law (SF 958) permits home-based food businesses to be structured as limited liability corporations. With an LLC, business owners are able to protect personal assets in the event of a lawsuit against them.

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’s staff liaison to the committee.

ESTIMATED # OF FARMERS MARKETS IN MIDWEST (BASED ON CSG MIDWEST RESEARCH AND OUTREACH TO RELEVANT STATE AGENCIES)



RULES ON WHERE AND HOW HOME-BASED FOOD VENDORS CAN SELL THEIR PRODUCTS (AS ALTERNATIVE TO IN-PERSON SALES AT FARMERS MARKETS OR OTHER VENUES)



Home-based vendors can ship products by mail, as well as sell them online and in grocery stores or restaurants

Home-based vendors can ship products by mail and sell them online; they can’t sell in grocery stores or restaurants

Home-based vendors can sell products online, but delivery must be in person; they can’t sell in grocery stores or restaurants

\* These rules in Iowa apply to home-based food operations that have a state-issued home food processing license. Rules are more restrictive for cottage food producers without this license.

Sources: CSG Midwest research

CAP ON ANNUAL SALES BY HOME-BASED FOOD VENDORS	
State	Yearly limit
Illinois	No cap
Indiana	No cap
Iowa	No cap for cottage food; \$50,000 for home food processing establishment
Kansas	No cap
Michigan	\$25,000
Minnesota	\$78,000
Nebraska	No cap
North Dakota	No cap
Ohio	No cap
South Dakota	No cap
Wisconsin	No cap for home baking; \$5,000 for home canning

Sources: CSG Midwest Research and the Institute for Justice



Vendors and customers connect at the Eastern Market in Detroit, the largest historic public market district in the United States.

# EDUCATION

In Indiana, \$1,000 'micro grants' are now available for eligible families to get tutoring for their children

by Tim Anderson ([tanderson@csg.org](mailto:tanderson@csg.org))

Across Indiana, some families of academically struggling fourth- and fifth-graders are getting first-of-its-kind support from the state: up to \$1,000 to spend on intensive tutoring or other interventions.

Enrollment in Indiana Learns began in October, six months after the General Assembly's passage of HB 1251.

"We look at this as really a micro grant for parents," says Indiana Rep. Bob Behning, the bill's sponsor. "We wanted to make sure they were the ones who would be the decision-makers on how to use this money."

He and other legislators set out general parameters for the tutoring program, and left many details to the Indiana Department of Education.

As far as eligibility, the department chose to make micro grants available to any fourth- or fifth-grader from a low-income family who is not proficient in both math and reading (as determined by scores on Indiana's standardized assessment).

Tutoring supports can be delivered through any number of entities — for example, individual current, retired

or prospective teachers, colleges and philanthropic organizations, or local schools themselves.

"Families get to select the learning provider, the time/frequency of support, and the format of enrichment support, which can be in person, virtual or follow a hybrid model," notes Holly Lawson, the department's deputy director of communications.

Providers, though, are required to meet several guidelines. At least 60 minutes of services must be provided every week, and be delivered outside of school hours by a credentialed educator.

The number of students per tutor cannot exceed three, and the per-student cost cannot be more than \$100 an hour. Lastly, any state-reimbursed program must measure learning growth and provide weekly progress reports to parents and schools.

Behning says the new program reflects two longstanding goals of education policy in his state: empower parents and "individualize learning for kids."

But it also is the result of a unique period, one marked by concerns about learning loss during the COVID-19 pandemic and the availability of new

federal support for state K-12 education.

Indiana Learns is being financed by a portion of state dollars from the federal Elementary and Secondary School Emergency Relief Fund. Grants from this fund must be used within the next two years. However, Behning says if the program proves popular and successful, own-state funding is possible in subsequent years.

Each participating student will receive a one-time grant of \$500. A local school can contribute an additional \$250 to the student's account (using a portion of the school's federal relief funds); if that happens, the state chips in another \$250.

## LEARNING LOSS, FALLING SCORES

According to the Indiana Department of Education, pandemic-related learning disruptions had a moderate to significant academic impact on student performance in English/language arts and a significant impact in math.

Learning has since stabilized and recovered for many, but not all, students, the department says.

Nationwide, between 2019 and 2022, math and reading scores among fourth- and eighth-graders declined in most states, according to results from the National Assessment of Educational Progress (see graphic for results from the Midwest). At both grade levels, declines



Indiana Rep.  
Bob Behning

## TRENDS ON NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS IN 11-STATE MIDWEST: AVERAGE TEST SCORES IN 2022 VS. 2019

- ✓ **4th-grade math:** Scores stayed statistically the same in Illinois, Iowa, Nebraska and Wisconsin and fell in the seven other Midwestern states
- ✓ **8th-grade math:** Scores fell in all 11 Midwestern states
- ✓ **4th-grade reading:** Scores stayed statistically the same in Illinois, Iowa and Wisconsin and fell in the eight other Midwestern states
- ✓ **8th-grade math:** Scores stayed statistically the same in Illinois, Iowa and Wisconsin and fell in the eight other Midwestern states

in the national average math score were the largest ever recorded.

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

# CAPITAL CLOSEUP

## THIS FALL, MORE THAN 40% OF STATE LEGISLATIVE RACES HAD NO PARTY COMPETITION

by Tim Anderson ([tanderson@csg.org](mailto:tanderson@csg.org))

Even before a single ballot was cast, the outcome of party control in five of the Midwest's 20 partisan legislative chambers already had been decided.

The reason: many legislative races went uncontested by one of the two major political parties.

Nationwide, more than 40 percent of the 6,278 state legislative seats lacked two-party competition, and the "no contest" rate was even higher in Illinois, Indiana, Iowa, Kansas, Nebraska, North Dakota and South Dakota, according to Ballotpedia researchers.

Republicans were assured majorities in the South Dakota, Indiana and Ohio senates, as well as super-majority control of the entire North Dakota Legislative Assembly. Outside the Midwest, the absence of opposing-party candidates ensured Democrats control of the California Senate and entire Massachusetts Legislature.

"When you look across the country, you can say that about one-third of the legislators win just by signing up," says Steven Rogers, an associate professor of political science at St. Louis University, noting the lack of both primary- and general-election challenges. "That's

troublesome when we think of this idea that the purpose of an election is to create incentives for those in office to serve their constituents."

Past research has found an adverse impact on at least some measures of job performance, says Rogers, who studies uncontested elections and is writing a book about accountability in state legislatures. Compared to their legislative peers, retiring or unchallenged legislators are more likely to miss

roll-call votes, sponsor fewer bills and get fewer measures enacted.

## PARTY CONTROL NOT IN DOUBT

Fifty years ago, it was much more common for state legislative seats to be contested — around 80 percent of them, on par with how many U.S. House races had two-party competition at the time.

But between 1970 and 1990, a marked decline occurred in the number of contested state legislative races. The rate has not gone up since then. In contrast, the number of contested U.S. House races has remained steady or even risen over the past half century.

Rogers points to a rise in safe districts (one party having a major electoral advantage) as a primary reason for many

legislative seats going uncontested.

In addition, partisan control of many legislative chambers is not in doubt. Entering this year's election, nearly all of the Midwest's chambers were deemed "safe" or "likely safe" for one of the two parties.

The two exceptions were Michigan and Minnesota. In turn, those states had the region's highest rate of contested elections: 98.6 percent of the legislative races in Michigan and 87.1 percent in Minnesota (see map).

## MORE OPEN SEATS IN 2022

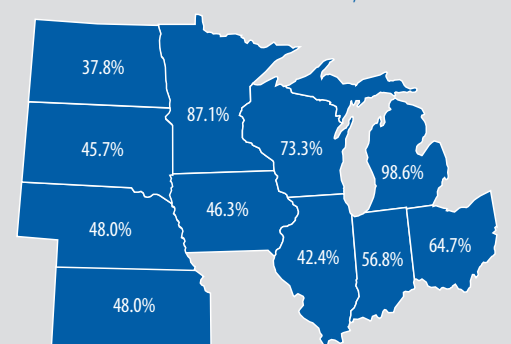
Along with the partisan lopsidedness of districts, Rogers says other factors may dissuade would-be legislative candidates. Running a campaign takes considerable time and money, and once in office, the job of legislator requires many hours and days away from family, long commutes and a forgoing of other career opportunities.

Some of those same considerations also cause legislators not to seek re-election.

In the Midwest this year, the number of legislative retirements was much higher than usual in some states — the highest in 50 years or more in Minnesota and Wisconsin. Term limits in Michigan, Nebraska, Ohio and South Dakota also have forced many legislators to leave office.

This year's number of open state legislative seats in the Midwest (no

## % OF ELECTIONS FOR STATE LEGISLATIVE SEATS IN WHICH BOTH MAJOR POLITICAL PARTIES HAD CANDIDATES ON BALLOT, 2022



Source: Ballotpedia

incumbent running) ranged from a low of 12.4 percent in Illinois to a high of 54.2 percent in Nebraska.

Because of a nationwide increase in open seats, as well as a higher number of incumbents facing primary challengers, Ballotpedia rated this year's election cycle for U.S. state legislative races as the "most competitive" since 2010. However, compared to the last two cycles, there was less competition in the 2022 general election among the two parties.

Capital Closeup is an ongoing series of articles focusing on institutional issues in state governments and legislatures. Past articles can be found at [csgmidwest.org](https://csgmidwest.org).





# PROFILE: INDIANA SENATE ASSISTANT PRESIDENT PRO TEM SUE GLICK

Legislating through listening: Longtime lawmaker learned that approach as a young campaign worker, and has tried to apply it ever since joining the General Assembly

by Derek Cantù ([dcantu@csg.org](mailto:dcantu@csg.org))

To this day, Sue Glick uses a lesson in public service that she first learned in 1972, decades before she would become a legislator herself.

She was a young campaign worker at the time, helping a physician-turned-politician named Otis Bowen become governor in her home state of Indiana.

To help patients, “Doc” Bowen would tell her, a doctor must focus on seeing and listening to them describe the symptoms. He said the same should be expected of lawmakers serving their constituents, communities and state.

“Or you’re not going to know how to help them,” Glick says about the lesson imparted by Bowen.

Much has changed since that first introduction to politics 50 years ago, when part of Glick’s campaign responsibilities was operating an old PBX switchboard.

In the General Assembly at that time, the number of women state legislators hovered around 10; it’s now 35.

And a young Glick herself had to navigate a world of law and politics not always hospitable to women. During the early years of her law practice — an experience that included serving as local prosecuting attorney — Glick was the only female lawyer in her home county.

“You either fit in or you’re out there on the periphery,” she says. “There were a few old guys when I started that saw me as an interloper when I was practicing law.

“That wasn’t the same in the legislature. But they were a little bit worried about someone being an aggressive woman who was going to advance only women’s issues.”

Glick was first elected to the General Assembly in 2010; 12 years later, she’s risen to become the third-highest-ranking member in the Senate (assistant president pro tempore).

For all the changes she has been through and seen, the old lesson of “see and listen first” remains central to Glick’s legislative style and philosophy.

She shared her views and perspective in a recent interview with CSG Midwest. Here are excerpts.

**Q** How do you view your leadership role as assistant president pro tempore, both inside and outside the Senate Republican Caucus?

**A** My role is kind of a peacemaker, which I try to be. Sometimes it’s a peacemaker within our caucus because Indiana has a very large Republican majority. ...



## BIO-SKETCH: INDIANA SEN. SUE GLICK

- ✓ is assistant president pro tempore of the Indiana Senate; first elected to the General Assembly in 2010
- ✓ serves on several legislative committees, including as chair of the Indiana Senate Natural Resources Committee
- ✓ previously worked as the prosecuting attorney for LaGrange County, Ind., and as counsel for multiple local governments
- ✓ is a 2011 graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership Development (BILLD)

“It always furthers the purposes [of the legislature] if we can build bipartisan support, even though if you’re counting noses, maybe it isn’t necessary to get a bill passed.”

The prior pro tem, David Long, urged us to always seek out a member of the minority party on our bills — to see if we could get consensus and have that member join in. It always furthers the purposes of the Senate, and of the legislature, if we can build bipartisan support, even though if you’re counting noses, maybe it isn’t necessary to get a bill passed.

But it really is. Listen to what they have to say, because there’s a lot of issues that they have that we might not consider or might not be as prevalent in our caucuses. My job is basically to try and involve as many people in that decision-making as possible.

**Q** You’ve talked about the value of listening and considering all sides. How does that play itself out on an issue as contentious as abortion, and in the special session you had this year that led to one of the first new laws after the *Dobbs* decision?

**A** We had 62 amendments offered on the floor and second reading. We had a number that were even offered in Rules Committee when we heard the bill originally. We had over 60 people testify during the Rules Committee process, and I sat through an equal number over in the House side because I wanted to make sure that we heard as many people as possible because I was the author of the bill.

Definitely, the Republican Party was not unified on the decisions or the positions on this bill: How far were members willing to go for exceptions, if any, [on the abortion ban]? What might

those exceptions be? How far should those exceptions go?

We had to listen very acutely to what people were saying. If we were going to say, “Here’s the rules and we’re not going to go any further,” then what services are you going to provide? Certainly, if you’re going to limit the number of abortions, then you need to talk about contraception, and how to prevent unwanted pregnancies.

**Q** In the same year you were involved with this very high-profile, contentious abortion bill, you helped lead an under-the-radar, bipartisan effort to ban, in most cases, the restraining of incarcerated pregnant offenders. Can you talk about how this kind of bipartisan reform came to be?

**A** I was downtown after session, talking with a group of legislators — men and women, but predominantly women — and we were talking with Representative Rita Fleming.

She’s a member of the Democratic Party, so she is in the minority. She had offered this bill for several years and a couple of sessions. ... We had never heard it in the Senate because she could never get it through the House.

But when I heard about it, I said, “Well that’s just common sense, that’s core humanity. You’re giving birth to a child. ... You are not going to get up and flee if you’re in the throes of childbirth.” To have someone strapped down or chained down in restraints, there’s enough stress on the body, there’s enough stress on the mental health of that individual and certainly stress on the baby itself. That was just incredibly inhumane. ...

I said to Representative Fleming, “If we started this on the Senate side and got it through, do you think that you could, with other female legislators and other legislators, get it through the House?” And that’s how it came to be. ... Once we passed it with an overwhelming majority in the Senate, it was much easier for them to hear and pass it in the House.

**Q** The two of you recently shared this experience as panelists at BILLD, the annual legislative leadership program of CSG Midwest. You are a BILLD graduate yourself. What have been the benefits for you from participating in interstate programs and events like this?

**A** As a legislator, rather than trying to reinvent the wheel, it is so much easier if you find out, “Oh my gosh, Ohio’s been working on this for 10 years, Nebraska did this 15 years ago. Why are we struggling with this?”

Or, God forbid, somebody else tried it and it went over like a lead balloon. OK, then, why do we want to get involved in that if it’s an impossible task and it probably isn’t going to fly anyway?

You have that kind of valuable interaction. And you gain the ability to pick up the phone and call another legislator from another state and say, “You may not remember me, but we went to BILLD together.” Or, “I got your name from ‘Joe Doakes’ that I went to BILLD with, and they said that I should call you about this issue that you worked on.”

Almost every legislator I’ve ever known wants to talk about their bills and their successes. Or if it was an abysmal failure, they’ll say, “Oh God, don’t try that.”



# FIRST PERSON: OUR STUDENTS DESERVE MORE PRIVACY PROTECTIONS; STATES CAN LEAD THE WAY

A new Minnesota law adds safeguards in contracts between districts and technology vendors, limits surveillance of students on school-issued devices



by Minnesota Rep. Sandra Feist  
([rep.sandra.feist@house.mn](mailto:rep.sandra.feist@house.mn))

Minnesota's newly passed Student Data Privacy Act was seven years in the making, designed before technology became ubiquitous in classrooms and surveillance software began tracking every keystroke students make on school-issued devices.

The bill was also written long before my own kids began to relentlessly pressure me to buy a paid subscription to in-class tools that increase screen time but not math skills.

By the time I was elected in 2020 and entered the Minnesota House of Representatives, though, these issues and experiences were top of mind as I eyed the legislative landscape to determine where I could make a difference.

I zeroed in on student data privacy because a) it matters, b) the pandemic heightened the urgency around the issue, and c) a bill could pass through a divided legislature in my home state as a rare area of bipartisan consensus.

The Student Data Privacy Act (HF 2353) was the second bill I introduced as a new representative. It would take until the very last days of this legislative term for it to pass and become law.

## A MULTIPRONGED PLAN TO PROTECT STUDENT PRIVACY

To paraphrase a decades-old, landmark decision of the U.S. Supreme Court involving the First Amendment, constitutional rights do not “stop at the schoolhouse gate.” The objective of our new law is to protect young people's right to privacy.

Furthermore, the goal is to address

I zeroed in on student data privacy because it matters, the pandemic heightened the urgency around this issue, and a bill could pass through a divided legislature.

what a growing body of data is showing us about the discriminatory and harmful impacts of school surveillance — in areas such as school discipline, the mental health of students, and LGBTQ rights.

Our new Student Data Privacy Act does the following:

- First, contracts between schools and external technology providers must include safeguards on how student data is accessed. Additionally, the data must be destroyed upon the conclusion of these contracts, and any data breaches must be disclosed by the technology provider.
- Second, schools must affirmatively provide parents with information about any contracts that give third-party vendors access to student data. Additionally, parents will be given direction on how to voice concerns and ask questions.
- Third, new limits have been placed on schools' surveillance of student activities via school-issued devices. Notably, the law incorporates numerous exceptions, including when surveillance is necessary to respond to an imminent threat to life or safety.
- Lastly, external technology providers are barred from using student data for a commercial purpose, including, but not limited to, marketing or advertising to a student or parent.

## SEVEN YEARS OF FIGHTING STATUS QUO AND BUILDING COALITIONS

The path to passage was challenging.

The bill was originally brought forward almost seven years ago by the American Civil Liberties Union of Minnesota. In ensuing years, the bill was chiefly authored by Republican legislators.

The original version placed significant restrictions and burdens on the technology companies.

These companies negotiated amendments and occasionally tried to replace the entire language of the bill with an industry-approved version that would have protected student data in name only.

In addition to technology companies, schools weighed in with input on how the measure would impact their use of technology and create new obligations.

Parent groups periodically offered

support for the bill, but it remained in the legislative shadows for many terms, evolving over time to address continuing input by stakeholders.

At one point, the bill made it to the House floor but was amended off at the last minute in dramatic fashion.

I took on the role of chief author with agreement by the former Republican chief author. I was the first Democratic chief author of the bill since its inception, and introduced it in March 2021.

I worked closely with Republicans and my fellow members of the Democratic-Farmer-Labor (DFL) party in both the Minnesota House and Senate to gain interest and support.

This was a below-the-radar process involving countless conversations and meetings to make clear the high stakes and meaningful nature of this “wonky” data privacy bill.

Ultimately, the Student Data Privacy Act passed and became law in late May. It was the only enacted measure from our 2022 legislative session with a direct impact on K-12 students.

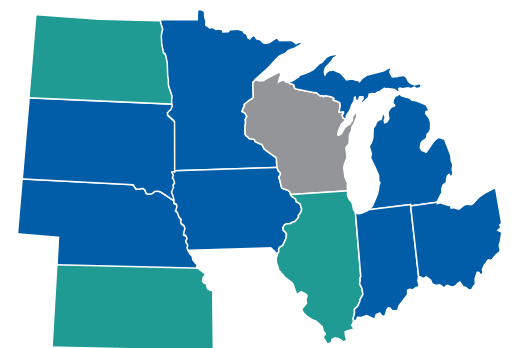
Our legislative success was due to a combination of bipartisan teamwork, community advocacy and thoughtful coalition-building. I was willing to deeply invest my political capital in the bill's passage, and that paid off.

## AMONG THE LESSONS LEARNED: A ‘TRUE CHAMPION’ IS NEEDED

Based on my experience, here are some key takeaways for legislators in other states who may be looking to pass similar legislation:

- 1) There will be opponents, including individuals who may be allies and collaborators on other issues and bills. You need to stand firmly by your principles and goals. Get comfortable with the discomfort of this tension.
- 2) Finding the right institutional allies is critical. Build coalitions with stakeholders who have a powerful voice in your legislature.
- 3) Bipartisan collaboration is possible and necessary on the issue of student data privacy, and it has benefits that go beyond any specific bill. More opportunities for cross-party communication and productive negotiations are opened up.

## STUDENT DATA PRIVACY LAWS IN MIDWESTERN STATES



- Law in place covering K-12 students
- Law in place covering K-12 and higher education students
- No laws found

Source: Student Privacy Compass

4) The chief author or sponsor needs to be a true champion who will “hustle” the bill. This kind of measure will not pass without that level of intensity because there is too much institutional inertia to keep the status quo.

As a legislator and as a mother, I am incredibly proud of Minnesota's new Student Data Privacy Act.

Based upon the communications I've had with my own children's school district, as well as with other districts and school technology professionals, I have already seen the meaningful step forward that this bill represents for our children's privacy and equity in educational access.

There are definitely further steps that we can take, and I look forward to seeing how other states tackle this issue.

My hope is that the states will be the incubator for myriad approaches and that Congress will then pass the gold standard for student data privacy — hopefully in the not-too-distant future.

Rep. Sandra Feist was elected to the House in 2020. She serves on the Education Finance and Policy committees, as well as two others: Judiciary Finance and Civil Law, and Public Safety and Criminal Justice Reform Finance and Policy.

## 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](mailto:tanderson@csg.org).





WITH HELP FROM CSG JUSTICE CENTER, IOWA HAS NEW IDEAS TO IMPROVE COMMUNITY-BASED SUPERVISION

Did changes in Iowa’s corrections policies and practices in response to the COVID-19 pandemic have a positive, negative or neutral effect on public safety?

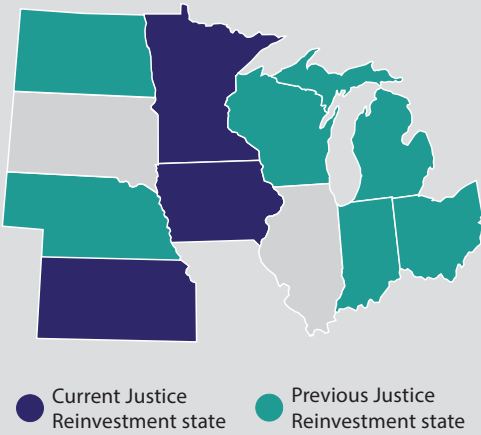
In February, the state engaged the CSG Justice Center’s Justice Reinvestment Initiative to conduct a data-driven analysis, as well as lay the groundwork for potential future improvements.

This fall, the Iowa Oversight Committee on Justice Reinvestment met to review the results, while also hearing data-driven policy recommendations that aim to enhance public safety and the success rates of people served through the state’s community-based corrections system.

Some of the recommendations identify administrative-level changes; others require legislative action. They are available at [csgjusticecenter.org](https://csgjusticecenter.org).

This recent work in Iowa is part of the Justice Reinvestment Initiative — a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism. Through the initiative, the CSG Justice Center has partnered with and provided technical assistance to more than 30 U.S. states.

MIDWEST STATES THAT HAVE PARTNERED WITH CSG JUSTICE CENTER ON JUSTICE REINVESTMENT INITIATIVE



TWO MIDWESTERN LEGISLATORS AMONG CSG’S ‘20 UNDER 40’ AWARD WINNERS

Ohio Rep. Susan Manchester and South Dakota Sen. Michael Rohl are among the recipients of this year’s 20 Under 40 Leadership Award.

Established two years ago by The Council of State Governments, the program recognizes younger public servants in all three branches of state government who have exemplified strong leadership skills and demonstrated a commitment to serving the citizens of their state.

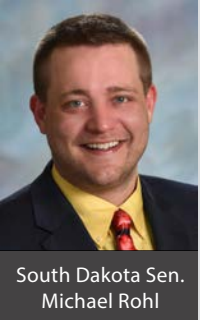
Manchester, Rohl and this year’s 18 other recipients are being recognized at the CSG National Conference.

Rep. Manchester also is a graduate of this year’s Bowhay Institute for Legislative Leadership Development, the highly regarded training program for legislators run by CSG Midwest. Serving her second term in the Ohio House, Manchester previously worked at a nonprofit organization focused on mentoring young people.

Sen. Rohl is in his first term in the South Dakota Senate, where he has emerged as a leader in areas such as water policy and criminal justice.



Ohio Rep. Susan Manchester



South Dakota Sen. Michael Rohl

GREAT LAKES CAUCUS HAS NEW DIRECTOR

CSG Midwest is pleased to welcome Jessica Lienhardt as its new Great Lakes program director.

In this role, Jessica will guide the many activities and services provided to state and provincial legislators through the nonpartisan, binational Great Lakes-St. Lawrence Legislative Caucus.

A native and resident of Michigan, Jessica most recently worked for four years as public affairs officer for the Consulate General of Canada in Detroit.

Jessica will lead CSG Midwest’s support of the GLLC and its work: in-person and virtual events, advocacy on federal policy, a legislative tracker, in-depth training for legislators on select Great Lakes issues, and more.

Counting legislators from all of the eight U.S. states and two Canadian provinces in the Great Lakes region as members, the GLLC builds its work around five priority areas: stopping the spread of invasive species, supporting coastal communities,



protecting drinking water, preventing nutrient pollution, and removing toxic substances from the Great Lakes.

The GLLC has an Executive Committee of legislators and two officers. The current officers are Illinois Rep. Robyn Gabel, chair, and Minnesota Rep. Jennifer Schultz, vice chair.

The GLLC regularly rotates its officer team, and starting in 2023, Wisconsin Sen. André Jacque will be the chair and Illinois Sen. Laura Fine the vice chair.

GLLC membership is free and open to all state and provincial legislators in the Great Lakes basin.



Jessica Lienhardt

THROUGH CSG COMMITTEE, STATES WORK TOGETHER TO ENSURE SAFE SHIPMENTS OF RADIOACTIVE WASTE

An interbranch, regional group of state leaders that helps ensure the safe shipment of radioactive materials met in October in South Dakota.

The Midwestern Radioactive Materials Transportation Committee includes participation from 12 states and works closely with the U.S. Department of Energy. CSG Midwest provides staff support to the group.

The committee meets semi-annually to receive updates from the DOE and share information among member states. During this fall’s two-day meeting, the committee learned about:

- the DOE’s conceptual designs for interim facilities to store spent fuel from U.S. nuclear power plants;
- an investigation by Illinois and the Federal Railroad Administration into non-compliant rail shipments of low-level radioactive waste from Chicago;

- a new project identifying and characterizing Midwestern communities’ characteristics, preparedness and vulnerabilities as they relate to future shipments of spent nuclear fuel;
- the cleanup of a former uranium mill in western South Dakota; and

- an assessment of potential radiation exposure for the Prairie Island Indian Community in Minnesota — if spent nuclear fuel from a nearby power plant were to begin being shipped.

Every Midwestern state is represented on the committee by a gubernatorial appointee from a relevant agency.

Legislators serve on the committee as well; they are appointed by the chair of CSG’s Midwestern Legislative Conference. Current legislative committee members are Minnesota Rep. Pat Garofalo, Kansas Rep. Mark Schreiber,

Nebraska Sen. Suzanne Geist, Minnesota Sen. Mike Goggin, and North Dakota Rep. Dan Ruby and Sen. Dale Patten.



The co-chairs of CSG’s Midwestern Radioactive Materials Transportation Committee are Rodney Pitchford, a nuclear health safety physicist with the Illinois Emergency Management Agency; and Tad Rumas, a field supervisor in the Ohio Public Utilities Commission’s Motor Carrier and Rail Division. They are pictured here at the committee’s fall meeting.

IN SUPPORT OF NONPARTISAN LEGISLATIVE STAFF



Nonpartisan legislative service agencies and staff are critical elements in the nation’s “laboratories of democracy.” To support this essential part of state legislatures, CSG Midwest staffs a network of nonpartisan agency directors and staff.

Members of this Midwestern Legislative Service Agency/Research Directors Group are pictured here in October at their annual meeting. They shared information and best practices regarding the work they do on behalf of legislatures. Ryan Inman of the Minnesota Office of the Revisor of Statutes is the group’s chair.

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

NATHAN NEUDORF IS LATEST BILLD GRADUATE TO TAKE ON KEY LEADERSHIP POSTS IN CANADIAN PROVINCES

In October, recent BILLD graduate **Nathan Neudorf** (class of 2022) became Alberta's deputy premier and minister of Infrastructure. He was first elected in 2019 and has served as caucus chair in the Alberta Legislative Assembly. Neudorf also has been a member of the Committee on Alberta's Economic Future.



Neudorf and Alberta's other cabinet ministers are appointed by members of the Legislative Assembly. Ministers serve on the province's Executive Council, which sponsors the proposed laws and programs that put government policies into action. They also are responsible for administration of their respective ministry.

Alberta is one of four Canadian provinces that is either a member or affiliate member of The Council of State Governments' Midwestern Legislative Conference.

Each class of BILLD graduates includes legislators from the Canadian provinces. In recent months, several of these BILLD graduates have taken on new ministerial duties, while others continue to serve in previously appointed posts.

Here is a list of BILLD alumni serving as cabinet ministers in the Canadian provinces.

MANITOBA

- Hon. **Wayne Ewasko** (BILLD Class of 2014), minister of Education and Early Learning
- Hon. **Cameron Friesen** (BILLD Class of 2012), minister of Finance
- Hon. **Kelvin Goertzen** (BILLD Class of 2008), minister of Justice and Attorney General
- Hon. **Greg Nesbitt** (BILLD Class of 2016), minister of Natural Resources and Northern Development
- Hon. **Andrew Smith** (BILLD Class of 2017), minister of Sport, Culture and Heritage

ONTARIO

- Hon. **Monte McNaughton** (BILLD Class of 2012), minister of Labour, Immigration, Training and Skills Development

SASKATCHEWAN

- Hon. **Scott Moe** (BILLD Class of 2013), premier of Saskatchewan and minister of Intergovernmental Affairs
- Hon. **Dustin Duncan** (BILLD Class of 2007), minister of Education
- Hon. **Bronwyn Eyre** (BILLD Class of 2016), minister of Justice and Attorney General
- Hon. **Paul Merriman** (BILLD Class of 2012), minister of Health
- Hon. **Jim Reiter** (BILLD Class of 2008), minister of Energy and Resources
- Hon. **Dana Skoropad** (BILLD Class of 2021), minister of Environment
- Hon. **Gordon Wyant** (BILLD Class of 2011), minister of Advanced Education



YOUR VOICE MATTERS: TIPS FOR LEGISLATORS ON HOW TO MAKE GOOD FIRST, AND LASTING, IMPRESSIONS THROUGH THEIR STYLE OF SPEAKING

The way you interact with your colleagues, constituents and staff says a lot about you.

But beyond your personality, there is one thing that will set you apart faster than other actions — the way you speak.

Your vocal strength, your intonations, and your vocal quality.

I'm sure you've been told that first impressions matter the most, and fortunately or unfortunately, they do. You are being judged the moment you are recognized as the speaker or as an elected official — you are always on display. As an executive speech and debate coach, I focus speakers on being as careful with their words and voices as they are concerned with their appearance.

People form a first impression of someone new in between seven and 24 seconds. Because how you are initially viewed is so important, remember that you are judged in three ways: the visual (how you look), the vocal (how you sound) and then the verbal (what you say).

Here are some tips for strengthening your speaking style that will help you create a good impression and be impactful with your audience.

VARY YOUR VOICE WITH THE MESSAGE

One of the most important auditory skills is the need to vary your voice. It is important that you work at sounding believable and conversational, and not always technical or political. If your language or conversation is stiff or formal, people will question your authenticity and heartfelt concern for them and their issues.

One way to add a touch of authenticity is to speak with energy and enthusiasm, and you do that by hitting the highs and lows with your voice. Avoid the monotone — the put-your-audience-to-sleep sound that will kill your conversation.

When telling hard news about the district or the economy, drop and soften your voice and slow the pace a bit; when telling good news about a business locating in the district, speak a little louder and with energy so you can enjoy the moment with your audience.

CONVEY AUTHORITY AND STRENGTH

Another way to maintain your powerful speaking voice is to speak with power. Although I caution you to sound conversational, you can still make sure your voice conveys authority. You are the elected official after all.

Some of the tricks of the trade, in order to be heard as a powerful speaker, are what I like to call "voice direction."

When I work with female legislators, I encourage them to be careful about letting their voice rise at the end of the sentence. The concern: doing so makes it sound like you're asking a question rather than making a statement. We want you to make powerful statements. That lilt in your voice that goes up at the end of each sentence undercuts your authority. Remember to begin and end with strength and vocal power. Direct your voice to be as powerful at the end as it is at the beginning of your statements.

For gentlemen legislators, I encourage them to be aware of their voices dropping off or dying out at the end of sentences. When this happens, it sounds like you don't believe in yourself. You, too, must end with

Guest Author: Deb Sofield

Deb Sofield is a speaker and an executive speech and debate coach. She has written several books on public speaking and is a talk show host on the Salem Radio Network. As president of her own Executive Speech Coaching Co., Sofield trains women and men for success in speaking, crisis communications, and dealing with the media in the United States and abroad.



She has provided training to many state and provincial legislators as a faculty member of CSG Midwest's Bowhay Institute for Legislative Leadership Development. She can be reached at [deb@sofield.com](mailto:deb@sofield.com).

Be as careful with your words and voice as you are with your appearance.

strength and power in your voice. If you need to take a breath to end with a powerful voice, then breathe. Most importantly, make sure we can hear your last words.

MIND YOUR WORD CHOICE AND GRAMMAR

Poor word choices and incorrect grammar can wreck a career; it is important that you're careful with both. Please keep these five rules in mind.

- Words are symbols that you use to express your ideas and feelings.
- Correct grammar is not offensive to anyone. Incorrect grammar is offensive to everyone who knows better.
- Use words that are concrete. Concrete words are linked with things we see, hear, smell, taste and touch.
- Swear words are not appropriate in speaking, especially for an elected leader.
- Find substitutes for trite words and phrases, such as like, um, whatever, you know, to be honest, to tell the truth, definitely... .

COMMUNICATE WITH BODY LANGUAGE

Let me add one more thought: even when you're not talking, you're communicating. Be careful how you look when you are waiting or listening.

Most of us look quite grim and bored instead of amenable when we're listening, so our constituents get the impression we don't want to be there or we don't care.

Learn how to animate your face to appear interested (or interested enough).

Remember, we're going to read your body language and focus on your words. So be conversational, yet speak with authority and speak on our level so we can understand you and follow your direction.



# STATELINE MIDWEST

THE COUNCIL OF STATE GOVERNMENTS | MIDWESTERN OFFICE

## CSG EVENTS

### CSG Midwestern Legislative Conference Virtual Events for Legislators

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



MLC

### 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](http://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](http://csgmidwest.org)



BILLD

### 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](http://greatlakeslegislators.org)



GREAT LAKES  
**GLLC**  
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LEGISLATIVE CAUCUS

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