

STATELINE MIDWEST



MIDWEST

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MORE ELECTRIC VEHICLES ON THE ROAD, MORE QUESTIONS ABOUT ROAD REVENUE

Options for replacing gas tax with other user-based models appear limited; Iowa has region’s first charging tax on electric vehicles while other states eye potential of per-mileage road fees

by Jon Davis (jdavis@csq.org)

More electric vehicles on the road and more-efficient internal combustion engines are good developments for the environment, but they do pose a challenge for states.

How do we continue to fund roads at adequate levels, if a core part of transportation funding — revenue from the gas tax — erodes?

“It’s an issue that’s become more prevalent this year as people turned more to EVs last year,” says Brian Sigritz, director of state fiscal studies at the National Association of State Budget Officers.

“While it’s not dire, this is an accelerating issue, and states will have to deal with it.”

The fuel economy of vehicles on U.S.

roads is at record highs and expected to rise further.

Meanwhile, between September 2017 and September 2022, EV sales nationwide rose by 213 percent. The increase was even steeper in most Midwestern states (see table on page 3). And across the country, a mix of state and federal policies is incentivizing prospective car buyers to “go electric.”

In Illinois, the Clean Energy Jobs Act of 2021 (SB 2408) sets a goal of 1 million EV registrations in the state by 2030; that would be an increase of more than 900,000 compared to end-of-the-year totals from 2021.

USER-BASED OPTIONS FOR STATES ARE LIMITED

Traditionally, much of the financing of the nation’s highways, roads and bridges has come from a user-based revenue model: Charge motorists through registration fees, a motor fuel tax or other means.

The options for keeping this model intact, in an era when more motor vehicles require fewer or no trips to the gas pump, appear to be limited:

- Increase the motor fuel tax rate and/or index it to inflation.

- Charge higher registration fees, particularly for electric vehicles.
- Begin the shift from fuel taxes to another kind of road-user fee — often called a mileage- or distance-based user fee, a road-use charge (RUC) or a vehicle-miles-traveled fee.
- Start taxing the electricity used to charge EVs as a fuel.

Two-thirds of all states have raised their motor fuel taxes since 2013, including all Midwestern states but Kansas, North Dakota and Wisconsin. Currently, only Illinois, Iowa, Michigan and Nebraska index the rates to inflation or other factors.

Thirty states, including all 11 in the Midwest, charge higher registration fees for electric vehicles, with the amount often varying based on vehicle type.

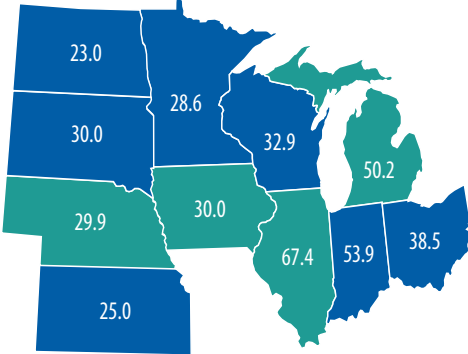
Multiple states and the federal government have been studying road-use charges for many years (decades, in some cases).

None, until recently, had implemented an EV charging tax.

IOWA WILL SOON LEVY ELECTRIC FUEL EXCISE TAX

Starting July 1, Iowa will tax electricity used at all non-residential

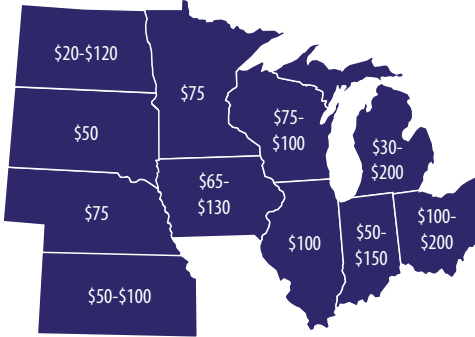
TOTAL STATE TAXES AND FEES ON GASOLINE IN
MIDWEST: CENTS PER GALLON
(FEBRUARY 2023)*



- Gas tax indexed to inflation or other factors
- Gas tax not indexed to inflation or other factors

*Total state rates are rounded and may include sales and/or use taxes, inspection or environmental fees, or other charges.

STATE FEES ON ELECTRIC VEHICLE
REGISTRATION (AS OF JAN. 1, 2023)*



* Fees for electric vehicles are assessed in addition to standard vehicle registration fees; they may vary depending on type (electric or plug-in hybrid) and/or weight. Changes to Michigan’s fees are tied to changes in the state’s motor fuel tax rate.

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



► COVER STORY CONTINUED ON PAGE 3

INSIDE THIS ISSUE

Capital Clips

2

- Starting next year, all workers in Illinois will have the chance to accrue 40 hours of paid leave under a first-of-its-kind law in the Midwest
- From Iowa to Nebraska to Michigan, recent legislative actions mean lower taxes for retirees
- With possible end to decades-old federal statute, Minnesota revamps its own law to ensure adoption, foster care policies for Native American children remain in place
- Wanted: ‘Service’ attorneys for rural areas of the Midwest where demand for legal needs isn’t being met by the current supply of lawyers



CSG Midwest Policy Briefs

4-6

- **Criminal Justice & Public Safety:** Two new laws in Midwest — an assault weapons ban in Illinois and a constitutional amendment in Iowa — show how states are going in very different directions on gun policy
- **Health & Human Services:** The rise in fentanyl-related overdose deaths has spurred legislative activity across the Midwest — from new harm-reduction measures to tougher criminal penalties
- **Education & Workforce Development:** Public funds for private-school enrollment? The question is getting a lot of attention this year in the region’s state capitols

MLC Chair’s Initiative

7

- Feed people, help farmers: A look at state-supported programs in Michigan and Minnesota that expand the purchasing power of SNAP participants at farmers markets

Question of the Month

7

- Do any states require that all bills introduced in the legislature receive a legislative hearing and/or vote?

Capital Insights

8-9

- Two minority caucus leaders in Midwestern legislatures reflect on their roles, leadership styles and legislative priorities

CSG Midwest News

10

- Now is the best time for the Midwest’s state and provincial legislators to register for the family-friendly MLC Annual Meeting — July 9-12 in downtown Detroit

BILLD Page

10

- **Guest author Naseem Khuri:** Conversations with conflict in the legislature don’t require ‘winners’ and ‘losers’

ILLINOIS ADOPTS FIRST LAW IN MIDWEST REQUIRING PAID LEAVE FOR WORKERS

Starting next year, every worker in **Illinois** will have the chance to accrue at least 40 hours of paid leave annually. Signed into law in January, SB 208 allows individuals to begin earning paid leave on their first day of employment, at a rate of one hour of leave for every 40 hours worked.

Illinois became only the third U.S. state (and first in the Midwest) with a law mandating paid time off. The language in SB 208 says workers can use these 40 hours to “maintain their health and well-being, care for their families, or ... for any other reason of their choosing.”

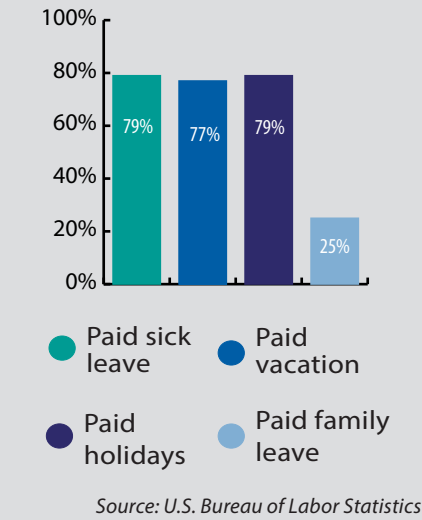
In recent years, a more common state action has been to guarantee access to paid family and medical leave. According to a recent U.S. Congressional Research Service study, 11 states (none in the Midwest) either were running or were working to implement insurance programs that provide cash benefits to eligible employees who take time away from work due to caregiving needs or for qualifying medical reasons. Under these state-run programs, 12 weeks or more of benefits are made available per year, with benefit amounts ranging from 50 percent to 100 percent of an employee’s average weekly earnings.

Each program is financed in part or fully through the combined payroll taxes paid by employees; one variance in these state programs is whether employers also must pay into the program via the payroll tax.

Existing laws in **Minnesota** and **Wisconsin** ensure certain workers have access to unpaid family and medical leave, and governors in both those states introduced proposals in early 2023 to establish paid-leave programs. Minnesota Gov. Tim Walz and Wisconsin Gov. Tony Evers say one-time state funding is needed to get their respective state-run insurance programs up and running; ongoing revenue would then come from mandatory contributions made by workers and businesses.

South Dakota Gov. Kristi Noem proposed an alternative approach: establish state grants to encourage businesses to offer paid family medical leave. These businesses would then enter the same insurance pool used by the state to offer paid family leave to public employees. This plan (SB 154) did not advance in the Legislature this year.

% OF U.S. CIVILIAN WORKERS WITH ACCESS TO SELECT BENEFITS (AS OF MARCH 2022)



RECENT LEGISLATIVE ACTIONS MEAN LOWER TAXES FOR RETIREES IN SEVERAL STATES

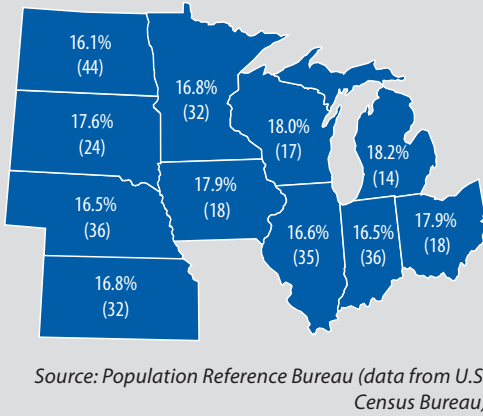
One tax-cutting idea that has gained momentum across Midwestern state legislatures in recent years: Allow people to keep more or all of their retirement income.

In 2022, **Iowa** lawmakers approved a sweeping measure (HF 2317) that excludes income from pensions, retirement benefit plans, annuities and IRAs. **Nebraska**, meanwhile, is ending its taxation of Social Security benefits by 2025 as the result of last year’s passage of LB 873. A proposal to accelerate elimination of the tax also was introduced this year (LB 641).

According to AARP, most Midwestern states already don’t tax Social Security benefits; Nebraska has been one of three exceptions, along with **Kansas** and **Minnesota**, where the benefits of some higher-income residents are subject to the state income tax. Along with the recent change in Nebraska, proposals to end all taxation of Social Security benefits have been under consideration this year in Kansas and Minnesota.

Michigan’s HB 4001, signed into law in March, phases out over the next four years a state “retirement tax” that had been implemented a decade earlier. As part of this new law, income from public and private pensions will be exempt from taxation, *Mlive.com* reports. This means public and private pension payments will not be taxed in four Midwestern states: Iowa, Michigan and **Illinois**, as well as **South Dakota**, which has no income tax at all. (Additionally, in Kansas, in-state, government pensions are not taxed.)

% OF STATE’S POPULATION 65 AND OLDER (U.S. RANK IN PARENTHESES)



WITH POSSIBLE END TO DECADES-OLD FEDERAL LAW, MINNESOTA REVAMPS ITS INDIAN FAMILY PRESERVATION ACT

Minnesota Gov. Tim Walz in March signed a bill enshrining language of the U.S. Indian Child Welfare Act (ICWA) in state law, months ahead of a U.S. Supreme Court ruling that could undo the federal statute that governs when, and under what circumstances, Native American children can be fostered or adopted by non-tribal parents. SF 667 sailed through the Legislature with just one “no” vote in the Senate.

The new law’s goal is to ensure that tenets of the ICWA remain in place in Minnesota if the federal law gets struck down. It does so through the addition and clarification of various language in the state’s existing Indian Family Preservation Act, says Minnesota Sen. Mary Kunesch, an enrolled member of the Standing Rock Lakota and chief sponsor of SF 667.

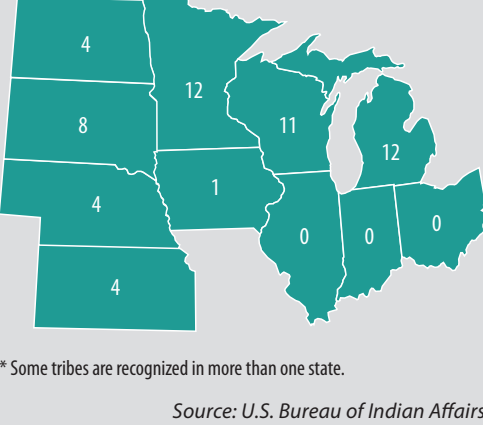
Minnesota’s Indian Family Preservation Act was enacted in 1985 to expand upon and strengthen various provisions of the ICWA. In the Midwest, **Iowa**, **Michigan**, **Nebraska** and **Wisconsin** also have comprehensive statutes that build on the federal law.

The ICWA recognizes tribal jurisdiction over foster care and adoption cases involving the children of enrolled tribal members. It establishes minimum federal standards for the removal of Native American children from their families, as well as preferences for the placement of children with extended family or other tribal families. It also institutes protections to ensure that birth parents’ voluntary relinquishments of their children are truly voluntary.

But a case before the U.S. Supreme Court, *Haaland v. Brackeen*, could overturn the ICWA. Plaintiffs in the case include the state of Texas and non-Native couples who tried to foster or adopt children with Native American ancestry, according to SCOTUSBlog, which provides independent analyses of cases before the court. The plaintiffs say child placement is the responsibility of states and that the federal law is racially discriminatory. Proponents of upholding the law say tribal membership is a political, not racial, category.

A ruling is expected to be handed down before the current U.S. Supreme Court term ends in June.

OF FEDERALLY RECOGNIZED TRIBES IN MIDWEST



WANTED: ‘SERVICE ATTORNEYS’ FOR RURAL PARTS OF OHIO WHERE LEGAL NEEDS AREN’T BEING MET

Ohio this year will become the latest Midwestern state to offer financial incentives to fill the thinning ranks of public defenders and other attorneys practicing in rural counties.

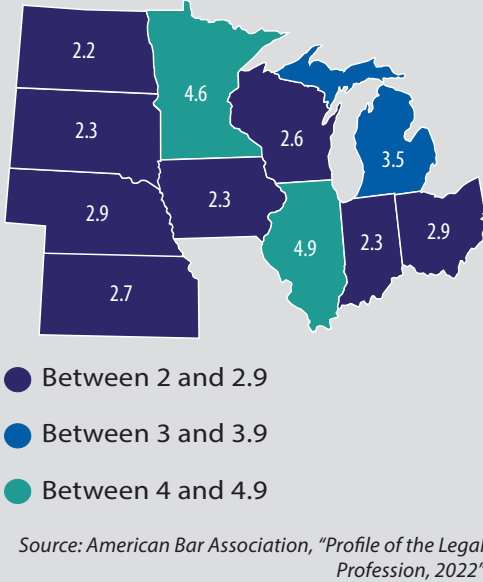
Established under a bill signed by Gov. Mike DeWine in early 2023 (HB 150 of 2022), the Rural Practice Incentive Program authorizes the payment of up to \$50,000 of an attorney’s student loans if the individual agrees to be a “service attorney” (a public defender, prosecutor or court-appointed counsel to represent indigent defendants) in an underserved community — defined as counties where the ratio of attorneys to total population is “equal to or less than” 1:700. The Ohio Bar Association estimates that two-thirds of the state’s counties don’t have enough lawyers to meet the legal needs of local residents.

Participating attorneys will be able to claim an income tax deduction for amounts repaid by the program, which is receiving \$1.5 million in state funds this fiscal year. HB 150 also creates a 17-person task force to recommend ways of improving Ohio’s indigent-defense system.

Since 2013, **South Dakota** has operated a program to recruit attorneys to rural areas, with the state and local governments sharing the costs. Participating lawyers get a payment equal to 90 percent of one year of the cost of resident tuition and fees at the University of South Dakota School of Law; in return, they must practice for five years in the rural county or municipality. Of 31 total participants, 15 have graduated out of the program; 12 of these 15 have stayed in their communities to continue practicing.

Late last year, the **Kansas** Supreme Court formed a 35-member Rural Justice Initiative Committee to study population and legal professional employment trends, as well as differences in unmet legal needs related to population density. In Kansas’ rural areas, the ratio of active attorneys to population is 1:808; that compares to 2:535 in urban areas. Two counties in the state have no attorneys at all, five counties have one attorney, and 11 others have only two. The new committee in Kansas is expected to develop ideas on how the state can address this shortage in rural areas.

OF LAWYERS PER 1,000 PEOPLE IN MIDWESTERN STATES (2021)



ROAD-USE CHARGE IS COMPLEX TO IMPLEMENT, BUT COULD PROVIDE MORE LONG-TERM REVENUE

» CONTINUED FROM PAGE 1

EV charging stations at the rate of 2.6 cents per kilowatt-hour (kWh) — the first Midwestern state to do so, and just the third nationwide after Kentucky and Pennsylvania.

Iowa’s EV charging tax is one facet of legislation passed four years ago, HF 767. That measure, in turn, was based on recommendations from a study that had been done one year earlier by the state Department of Transportation.

The goal of that legislatively mandated study: look at ways to prepare the state for long-term declines in motor fuel tax revenue. HF 767 also included a supplemental EV registration fee (beginning at \$65 a year in 2020, now at \$130) and created a hydrogen fuel excise tax of 65 cents per gallon equivalent — the amount of an alternative fuel needed to equal the energy of one gallon of gas.

According to Stuart Anderson, director of the Iowa DOT’s transportation development division, those three steps offered the best intermediate solution to the long-term decline in motor fuel tax revenue.

The DOT’s 2018 report said an EV charging tax “would be consistent with the existing process of collecting an excise tax on motor fuels” and, like taxes on traditional fuels, would function as a user fee that could be applied to out-of-state vehicles.

But the report also noted a problem: collecting this electric fuel excise tax from home-based chargers, where the U.S. Department of Energy estimates 80 percent of EV charging occurs, would be an administrative nightmare.

That’s one reason why the state of Oregon is focusing on a road-use charge, says Scott Boardman, a policy advisor in the Oregon Department of Transportation’s innovative programs office.

“Most charging is done at home, so it’s potentially very difficult to administer because you’d need a separate (electric) meter, or you’d have to ask people to

“A road-use charge is something you can start implementing and testing and beginning to adapt.”

Owen Minott, senior policy analyst, Bipartisan Policy Institute

report their usage honestly,” he notes. Even so, the idea of an EV charging tax at public charging stations is generating legislative interest.

Oklahoma will be the fourth state to implement the tax, starting in January 2024, under legislation (HB 2234) passed in 2021. Legislation from Kansas this year, HB 2004, calls for a 3-cent per kWh “road repair” tax on public EV chargers.

The bill’s sponsor, Rep. Bill Rhiley, says he proposed the tax to “solve the decline in road tax income and the increase in road and bridge repair costs.”

KANSAS, MINNESOTA STUDYING ROAD-USER CHARGE

The fourth potential option for states is the road-user charge (RUC). It upholds the “user pays” principle and covers electric and internal combustion engine vehicles, says Owen Minott, a senior policy analyst at the Bipartisan Policy Center.

“A road-use charge is something you can start implementing and testing and beginning to adapt,” Minott says. “Whether or not it’s a perfect system, it’s the only available option for the medium term.”

Under voluntary RUC demonstration projects, states determine a per-mile charge. Mileage is tracked by “plug-ins” inserted into a vehicle’s on-board computer or smartphone apps. Some states also allow for manual data entry. Participating drivers are generally given a motor fuel tax credit for fuel purchases.

Kansas transportation officials are now studying the RUC concept, if only to get a Midwestern perspective into the national

dialogue, says Joel Skelley, director of policy for the Kansas Department of Transportation, noting the nation’s coastal states often have been at the forefront on the issue.

The Kansas DOT’s “Midwest Road Use Charge” pilot program is scheduled to launch later this year. Once the demonstration phase is complete, Kansas will work with Minnesota to expand the study’s reach to interstate traffic, he says.

“We want a seat at the table, not to be on the menu,” Skelley adds. “We want to be proactive in looking at our options and not be pressured into picking something that’s not in our best interest.”

In its most recent study, Minnesota collected data on 64 vehicles that drove more than 565,000 miles. The DOT’s final report on the study, issued in August 2022, concluded that imposing a per-mileage fee is technically feasible.

But it also noted that several issues required “further analysis.” That includes evolving on-board vehicle technology, the logging of out-of-state travel and travel in Minnesota by out-of-state drivers, and how federal motor fuel tax credits would be administered.

Anderson says Iowa’s DOT is interested in the RUC concept and is keeping an eye on states’ pilot programs. But officials are not interested in an Iowa-only charge, which would forfeit fees from out-of-state vehicles, he adds.

“Our feeling was that [an RUC] needs to be driven at the national level rather than having 50 different solutions,” he says.

In 2013, Oregon legislators passed SB

RISE IN SALES OF ELECTRIC VEHICLES: SEPTEMBER 2017 VS. SEPTEMBER 2022			
State	2017	2022	Change
Illinois	1,443	5,392	+273.7%
Indiana	492	1,959	+298.2%
Iowa	270	754	+179.3%
Kansas	239	723	+202.5%
Michigan	773	3,451	+346.4%
Minnesota	548	1,929	+252.0%
Nebraska	146	554	+279.5%
North Dakota	37	148	+300.0%
Ohio	1,053	3,540	+236.2%
South Dakota	60	193	+221.7%
Wisconsin	576	1,542	+167.7%
United States	48,601	152,139	+213.0%
Source: Alliance for Automotive Innovation			

810, creating OreGO, the first RUC pricing program in the nation. It is for light-duty vehicles with a fuel economy of 20 mpg or better.

Drivers opting in to the program pay 1.9 cents per mile and get a credit for the fuel tax (38 cents per gallon) they pay.

Participants choose from multiple options to track their mileage and pay the charge. GPS data may only be used to track miles, personal data can’t be disclosed, and all collected data is destroyed within 30 days of payment processing.

A legislative proposal in Oregon this year (HB 3297) would make the program mandatory beginning in July 2027 for model year 2028 vehicles getting 30 mpg or better.

REVENUES USED BY MIDWESTERN STATES FOR HIGHWAYS: FOUR LARGEST SOURCES AND THEIR % OF EACH STATE’S TOTAL REVENUE FOR HIGHWAYS

ILLINOIS



- 22.2% federal funds
- 21.6% state motor fuel tax
- 20.0% bond proceeds
- 17.1% motor vehicle/carrier taxes

MICHIGAN



- 22% motor vehicle/carrier taxes
- 21.0% federal funds
- 20.8% state motor fuel tax
- 20.8% bond proceeds

OHIO



- 38.0% state motor fuel tax
- 25.0% federal funds
- 12.2% other sources*
- 8.8% motor vehicle/carrier taxes

INDIANA



- 47.0% state motor fuel tax
- 34.4% federal funds
- 9.9% motor vehicle/carrier taxes
- 8.7% other sources*

MINNESOTA



- 22.6% other sources*
- 19.3% federal funds
- 18.4% motor vehicle/carrier taxes
- 18.0 % state motor fuel tax

SOUTH DAKOTA



- 55.4% federal funds
- 23.4% other sources*
- 19.5% state motor fuel tax
- 0.3% motor vehicle/carrier taxes

IOWA



- 42.9% motor vehicle/carrier taxes
- 27.5% state motor fuel tax
- 24.9% federal funds
- 4.7% other sources*

NEBRASKA



- 32.0% other sources*
- 30.8% federal funds
- 28.2% state motor fuel tax
- 7.1% motor vehicle/carrier taxes

WISCONSIN



- 32.5% federal funds
- 27.0% state motor fuel tax
- 20.5% motor vehicle/carrier taxes
- 7.9% other sources*

KANSAS



- 41.3% other sources*
- 26.7% federal funds
- 16.1% state motor fuel tax
- 8.2% motor vehicle/carrier taxes

NORTH DAKOTA



- 50.4% federal funds
- 27.3% state motor fuel tax
- 14.5% motor vehicle/carrier taxes
- 7.8% other sources*

* Includes sales and use taxes, severance taxes, and other state taxes

Source: Office of Highway Policy Information, Federal Highway Administration

CRIMINAL JUSTICE & PUBLIC SAFETY

An assault weapons ban in Illinois and a constitutional change in Iowa highlight opposing views on 2nd Amendment, future of state gun laws

by Derek Cantù (dcantu@csg.org)

Early in 2023, Illinois became the first Midwestern state to pass legislation banning the sale and possession of assault weapons for most people.

Days after the bill signing, a cavalcade of lawsuits and restraining orders were filed in state and federal courts claiming the new law violates Second Amendment protections and conflicts with a ruling last year by the U.S. Supreme Court.

That case, *New York State Rifle & Pistol Association v. Bruen*, has raised new questions about whether certain state-level gun regulations — including assault-weapons bans such as Illinois’ — will withstand court scrutiny.

In the *Bruen* majority opinion, Justice Clarence Thomas wrote that the Second Amendment protects the carrying of weapons that are “in common use” for self-defense and that this standard should be applied modernly, not just whichever firearms were considered common during the American colonial period.

Since the sale of assault weapons has been mostly unencumbered since the sunset of a federal ban in 2004, gun-rights activists argue such weapons should be considered “common.”

“The *Bruen* ruling clearly established there is no tradition of banning commonly possessed arms, and modern semiauto rifles are owned by millions of [U.S.] citizens,” Second Amendment Foundation founder Alan Gottlieb said in a statement.

According to a 2021 national survey of gun owners (referenced in multiple lawsuits against the Illinois ban), rifles are used in defensive incidents 13 percent of the time, whereas handguns are used in self-defense in 66 percent of cases.

HOW ASSAULT WEAPONS ARE DEFINED IN ILLINOIS

Illinois lawmakers’ passage of HB 5471 came six months after a gunman killed seven people with a semiautomatic rifle during an Independence Day parade in Highland Park, an affluent community north of Chicago.

“A semiautomatic rifle is designed for military situations,” Illinois Rep.



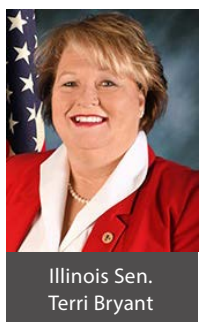
Bob Morgan says. “The bullets themselves are designed to really ricochet within your body. It’s meant to destroy your internal organs.” Morgan was at the parade, and in the aftermath of this mass shooting, he worked on crafting the assault-weapons ban with survivors, affected family members,

law enforcement, fellow legislators and others.

Illinois’ new statutory language defines assault weapons, in part, as a semiautomatic shotgun with a fixed magazine (containing more than five rounds) and a semiautomatic rifle and pistol with either detachable magazines or fixed magazines (more than 10 rounds for rifles, more than 15 for pistols) that contain certain firearm attachments — for example, protruding grips for non-trigger hands, telescoping stocks, flash suppressors, barrel shrouds, arm braces, or other attachments that can help a shooter better control recoil or avoid detection.

In addition, the law bans attachable switches that increase a semiautomatic firearm’s rate of fire.

The inclusion of some of these attachments in the state’s new



ban has been criticized by some lawmakers for possibly discriminating against certain classes of individuals, including those with physical disabilities or injuries.

“I’ve had some shoulder surgery [on my] rotator cuff, and I’ve had three neck surgeries,” says Illinois Sen. Terri Bryant, who opposed HB 5471. “It’s very hard for me to hold my shotgun up with my left arm like I could before that accident. . . . My husband was born with a birth defect, his right arm is crooked, and that type of wrist grip does help [him to shoot].”

On the federal level, the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives announced in January that certain firearm stabilizing braces for shoulder use would be subject to stricter regulations, and that firearms with these pistol braces would need to be registered by the end of May.

In response, several state attorneys general (some from the Midwest; see map) filed suit.

Morgan says he is sensitive to making adaptations for people with disabilities, and is open to potential modifications to the Illinois law.

ILLINOIS REQUIRES REPORTING OF ‘LEGACY WEAPONS’

According to the Giffords Law Center to Prevent Gun Violence, Illinois joined eight other U.S. states with a general ban on assault weapons. (The center lists Minnesota as one of three states that imposes additional restrictions on these weapons, but not outright bans.)

Similar to the statutory language used in some of these states, under the Illinois measure, current gun owners can keep any existing firearms now on the banned list.

However, by the start of next year, they must report these legacy weapons’ serial numbers and other

pertinent information to the Illinois State Police.

Morgan distinguishes such reporting from a “gun registry.” The intent is not to catalog a person’s entire firearms collection, he says, but rather to help law enforcement differentiate between weapons that are legitimately owned and those that are not. That includes tracking criminal firearms crossing state lines — a consistent problem that has plagued other states with assault-weapon bans.

“If we don’t have a serial number to track that, there’s literally no way to enforce it,” Morgan says.

This reporting of assault weapons will mean adding an endorsement affidavit to an individual’s Firearm Owner’s Identification licensing card.

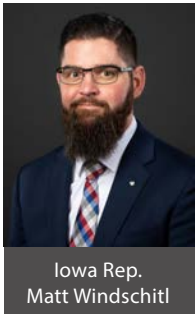
Sen. Bryant believes recent cyberattacks of state databases — including a 2021 breach of the FOID database that accessed the personal information of more than 2,000 gun owners — will deter people from complying with the new law.

“State Police have made a lot of good changes, but I do know that the citizens of Illinois do not trust the state [with private information],” she says.

STATEWIDE VOTE FROM 2022 IMPACTS GUN POLICY IN IOWA

With the exception of Minnesota, every Midwestern state has constitutional language providing for a right to bear arms.

The most recent state to enshrine such a right was Iowa, through voter approval of a 2022 ballot measure. It also included language establishing a “strict scrutiny” standard, the highest level of judicial review.



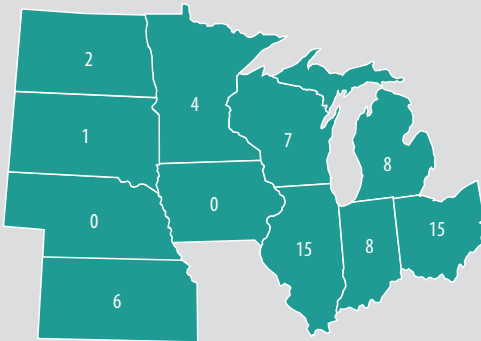
“It puts the burden of proof on the government so that if you were to come in and change firearm regulations, the state would have to prove that it had a compelling government interest for the interest of the majority of the people,” Iowa Rep. Matt Windschitl explains.

In the wake of last year’s vote, Windschitl and other legislators took a closer look at Iowa’s existing statutes. “There are still some things in our state law that have restrictions on where Iowans can carry, and how they carry,” he notes.

This year’s HF 654 and SF 543 aim to remove what Windschitl and others view as arbitrary restrictions that infringe on a person’s right to self-protection.

Derek Cantù serves as CSG Midwest staff liaison to the Midwestern Legislative Conference Criminal Justice and Public Safety Committee.

OF MASS SHOOTINGS IN MIDWEST: 2009-2023 (AS OF MARCH 11, 2023)*



* The numbers in this map are based on the following definition of mass shooting: “any incident in which four or more people are shot and killed, excluding the shooter.” Nationwide, there were 299 mass shootings over this time period. Between 2009 and 2020, 61 percent of mass-shooting incidents in the U.S. occurred entirely in private homes, 30 percent in public, and 9 percent in a home and in public.

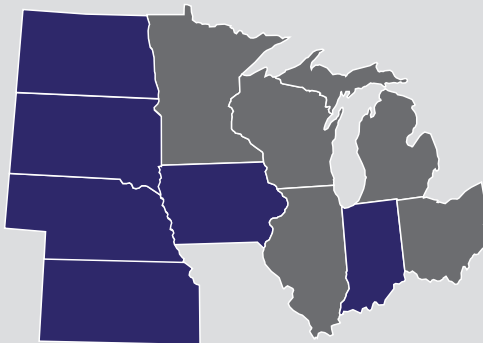
Source: Everytown for Gun Safety

WEAPONS USED IN PUBLIC MASS SHOOTINGS IN U.S.: 2017-2020

69.8%	% OF PUBLIC MASS SHOOTINGS WHERE AT LEAST ONE HANDGUN WAS USED
9.5%	% OF PUBLIC MASS SHOOTINGS WHERE AT LEAST ONE SHOTGUN WAS USED
36.5%	% OF PUBLIC MASS SHOOTINGS WHERE AT LEAST ONE RIFLE WAS USED

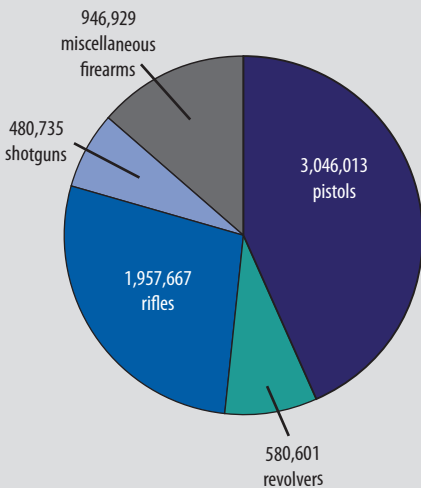
Source: Rockefeller Institute of Government, Regional Gun Violence Research Consortium

MIDWESTERN STATES THAT HAVE JOINED LAWSUIT CHALLENGING NEW FEDERAL REGULATIONS FOR FIREARMS WITH ATTACHED “STABILIZING BRACES” (AS OF FEBRUARY)



● Part of lawsuit

IN 2019, MORE THAN 7 MILLION FIREARMS WERE MANUFACTURED IN THE U.S.; HERE IS THE BREAKDOWN BY TYPE OF FIREARM



Source: U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, “Firearms Commerce in the United States”

HEALTH & HUMAN SERVICES

Fentanyl has fueled a rapid rise in drug overdose deaths; state responses include new harm-reduction strategies and tougher criminal penalties

by Tim Anderson (tanderson@csg.org)

In less than a decade's time, the number of drug overdose deaths in the United States more than doubled, reaching nearly 107,000 by 2021.

One of the striking aspects of this increase: the role of fentanyl and other synthetic opioids. They were involved in close to 70 percent of all deaths in 2021, compared to only 6 percent of the deaths nine years earlier, according to a recent Commonwealth Fund analysis of federal mortality data.

Anne Milgram, head of the U.S. Drug Enforcement Administration, has said that fentanyl "is the single deadliest drug threat our nation has ever encountered."

This threat has received considerable attention in the Midwest's state legislatures, with many of the new proposals taking one of two approaches — and sometimes incorporating a mix of both.

The first approach is "harm reduction": change a state's laws or invest in new programs that prevent overdoses by reaching and helping people who use drugs. A second strategy is to increase criminal penalties for individuals who manufacture or distribute fentanyl.

'NUMBERS ARE STARTLING'

An enhancement of criminal penalties is part of North Dakota's SB 2248, a bill introduced by Senate Majority Leader David Hogue in early 2023. The measure also requires state-level reporting on fentanyl-related deaths as well as spending \$1.5 million from the opioid settlement fund on a public awareness campaign.

"We're now losing more people to overdose deaths than to motor vehicle fatalities," Hogue says. "The numbers are just startling."

Hogue's hometown of Minot is one of the many communities that has been impacted. A college student there died in early 2023 when he took a drug that he thought would help him study; the drug was laced with fentanyl.

For deadly cases like this, whether they involve fentanyl or other drugs, SB 2248 spells out a stronger criminal penalty — a class A felony for any individual who "willfully delivers a controlled substance, or supplies another to deliver or consume a controlled substance."

Hogue says that language (particularly "supplies another") reflects changes made to the bill since its introduction — a shift away from punishing lower-level dealers and instead trying to reach "intermediate and upper-echelon dealers."

The measure also expands venue options for prosecutors. Filing charges in the county where an overdose death or injury occurred is one possibility, but another is for the venue of the offense to be based on where the drug was "directly or indirectly obtained."

"That way, we can reach those upper-echelon dealers wherever they are," including outside of North Dakota's borders, Hogue says.

Another amendment to the bill ensures that individuals adhering to North Dakota's Good Samaritan law are exempt from the new penalties.

That law, a type of harm-reduction strategy in place in many states, provides immunity from prosecution for individuals who seek medical assistance for another person experiencing a drug overdose.

'CHANGE ATTITUDES'

Last year in Wisconsin, legislators passed a pair of bills, one on harm reduction and the other related to criminal penalties.

Wisconsin's change in criminal code, SB 352, makes the penalties for manufacturing, distributing or delivering fentanyl as severe as those for heroin trafficking. A bill introduced this year, SB 101, would increase the penalty for supplying fentanyl or other drugs that lead to a person's death, making it a Class B felony punishable by up to 60 years in prison. It is a Class C felony under the state's current drug-induced homicide law.

The harm-reduction measure from 2022, SB 600, carves out an exception to Wisconsin's general ban on the possession of drug checking equipment. Under the new law, the use of fentanyl testing strips — a type of drug checking equipment that shows whether a substance has fentanyl in it — was decriminalized.

"We had to change people's attitudes and minds, because there was a thought that the fentanyl strips would be utilized by the dealers, so some folks didn't want to decriminalize," Sen. Van Wanggaard says.

"But the bottom line is we don't want somebody to make a mistake and die from it."

Decriminalizing the fentanyl strips improves access to them, he says, and can save lives.

According to the Network for Public Health Law, as of the summer of 2022, most Midwestern states did not permit the possession of drug checking equipment, with the lone exceptions being Michigan and Nebraska. Wisconsin and Minnesota, though, did make exceptions for fentanyl testing strips, and Ohio joined these two states with the signing of SB 288 in early 2023.

Other measures to decriminalize the possession and use of fentanyl testing strips appeared likely to pass in multiple states this year.

"Where I think those laws can help is by allowing health departments, hospitals and other organizations to move forward with distributing [the strips]," says Corey Davis, the network's deputy director.



This harm-reduction policy aims to prevent fentanyl-related overdoses; other policies are broader in scope. For example, states have varying laws to expand access to naloxone, a drug that reverses an overdose from fentanyl or other opioids.

"Every state has done at least an OK job of trying to increase pharmacy [based] access to naloxone, so you can walk into a pharmacy without first having gone to a doctor and gotten a prescription," Davis says.

"Where it seems like there's more variation is in permitting, encouraging or funding community groups to give out naloxone — whether that's part of needle exchange programs, if the state has them, or through homeless shelters, health departments, or any other non-pharmacy places.

"Some states aggressively pursue that approach, to make sure that the naloxone is getting to the people at the highest risk [of overdose]."

HARM REDUCTION OPTIONS

According to the Commonwealth Fund, another option for states is to allow for "consumption sites," where individuals can use drugs legally under the supervision of trained staff. At these sites, individuals also get connected to treatment and other services. Legislative proposals in Illinois this year (HB 2 and SB 78) would allow for such sites.

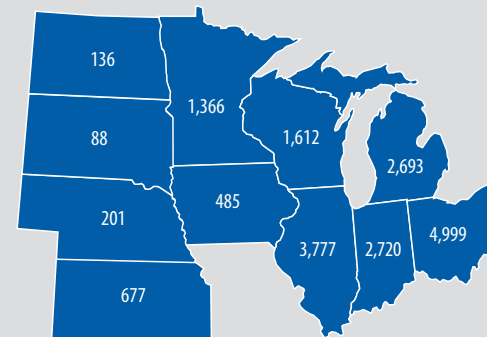
Among the 50 U.S. states, Davis points to Oregon as a potential model on how to approach the broader issue of opioid use disorder and its consequences — including the rise in overdose deaths.

In that state, as the result of a voter-approved measure from 2020, the personal possession of drugs has been decriminalized, and revenue from marijuana sales is being dedicated to a Treatment and Recovery Services Fund. Money from that fund supports 15 addiction recovery centers as well as a grant program to improve access to community-based addiction services.

"If we really think of substance abuse disorder as a chronic, relapsing disease of the brain for which effective treatments are available, we should not be arresting people for having that condition," Davis says. "We should be making sure that everybody who wants treatment can get it."

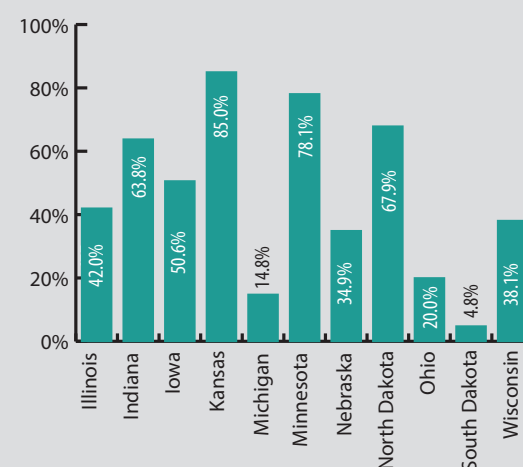
Article written by Tim Anderson, who serves as CSG Midwest staff liaison to the Midwestern Legislative Conference Health & Human Services Committee.

REPORTED # OF DRUG OVERDOSE DEATHS BETWEEN OCTOBER 2021 AND OCTOBER 2022



Source: U.S. Centers for Disease Control and Prevention

COMPARISON OF TOTAL OVERDOSE DEATHS OVER TWO 12-MONTH PERIODS: OCTOBER 2021 TO OCTOBER 2022 VS. OCTOBER 2018 TO OCTOBER 2019 (% INCREASE)



Source: CSG Midwest analysis of U.S. Centers for Disease Control and Prevention data

NUMBERS FROM MIDWEST SHOW HOW FENTANYL HAS FUELED THE RISE IN DRUG OVERDOSE DEATHS

% of all overdose deaths involving fentanyl and other synthetic opioids (methadone excluded), by year

State	2012	2015	2018	2021
Illinois	5.2%	15.2%	57.6%	71.9%
Indiana	4.3%	9.6%	43.8%	71.5%
Iowa	13.9%	14.2%	27.9%	44.4%
Kansas	13.8%	10.9%	14.5%	51.6%
Michigan	5.5%	23.1%	59.1%	74.0%
Minnesota	8.3%	9.5%	31.8%	65.0%
Nebraska	6.9%	10.3%	18.8%	42.1%
North Dakota	N/A	N/A	N/A	46.0%
Ohio	6.5%	37.3%	69.9%	77.5%
South Dakota	N/A	N/A	22.8%	31.4%
Wisconsin	8.1%	12.8%	49.9%	73.2%

Source: Commonwealth Fund analysis of U.S. Centers for Disease Control and Prevention data

EDUCATION & WORKFORCE DEVELOPMENT

Public funds for private-school enrollment? The question is getting a lot of attention this year in state capitols, and Iowa has a far-reaching new law

by Derek Cantù (dcantu@csg.org)

After years of failed attempts, Iowa lawmakers this session were successful in passing one of the most expansive education savings account (ESA) programs in the nation.

In contrast to previous session proposals — which based eligibility on family income levels, special-needs status, and attendance at a public school in need of “comprehensive support” — Iowa’s HF 68 provides universal eligibility.

Once the law is fully phased in, any Iowa family will have access to an ESA to pay for private-school tuition costs, as well as other education-related expenses (see graphic on this page).

According to EdChoice, of the 10 other states that provide ESAs (including Indiana, which supports qualified students with special needs), Arizona, Arkansas, Florida, Utah and West Virginia are the only other states that currently or will soon provide for universal eligibility.

Additionally, the value of Iowa’s new ESAs will be equal to the per-pupil rate used for public schools — a higher amount compared to measures from previous sessions.

What made the difference this year?

Iowa House Speaker Pro Tem John Wills, who served as the floor manager of HF 68, points to events from the year prior. In 2022, Gov. Kim Reynolds extended legislative session by a month to try and get an ESA bill to her desk. When that didn’t happen, she publicly endorsed primary opponents of members of her own party who didn’t support the proposal.

“Out of eight people who weren’t school-choice folks,” Wills explains, “seven of them lost their election.”

With the support of newly elected proponents, as well as the creation of a five-member House Education Reform Committee (which included Wills as a member and Speaker Pat Grassley as chair), the 2023 proposal was introduced and signed into law within the session’s first two weeks.

CONSEQUENCES OF CHOICE?

Legislative momentum for these types of measures has accelerated in recent years, partially due to the impacts of pandemic-related school closures along with a national spotlight on K-12 instruction.

“Parents [saw] what was going on, and they weren’t always happy with what they were seeing,” Wills says.

Both he and Reynolds also have emphasized the value of students’ enrollment in school being based not on ZIP code, but on a choice made by their family.

“Public schools are the foundation of our education system, and for most families they will continue to be the option of choice,” Reynolds said in signing HF 68.

“But they aren’t the only choice.” Questions about the impact on public schools have been central to Iowa’s multi-year debate over ESAs. One particular concern has been the potential implications in rural areas if students leave for private institutions.

“I don’t expect that, all of a sudden, we’re going to hear this massive sucking sound out the front door of our rural schools,” Wills says.

As of the 2022-’23 school year, certified nonpublic schools were operating in 57 of Iowa’s 99 counties.

Under HF 68, public schools will receive categorical funding to offset student transfers to private institutions (around \$1,200 per pupil).

Still, according to an analysis by the Iowa Legislative Services Agency, there will be an estimated net decrease of around \$46 million for public schools by the fourth year of the law’s implementation (a 1.2 percent decrease compared to estimates without the ESA law in place). That analysis relies in part on an estimate of how many students will use ESAs and transfer.

DISCRIMINATION CONCERNS

Opponents of such measures have also questioned whether state dollars should go to nonpublic and parochial schools that can legally deny a student admission due to a disability status or an LGBTQ+ identification.

Nebraska Sen. Megan Hunt’s response this year was to introduce LB 487. It would bar public funds from going to schools that discriminate based on a young person’s sexual orientation, gender identity, or disability or special education status.

“We cannot allow this trend of just gesturing to the idea of religious freedom to grant automatic exemption from law,” Hunt says.

Entering this year, Nebraska did not have any school-choice programs in statute, according to EdChoice.

However, this year’s LB 753 (a bill advancing toward passage as of mid-March)

would create a new tax-credit scholarship program. Individuals who donate to nonprofit, scholarship-granting organizations would get a tax credit from the state. These organizations, in turn, provide scholarships for students to attend private school.

Tax-credit scholarship programs differ from ESAs in that the funds do not come directly from state coffers.

Still, Hunt questions the constitutionality in her state. She says a mix of constitutional

language, existing statutory definitions and state legal precedent over the meaning of terms such as “tax expenditure” and “to appropriate” support her claim that such scholarships should be considered “public funds” — funds that cannot go to private schools in Nebraska.

In Michigan this year, legislators passed a bill expanding the state’s existing civil rights laws to provide protection from discrimination based on sexual orientation and gender identity or expression.

As part of SB 4, signed by the governor in March, all educational institutions are prevented from denying services or admission based on these protected classes.

“Religion is already protected from discrimination ... but adherents of a religion are required to follow neutral, generally applicable laws,” Michigan Senate President Pro Tem Jeremy Moss, the sponsor of SB 4, says. “If a good or service is available on an open market, there should be no allowance to discriminate.”

INDIANA’S ENROLLMENT TRENDS

Indiana has strongly embraced school choice for many years. Still, the presence of financial-aid opportunities in this state has not necessarily resulted in big boosts in private school enrollment.

According to a 2021 Ball State University report, between 2007 and 2020, private school attendance in Indiana dropped from 69,708 (6.3 percent of total state K-12 enrollment) to 55,348 (5.1 percent of the total).

Although the introduction of a voucher program in 2011 led to an initial increase in private enrollment, peaking at 80,523 (7.3 percent) in 2015, there has been a continual decline in each ensuing year.

One explanation for the drop could be that Indiana, like every Midwestern state except Illinois, allows for inter-district transfers to other public schools.

“The ability to send your child to another local public school proved so popular in Indiana that it led to the real financial stress, if not death, of a lot of local private schools,” explains Ball State economics professor Michael Hicks, a co-author of the study.

He adds that the absence of local property tax revenue and busing services for private schools also has contributed to lower enrollment numbers.

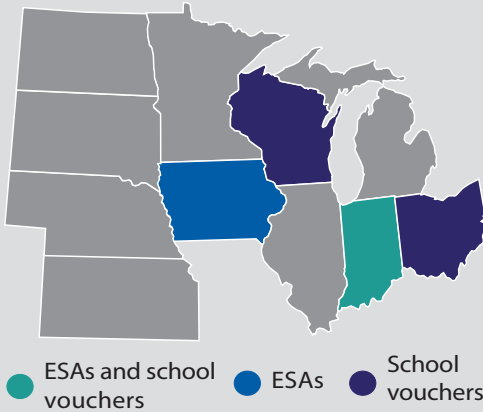
Derek Cantù serves as CSG Midwest staff liaison to the Midwestern Legislative Conference Education and Workforce Development Committee.

EXPENSES COVERED UNDER IOWA’S EDUCATION SAVINGS ACCOUNT LAW

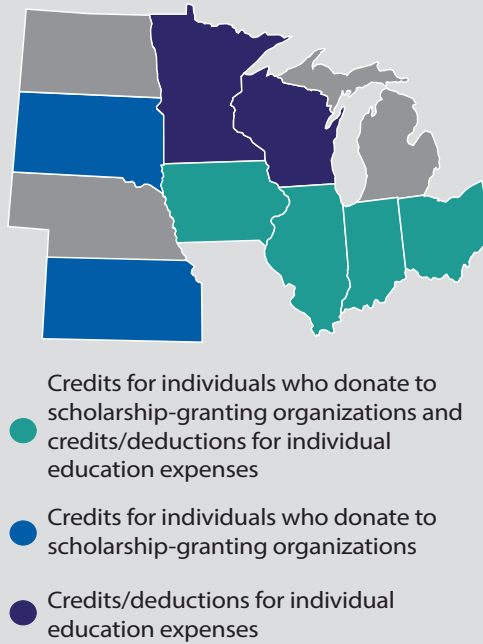
- TUITION FOR PRIVATE SCHOOLS, ONLINE SCHOOLS AND VOCATIONAL EDUCATION
- TEXTBOOK AND SOFTWARE FEES
- EDUCATION THERAPY (INCLUDING TUTORING AND COGNITIVE SKILLS TRAINING)
- MATERIALS AND SERVICES FOR STUDENTS WITH DISABILITIES
- FEES FOR STANDARDIZED AND AP TESTS

STATE SUPPORT FOR STUDENT ENROLLMENT IN PRIVATE SCHOOLS (AS OF MARCH 15, 2023)*

Education savings accounts and school vouchers



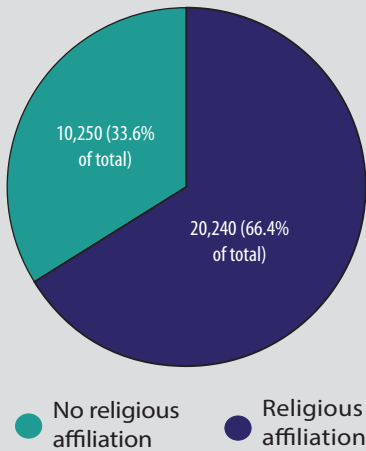
Tax credits



* As of March 15, bills to expand or introduce one or more of these types of proposals had been introduced in most Midwestern states. Only Iowa’s ESA bill had been signed into law.

Sources: EdChoice

AS OF FALL 2019, THE U.S. HAD MORE THAN 30,000 PRIVATE ELEMENTARY AND SECONDARY SCHOOLS, MOST RELIGIOUSLY AFFILIATED



Source: National Center for Education Statistics

FEED PEOPLE, HELP FARMERS: HOW 2 NUTRITION PROGRAMS HAVE GROWN IN 2 STATES

by Tim Anderson (tanderson@csg.org)

More than a decade ago, a program known as Double Up Bucks launched in a handful of local farmers markets in Detroit.

Not long after, a similar pilot initiative, Market Bucks, was up and running in Minneapolis.

With both initiatives, the idea was to boost the food-purchasing power of lower-income people getting assistance via the federal Supplemental Nutrition Assistance Program (SNAP), while also opening up new sales opportunities for local farmers.

These were not state programs. Eventually, though, they got the attention of legislators who saw promise in an approach that could address three objectives at once.

“We feed people, we get money into our farmers’ pockets, and people are able to get fresh, healthy vegetables in a community-centered setting,” Minnesota Sen. Erin Maye Quade says.

Funding for Market Bucks began being included in Minnesota’s budget in the middle of the last decade; likewise, Michigan lawmakers started allocating dollars for Double Up Bucks.

That has allowed for an expansion of both of these programs to locations across each state. In Minnesota, for example, Market Bucks was available in

105 different farmers markets last year, says Jill Westfall, director of programs for Hunger Solutions Minnesota.

MORE SNAP PURCHASING POWER

Here is how Market Bucks works: For purchases of SNAP-eligible foods at a farmers market, a SNAP participant gets a dollar-for-dollar match, up to \$10 per visit. Spend \$10 at the farmers market, and you can get \$20 worth of items. State funding is used to cover that match.

A federal grant provides another dollar-for-dollar match (also up to \$10 per visit) for purchases of fresh fruits and vegetables. This program is known as Produce Market Bucks.

“That double match made it more attractive, especially for some of our smaller farmers markets,” Westfall says.

Demand for the program has never been higher, and it’s one reason why Sen. Maye Quade and other legislators want a funding boost in Minnesota’s new biennial budget. She has proposed an annual appropriation of \$500,000, up from the existing \$325,000 (SF 1927).

Right now, Market Bucks is only available at farmers markets. Under Maye Quade’s bill, two other options would be added: one, direct sales from farmers; and two, sales based on a “community supported agriculture model,” in which individuals purchase

subscriptions, or shares, of food produced from a local farm in advance of the growing season.

Michigan’s Double Up Bucks provides a similar dollar-for-dollar match. It only applies to purchases of fruits and vegetables, but sales are not limited to farmers markets. Grocery stores are able to participate as well.

At these stores, during the heart of Michigan’s growing season (July through November), at least 20 percent of the sales for Double Up Bucks must come from state-grown products, says Nathan Medina, senior manager of state policy for the Fair Food Network.

Michigan’s most recent annual appropriation for Double Up Bucks was \$900,000, but a supplemental budget proposal would mark a big shift in state support — a proposed \$15.5 million in spending that would be spread over five years.

Medina says that change would provide the program with more funding certainty and improve the chances of securing federal grants.

Since its start in Detroit, Double Up Bucks has expanded to more than 25 U.S. states, including most in the Midwest. The scope of these programs, as well as their sources of funding, varies from state to state.

Federal support for nutrition incentive programs such as Double Up Bucks and Market Bucks began with the 2014 farm bill, and Medina says the next farm bill

ESTIMATED # OF PARTICIPANTS IN SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (AS OF DECEMBER 2022)

State	SNAP participants
Illinois	2,052,818
Indiana	600,644
Iowa	265,239
Kansas	185,432
Michigan	1,410,956
Minnesota	461,854
Nebraska	156,757
North Dakota	45,507
Ohio	1,447,559
South Dakota	70,548
Wisconsin	709,795

Source: U.S. Department of Agriculture

is likely to include additional funding opportunities and enhanced federal matches.

Michigan Sen. Roger Victory has chosen Food Security: Feeding the Future as the focus of his Midwestern Legislative Conference Chair’s Initiative for 2023.



QUESTION OF THE MONTH

QUESTION | Do any Midwestern states require that all bills introduced in the legislature receive a legislative hearing and/or vote?

In most states, the introduction of a bill does not ensure that it will receive a formal hearing or vote. Instead, some discretion on what legislation gets considered often is left to legislative leadership, a special rules or assignments committee (typically composed of top caucus leaders and controlled by the majority party), and/or the chair of the standing committee that has been assigned the bill.

However, there are exceptions.

For example, under the rules of the **North Dakota** House and Senate: “Every bill and resolution referred to committee must be scheduled for a hearing in committee, and a hearing must be held on the bill or resolution before the appropriate deadline for reporting the bill or resolution back to the [full chamber].”

Through a vote of its members, the relevant standing legislative committee in North Dakota recommends a “do pass” or “do not pass” on each bill. Regardless of that vote, though, every measure reaches the floor of the legislative chamber from which it originated. The result: All House or Senate members in North Dakota have the chance to vote on, and decide the fate of, every bill introduced in their respective chamber.

Under the rules of the **Nebraska** Unicameral Legislature, all bills and resolutions (with the exception of some technical legislation) must receive a public hearing from the relevant standing committee. Unlike in North Dakota, a Nebraska standing committee can vote to indefinitely postpone, or kill, a bill.

Rules in some states allow members of the legislature to get a bill withdrawn from a committee (after a certain period of inaction) and placed on the legislative calendar. The number of votes required for such a move varies from state to state.

In **South Dakota**, if one-third of the members of a chamber vote to “smoke out” a bill that stalled in committee, the measure is sent to the floor for a vote by the full House or Senate.

LIMITS ON BILL INTRODUCTIONS

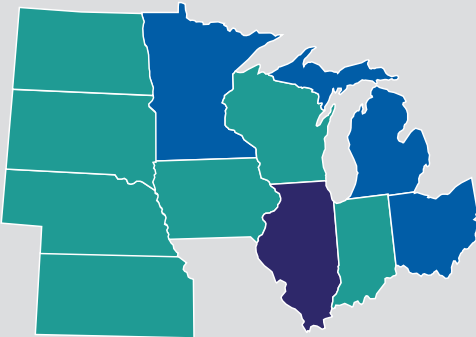
Another variance among states: the number of bills being introduced during legislative session. In 2020, that number exceeded 9,000 in **Illinois** and **Minnesota**, compared to fewer than 500 in South Dakota.

According to The Council of State Governments’ most recent “The Book of the States,” seven states in this region limit when bills can be introduced, either via rules adopted by the full legislative body or dates set by leadership (see map).

Legislation in Nebraska must be introduced by the end of the 10th day of session. After the 12th day of a 40-day session in South Dakota, members are limited to being the prime sponsor of three bills; they cannot introduce any legislation after the 15th day. Likewise, North Dakota stops the introduction of bills after the 13th day of session, and after the eighth day, members only can serve as the primary sponsor of up to three bills.

Additionally, the **Indiana** House and Senate cap

TIME LIMITS ON BILL INTRODUCTIONS, ACCORDING TO CSG'S MOST RECENT “THE BOOK OF THE STATES”



- Specific date set in legislative rules
- House speaker, Senate president authorized in rules to establish time limit
- No time limit

how many pieces of legislation that individual members can introduce: in the House, no more than 10 bills in odd-numbered session years and no more than five in even-numbered years; and in the Senate, no more than 15 bills or resolutions in odd-numbered session years and no more than 10 in even-numbered years.

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





PROFILE: INDIANA SENATE MINORITY LEADER GREG TAYLOR

Become ‘comfortable with being uncomfortable’: Lessons from a legislator who’s always served in the minority party caucus, and is now leading one

by Derek Cantù (dcantu@csg.org)

Greg Taylor’s connection with state government began long before he ran for office.

Shortly after graduating from law school in 1996, he moved to Indianapolis to work for the then-Indiana Department of Commerce (now the Indiana Economic Development Corporation).

“I was responsible for helping bring jobs to the citizens of the state of Indiana through economic development incentives,” Taylor says. “Through that relationship, I met a lot of legislators; one of them happened to be the senator that I [would succeed], Sen. Glenn Howard.”

Howard regularly called on Taylor for support with legal analysis. But in 2006, Howard became ill, and his wife convinced a reluctant Taylor to pursue the seat.

Ever since joining the Senate in 2009, Taylor has served in the minority party, a Democrat in a state where Republicans have long had full control of the Indiana legislature and governor’s office.

“I’ve learned how to become comfortable with being uncomfortable,” he says.

In part, that means asking tough questions and demanding answers from the majority party, even when he might be one of the few dissenting voices in the room, or the only one.

“What keeps me going is making sure that I represent those people who typically don’t have a voice in this body,” Taylor adds.

But he also has found ways of partnering with Republican colleagues — for example, working on a law to expand newborn screenings in order to detect three rare genetic diseases, and strengthening Indiana’s oversight of pharmacy benefit managers.

“People believe when you serve in a minority position in the legislature that it’s just frustration all the time,” Taylor says. “I’ve figured out a way, somehow, to make sure that some of our Democratic legislation is heard.”

Taylor was selected leader of the Senate Democrats in November 2020, becoming the first Black lawmaker in Indiana history to head a legislative caucus. In an interview with CSG Midwest, Taylor shared his perspective on leadership and his determination to advance his caucus’s policy goals. Here are excerpts.

Q How would you describe your leadership style?

A It’s more of a cooperative leadership style because, as far as me as a legislator, I just enjoy working and helping people. I also tend to try to be as fluid as I can, because I think sometimes



BIO-SKETCH: INDIANA SEN. GREG TAYLOR

- ✓ selected Senate minority leader in 2020, becoming the first Black legislator to lead a party caucus in Indiana history
- ✓ first elected to the Indiana Senate in 2008
- ✓ is a business and government attorney who also once worked in the Indiana Department of Commerce
- ✓ lives in the state capital of Indianapolis with his wife, Danielle; and their three children

“What keeps me going is making sure that I represent those people who typically don’t have a voice in this body.”

we get stuck in these traditional kinds of ways that we do business.

Q How about the work you do, leader to leader, with Republican colleagues?

A I’ve gone to the leadership of the supermajority, and they’ve been really, I think, accommodating to some of our members. This year, we had 14 Senate Democratic bills receive hearings and advance out of the Senate, and many of those have already received House hearings and progressed as well. It’s just all around a good relationship that has existed before [between Senate and House leaders], but now is coming to the forefront.

Q Indiana has been in the middle of some of the contentious social issues we’re seeing across the country. What kind of impact has this had in the legislature?

A There’s a phrase I use called “steady plodding.” You have to be cognizant of the fact that we don’t all represent the same group of constituents. But from my perspective, we also have to look at it from the society as a whole. Far too much of this partisan stuff that we deal with is based on, ‘My district feels differently than yours.’ I would assume that not everybody in a district is monolithic in their thoughts.

Q Your caucus prioritized education and health care this budget-setting year. What specific changes have you pursued in these areas?

A The elimination of what we call the “textbook tax” here in Indiana was something our caucus has been talking about for years, and it was put forth this session in the governor’s budget proposal. Thankfully, we were able to get that language successfully included in HB 1001. Unfortunately, those textbook fees are not fully covered in the House-proposed budget, instead passing the costs off to schools. My caucus will be pushing for an actual elimination of the full cost of book fees for Hoosiers and schools in the Senate budget.

We’re also still in the midst of trying to get proportionality when it comes to the allocation of new dollars for education. We’ve always been very proud about the fact that we spend over 60 percent of our budget on K-12 education. Unfortunately, this year, we’re going to see our voucher system get an increase of approximately 30 percent in funding while total base student funding for traditional public schools, where 90 percent of students are educated, receive a 3.3 percent increase in FY 2024 and even less in FY 2025.

We’re advocating to fully fund recommendations of the Public Health Commission. Right now, we rank dismally compared to the rest of the country when it comes to public health, and we feel like we’ve got some momentum moving for an increase in the funding for public health [from approximately \$7.5 million to \$240 million]. Then, from what we put under our health initiative, we want to eliminate the “pink tax” — taxes on menstrual products that we see as a tax on women.

Q In the area of criminal justice, you are the co-author of a bipartisan bill this year [SB 136] to establish a database with the names of

people who are prohibited from carrying firearms. Why is this needed?

A We knew that when we passed our permitless-carry law [in 2022], law enforcement officers would not have the information readily available to determine whether or not a person was eligible [to carry a firearm]. Now that we have that permitless-carry law in place, it’s only smart for us to be able to allow law enforcement officers to have these tools readily accessible.

It’s going to be used with discretion, so there’s some guardrails we need to put on it, but it’s definitely something that we need from a public safety standpoint.

Q On another measure, you have been vocal in your opposition to a proposed constitutional amendment eliminating access to bail to individuals deemed a “substantial risk to the public.” What are your concerns about a change like this?

A Bail was created to allow people to access freedom before they were convicted of a crime, and was available for everyone except those suspected of murder or treason. What we do with SJR 1 is say, it doesn’t matter if you are charged with misdemeanor battery or murder, the court or the prosecutor can determine that you’re a threat to society, the public at large, and deny you bail.

Bail shouldn’t be a way to discriminate against poor people and people of color. To know that we already have these disparities that exist, and then to further restrict bail, is just exacerbating that issue.

PROFILE: ILLINOIS SENATE MINORITY LEADER JOHN CURRAN



New leader explains why he puts a premium on collaboration, inside and outside his caucus, and how a bipartisan approach to legislative committees could help

by Mitch Arvidson (marvidson@csg.org)

When he came to office in 2017, John Curran needed to hit the ground running.

Not only had he been appointed to replace a retiring, well-regarded, history-making legislator (Christine Radogno, the first-ever woman to lead a party caucus in the Illinois legislature), parts of his district in suburban Chicago were soon dealing with an environmental health emergency.

A local company (one that sterilized medical equipment and other products) was releasing ethylene oxide into the air “at very alarming levels,” Curran says.

The challenge for the district’s new legislator: how to deal with a toxic air situation that was alarming constituents and threatening their health.

Curran says he looks back on the experience now as an enduring lesson on the value of working with officials across all levels of government, and as a reminder of the difference you can make as a state lawmaker.

“Getting that facility closed [in 2019], and seeing the area beginning to heal from that, was probably my greatest accomplishment to be a part of,” he says.

This year, Curran is taking on perhaps his greatest legislative challenge yet: minority leader of the Senate Republicans.

In a recent interview with CSG Midwest, he discussed his approach to leadership, how his background in government in Illinois’ two most populous counties brought him to Springfield, and his legislative priorities for this year and beyond.

Q In addition to the work you did in addressing the air toxin problem in your district, what would you point to as your most valued accomplishments since joining the General Assembly?

A I am very proud of leading our caucus in negotiating and bringing about more-stringent ethics laws in the state. We were able to get some good upgrades and a strengthening of our ethical standards here [for legislators].

I also would point to receiving the 2021 Defender of the Innocent Award from the Illinois Innocence Project for my work on reforming the juvenile interrogation standards in the state in order to reduce the risk of false confessions from minors.

Q You came to Springfield steeped in experience and service at the county level

BIO-SKETCH: ILLINOIS SEN. JOHN CURRAN

- ✓ unanimously chosen by his caucus in November 2022 to be Illinois Senate minority leader
- ✓ first appointed to the Illinois Senate in 2017
- ✓ is an attorney with a private law firm; previously worked for 19 years as an assistant state’s attorney for Cook County
- ✓ served nine years on the DuPage County Board, including as vice chair
- ✓ lives in suburban Chicago town of Downers Grove with his wife, Sue; four daughters; and a niece

— an assistant state’s attorney in Cook County and vice chair of the DuPage County Board, for example. How have those experiences informed your work?

A All politics is local, and local policy was very important to me.

In my 19 years in the Cook County state’s attorney’s office, I handled a lot of litigating that involved public policy that wasn’t quite right. At the same time, I was on the DuPage County Board, which is a county of nearly one million people; it’s bigger than five states. It was an opportunity to really work on policy affecting lives in a daily [way]. I think that gave me a great background for the work I do now. ...

I came in with a specific focus on public safety, public health and economic development. Those were issues very important to me and my prior work, and I was looking to continue those at the state level.

Q Did that emphasis on public safety come from specific experiences you had working in the state’s attorney’s office?

A Yes, I was a prosecutor for six years and then I worked in the civil division of the state’s attorney’s office for 13 years. That involved representing the sheriff and the difficulties with the jail system at the time, bringing the Cook County juvenile detention center into constitutional compliance.

For a period of time, the detention center was run by a federal monitor. [Cook County] actually had to cede control of the facility as we worked with the federal monitor to come into compliance with the constitutional standards.

It gave me a lens on public safety from a couple of different vantage points.

Q You’re now in your seventh year in the General Assembly, but first as a top legislative leader. From your experience, what are the most important characteristics of an effective legislative leader?

A To me, the most important characteristic is the ability to listen and comprehend the problems and challenges that legislators from around the state and different districts are working on.

It’s really that ability to listen, as well, that helps focus our caucus to have a more collaborative work environment and process, and really having an organized plan to implement good, sound public policy. I think those are the characteristics that I most focus on trying to bring to this job.

Q You have a geographically diverse caucus, one with members who likely have many different priorities. How do you go about developing cohesion among the caucus?

A Over-communicating is how I approach developing that cohesion. We certainly have diverse districts, and that can create a lot of challenges, so the ability to collaborate and communicate effectively amongst all the caucus members is incredibly important.

Q What are your caucus priorities?

A Illinois families and businesses are facing great challenges. Inflation, unemployment, over-taxation and child care shortages are affecting our job creators and our job seekers.

We need real, substantive and sound economic policies that are going to help improve lives and livelihoods. Senate Republicans have a bold but doable agenda based on helping Illinois families and job creators rebuild and renew opportunities in our state, with a specific emphasis on supporting small- and mid-sized businesses.

Q There has been an interesting institutional development in the Illinois Senate. Members of the minority party, your Senate Republican Caucus, are serving as co-chairs of two committees. How did this happen, and what are the goals?

A It came about in my discussions with the Senate president [Don Harmon] on ways our caucuses could maybe work in a more collaborative manner. The Senate president was soliciting ideas, and this is one of the ideas that I had brought to him.

It’s not only symbolic, but it’s also an incredibly important display of two individuals — two senators, from different, diverse areas of the state and different political parties — working together seamlessly [as co-leaders of Senate committees]. ...

It’s been going well so far, in the Higher Education and State Government committees. These are incredibly important subject matters in this state, so I certainly do appreciate President Harmon’s efforts and reaching out and wanting to solicit ways to work in a more bipartisan manner.

Our participation and inclusion in the process will bring a more balanced public policy result to the state, and I do believe that’s important over the long term. And it’s also important if you’re going to get statewide buy-in [on policies] in this diverse state.



BINATIONAL, BIPARTISAN GROUP OF LEGISLATORS IN PLACE TO LEAD GREAT LAKES OVER NEXT TWO YEARS

With staff support from CSG Midwest, the Great Lakes-St. Lawrence Legislative Caucus works to strengthen the role of state and provincial legislators in advancing Great Lakes-related policies in areas such as controlling the spread of invasive species, protecting drinking water, managing nutrient pollution and improving coastal resiliency.

Leading that work is a select group of legislators serving on the GLLC's Executive Committee. This leadership team recently was put in place for the 2023-'24 biennium, with all 10 jurisdictions of the Great Lakes basin represented:

- Indiana Rep. David Abbott
- Québec MNA Joëlle Boutin
- Indiana Sen. Ed Charbonneau (ex officio member/past GLLC chair)
- Illinois Sen. Laura Fine, GLLC vice chair
- Illinois Rep. Robyn Gabel (ex officio member/past GLLC chair)
- Ohio Sen. Theresa Gavarone
- Illinois Rep. Sonya Harper
- Michigan Rep. Rachel Hood
- Wisconsin Sen. André Jacque, GLLC chair
- Minnesota Sen. Mary Kunesh
- Ontario MPP Jennifer French
- Pennsylvania Sen. Daniel Laughlin
- Minnesota Sen. Ann Rest (ex officio member/past GLLC chair)
- Wisconsin Rep. Lisa Subeck
- New York Sen. Mark Walczyk



MARK YOUR CALENDAR: CSG'S IN-PERSON EVENTS FOR STATE LEADERS IN 2023

- ✓ **July 9-12** — **Midwestern Legislative Conference Annual Meeting** in Detroit
- ✓ **Aug. 16-20** — **Henry Toll Fellowship Program** in Lexington, Ky.
- ✓ **Aug. 18-22** — **Bowhay Institute for Legislative Leadership Development** in Madison, Wis.
- ✓ **Sept. 8-9** — **Great Lakes-St. Lawrence Legislative Caucus Annual Meeting** in Québec City
- ✓ **Sept. 18-20** — **Midwestern Interstate Passenger Rail Commission Annual Meeting** in Normal, Ill.
- ✓ **Dec. 6-9** — **CSG National Conference** in Raleigh, N.C.



THE HOWS AND WHYS OF ATTENDING THE ANNUAL MEETING OF THE MIDWESTERN LEGISLATIVE CONFERENCE, NOW ENTERING ITS 77TH YEAR

Family-friendly event for state, provincial legislators will be held July 9-12 in Detroit

For many of the region's legislators, the Midwestern Legislative Conference Annual Meeting has become a summer and family tradition.

The event, now in its 77th year, brings hundreds of legislators and their guests to a different city of the Midwest for four days of learning, collaboration and professional enrichment. This year's destination is downtown Detroit, with the state of Michigan and its Legislature — led by Sen. Roger Victory, MLC chair — serving as hosts. The dates are July 9-12.

Now is the best time to register for the meeting. Here are some details.

WHY ATTEND THE MLC ANNUAL MEETING?

If you are a state or provincial legislator from the Midwest, you are a member of the nonpartisan, binational Midwestern Legislative Conference. The Council of State Governments provides staff support to the MLC.

The group's MLC Annual Meeting provides a unique learning and networking opportunity for legislators in a welcoming environment. Policy sessions, policy-focused site visits, featured speakers and professional development workshops will be offered during the day, and special evening activities at top Detroit venues will be held in the evening (see below for a "sneak peek").

All six of the MLC standing policy committees of state and provincial legislators will meet and hold sessions for all attendees: Agriculture and Rural Affairs, Criminal Justice and Public Safety, Education and Workforce Development, Energy and Environment, Health and Human Services, and Midwest-Canada Relations.

WHY BRING THE WHOLE FAMILY?

A full listing of events, along with a preliminary agenda, is available at csgmidwest.org. That agenda includes an exciting array of daytime activities for attendees' guests — for example, history and architecture tours for adult guests, and separate riverboat tours and outdoor adventures for children.

HOW TO REGISTER, AND WHY NOW?

Registration can be completed at csgmidwest.org. A discount is available through May 9. Registration covers the cost of all meals and all meeting-related events. Separate registration is required for spouses, adult guests and children of attendees who plan to take part in the daytime activities. (Note: There is no fee for children to participate in daytime events.)

SOME OF THIS YEAR'S FEATURED MEETING SPEAKERS & SESSIONS



Bestselling author, PBS host and acclaimed speaker Steven Johnson on "Where Good Ideas Come From: The Patterns of Innovation"



Shannon Wilson of Priority Health on "Why Place Matters: A Path to Healthier People and Communities"



Journalist and Pluribus News founder Reid Wilson on "The Midwest's Policy Landscape: A View from Voters and Legislators"



Communications expert Dietram Scheufele on "Finding Common Ground: A Road Map for Good-Faith Debates over Policy, Science and Innovation"



A keynote session and other events built around the 2023 MLC Chair's Initiative of Michigan Sen. Roger Victory



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



Opening Night Reception at the Detroit Institute of the Arts



Family Night at the Henry Ford Museum of American Innovation



Site Visit and State Dinner at Detroit's Historic Eastern Market

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 NOTES: ABOUT THE STEERING COMMITTEE AND KEY DATES IN 2023

Four alumni of the Bowhay Institute for Legislative Leadership Development program guide the work of the region's top legislative training program as officers of the Midwestern Legislative Conference BILLD Steering Committee.

They are Illinois Rep. Anna Moeller (class of 2017) and Iowa Sen. Amy Sinclair (class of 2016) , co-chairs; and Michigan Rep. Ann Bollin (class of 2019) and Kansas Rep. Jarrod Ousley (class of 2018), co-vice chairs.

Along with these officers, the Steering Committee includes a bipartisan group of legislators from the Midwest's 11 states, along with the province of Saskatchewan. Its responsibilities include oversight of the curriculum, fundraising and selection process.

Since BILLD began 28 years ago, nearly 1,000 legislators have graduated from the program. Many have gone on to serve as leaders in their legislatures and state executive branches; others are now members of the U.S. Congress. CSG Midwest provides staff support to BILLD and all other Midwestern Legislative Conference activities.



Illinois Rep. Anna Moeller



Iowa Sen. Amy Sinclair



Michigan Rep. Ann Bollin



Kansas Rep. Jarrod Ousley

Key Dates for the BILLD Program in 2023

- **April 17:** Application season ends
- **May 19-20:** Steering Committee selects 2023 Fellows
- **July 9-12:** Alumni Reception and other events held at the CSG Midwestern Legislative Conference Annual Meeting in Detroit
- **August 18-22:** BILLD program held in Madison, Wis.



BECOMING A BILLD SPONSOR

Funding from corporate and foundation sponsors makes BILLD possible. If you believe in the importance of providing legislators with the tools necessary to improve their leadership and policymaking skills, please consider sponsoring the program. A range of sponsorship levels is offered. BILLD partners are widely recognized during the five-day institute, as well as throughout the year. Visit csgmidwest.org/billd or contact CSG Midwest director Laura Tomaka at ltomaka@csg.org for information.

Thank you to these early sponsors of the 2023 program:

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CONVERSATION WITH CONFLICT IS INEVITABLE IN THE LEGISLATIVE ARENA; VIEWING IT AS A COMPETITION WITH ‘WINNERS’ AND ‘LOSERS’ IS NOT

Wall can all think of an argument we've had where we forgot what we were arguing about.

We reacted to the infuriating thing our sibling/friend/legislative colleague said and lost sight of how the conversation started in the first place. Suddenly, our goal was no longer to come to agreement on a thorny issue. It was to win.

This dynamic has a name — “goal drift” — and it's very common.

We move from a realistic goal (figure out this misunderstanding) to an unrealistic goal (win the argument) suddenly and without realizing it. In just a moment, our counterpart transforms from a partner into a rival. The interaction transforms from a conversation into a competition.

In the legislature, it can mean going from “let's find a good bipartisan solution” to “I'm going to score the political win here.”

IN NEGOTIATIONS, TOO MUCH ANGER LEADS TO TOO LITTLE RESULTS

While competition can be helpful in contexts such as sports, it can be harmful in a conversational setting. When we treat our counterparts as competitors, we're likely to get angry, and that comes with costs.

Researchers hired actors to feign anger as they were negotiating the sale of a mobile phone. Later, they asked subjects to complete various tasks, some appealing and some unappealing.

The subjects that negotiated with the angry actors were significantly more likely to choose the appealing tasks for themselves, and the unappealing tasks for others. Calling it “covert retaliation,” the researchers landed on a clear lesson: anger in a negotiation may help you in the short term, and will probably hurt you in the long term.

That does not bode well for interactions with people we see all the time, from legislative colleagues across the aisle to family members across the dinner table.

Other research has demonstrated that competition may compromise our ethics. Harvard University's Max Bazerman and his colleagues showed that the desire to win in a negotiation overtakes people's reasoning, leading to what he and his colleagues called “ethical fading.”

You might walk into a negotiation with the best intentions and impeccable preparation. But in the heat of the moment, you can find yourself refocusing entirely on what you want in the moment. Even if you're not intentionally deceiving, you're stretching your ethical bounds.

“People may avoid telling a direct lie, but they're willing to say things that are ambiguous that hide what perfect ethicality looks like,” Bazerman wrote.

TO AVOID ‘GOAL DRIFT,’ BE AWARE OF THE MINDSET YOU BRING TO NEGOTIATIONS

Many of us are comfortable with competition. After all, it's everywhere.

It shows up on our televisions, with cable news anchors discussing presidential debates as if they are boxing matches. It shows up in the courtroom, with an adversarial legal system that writer and

Guest Author: Naseem Khuri

Naseem Khuri is a trainer, consultant, mediator and facilitator who specializes in negotiation, influence and conflict management. His clients include the leaders of Fortune 100 companies, top international diplomats and political leaders. He also teaches at Tufts University.



Last year, he led a workshop at the CSG Midwestern Legislative Conference Annual Meeting on conflict resolution and collaboration in the legislative arena — two topics that also are the focus of the MLC's Bowhay Institute for Legislative Leadership Development.

Mr. Khuri can be reached at naskhuri2@gmail.com.

If we just go about our daily lives without thinking about it, competition will seep in. If we are passive participants in our conversations, we'll endure its costs, sometimes without knowing.

linguist Deborah Tannen says empowers attorneys “to manipulate facts to the advantage of their side.”

It shows up in the language we use in regular conversation, when we acknowledge our counterpart's point in scorekeeping terms (“I'll give you that one”) or as a concession in battle (“You've got me there”).

If we just go about our daily lives without thinking about it, competition will seep in. If we are passive participants in our conversations, we'll endure its costs, sometimes without knowing.

A few years back, I was asked to lead a workshop on Capitol Hill with staff members of a U.S. Senate committee. They wanted productive tips on collaborating with others on both sides of the aisle to solve significant public policy problems.

Before we even got started, a staffer loudly asked, “You're going to teach us how to screw the other side, right?”

While I ended up introducing the committee to concepts from the field of negotiation that could foster more collaboration, I first had to relieve these staffers of the assumption that competition would help them accomplish their goals. They had to build self-awareness around the mindset they were bringing to their conversations, and work to avoid the subtle onset of goal drift.

And I had to remind them of their goal in the first place: not to beat their counterparts across the aisle, but to write and pass legislation to help their constituents and the American people.

The same holds true for the legislators and legislative staff working in our nation's state capitols.

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.

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Open to page 10 of this edition of *Stateline Midwest* to learn more

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CSG Midwest Office Staff

Laura A. Tomaka, Director
Tim Anderson, Director of Communications
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Jon Davis, Policy Analyst and Assistant Editor

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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 | csgmidwest.org

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