



WITH ‘SCIENCE OF READING’ LAWS, STATES  
EYE TURNAROUND IN RECENT TRENDS

Test scores have fallen across the region; new legislative measures include investments in reading instruction — and sometimes requirements on how the subject is taught

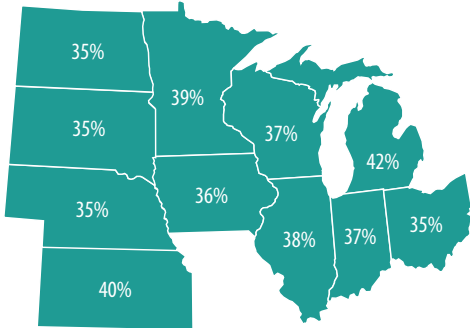
by Derek Cantù ([dcantu@csg.org](mailto:dcantu@csg.org))

In the Midwest, drops in students’ test scores on reading are widespread and, in many states, predate the COVID-19 pandemic. One group that has taken notice and recent action to reverse that trend: state legislators. “Kids that don’t know how to read or aren’t reading at a proficient level by third grade are exponentially more likely to drop out of school,” notes Indiana Rep. Jake Teshka, chief author of a new law on reading in his state. The research is definitive on that point, he adds, and the consequences also are clear. Young people don’t attain the postsecondary credentials they need for economic and career

success, and the state as a whole is left with a workforce problem. “Jobs coming to Indiana are increasingly going to require some sort of postsecondary education,” Teshka adds. He believes a new law in Indiana can help turn around those trends in reading performance. In Wisconsin, Rep. Joel Kitchens authored a like-minded bill in his home state, with some of the same long-term concerns about student outcomes in mind. “When people ask me, ‘What scares you the most about the future,’ [it] is seeing more and more people trapped in that cycle of poverty, one generation after the other,” Kitchens says. “The only chance we have of breaking that is education. And basically, if we don’t get [students] reading early, it’s just not going to happen.” Laws in Indiana, Wisconsin and other states (see map on page 2) are revamping schools’ reading instructional strategies and promoting (sometimes requiring) approaches that adhere to what is known as the “science of reading,” or SoR.

**CONTEXT OF NEW LAWS ON READING INSTRUCTION** Although not comprised of a universally recognized curriculum model, SoR is an approach to reading instruction that emphasizes phonetic learning, the sounding out of letters and words. For the last few decades, a “reading war” of sorts has waged throughout academia regarding reading instruction. Is phonics the best approach? Or do other strategies work best for students? For example, with the “three-cueing” model, an emphasis is placed on students using context clues and analyzing syntax in order to understand written language. In practice, a teacher using this method would prompt students, or “cue” them, to ascertain the meaning of a word in a sentence by asking a series of questions: Does it make sense? Does it sound right? Does it look right? The problem with this method, according to critics, is this style of instruction simply makes students better guessers. It’s more akin to the strategies used by people who have difficulty reading, they say.

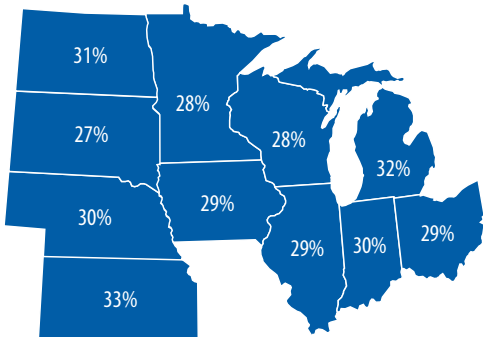
% OF FOURTH-GRADE STUDENTS IN MIDWESTERN STATES WITH ‘BELOW BASIC’ READING SCORES (2022)\*



\* For the nation as a whole, 39% of fourth-grade students had “below basic” level reading scores in 2022.

Source: National Assessment of Educational Progress

% OF EIGHTH-GRADE STUDENTS IN MIDWESTERN STATES WITH ‘BELOW BASIC’ READING SCORES (2022)\*



\* For the nation as a whole, 32% of eighth-grade students had “below basic” level reading scores.

Source: National Assessment of Educational Progress



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Minority Leader  
Melissa Agard

House Speaker  
Todd Huston

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REVAMP TO READING INSTRUCTION INCLUDES FUNDING OF LITERACY COACHES, TEACHER TRAINING

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Proponents of the recently enacted state laws say SoR is more closely aligned with the tenets of cognitive science.

That’s because lessons built on phonemic awareness and phonics better connect how children auditorily learn how to speak, a primal ability of humans, to how they learn to read, a more complex and relatively modern skill.

“We have tangible physical evidence as far as the way that the brain works and the way that orthographic mapping works and the way that we commit words to memory,” Teshka says.

“And the process by which we do that is all encompassed in this body of research called ‘science of reading.’”

Teshka’s goal with this year’s HB 1558 (signed into law in May) is to make sure evidence-based instruction from that research is used in Indiana classrooms.

HOW ONE STATE’S EXPERIENCE LED TO SPREAD OF READING LAWS

The SoR movement has also gained traction in part because of recent progress in Mississippi, a state that traditionally has had among the nation’s lowest reading scores.

A turnaround has occurred in that state over the past decade, since passage of the Literacy-Based Promotion Act and the Early Learning Collaborative Act.

With those laws in place, money started going toward SoR-based professional development for all early-grade teachers and school administrators.

Mississippi schools also received new resources from the state, including literacy coaches — individuals with advanced degrees who work with teachers as well as one-on-one with students.

“[The] coaches were put through a rigorous interview process to make sure they had the right background knowledge and knew how to work with adults,” former Mississippi State Superintendent Carey Wright said during an interview earlier this year with McKinsey & Company.

“We were strategic in how we deployed these people and how we built capacity for teachers and leaders.”

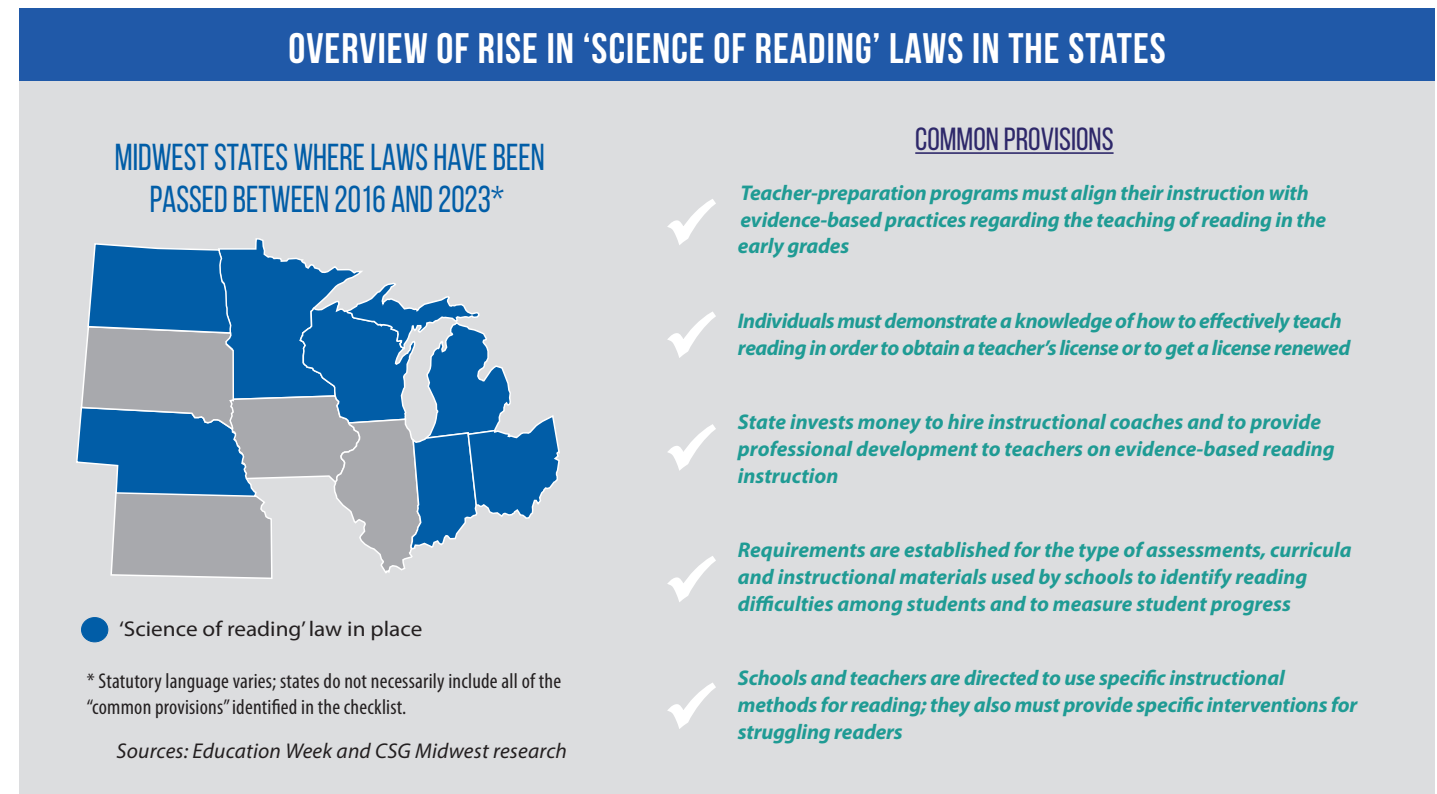
Between 2013 and 2019, average fourth-grade reading scores in Mississippi increased significantly. Additionally, 65 percent of students in this grade were reading at a basic level or higher, up from 53 percent in 2013.

These advances were also seen across multiple racial and ethnic groups.

Mississippi’s success story has given rise to new SoR laws in other states, including three in the Midwest this year alone: Indiana (HB 1558/1590), Ohio (HB 33) and Wisconsin (AB 321).

‘IF WE KNOW WHAT WORKS, WE NEED TO GO ALL IN’

These laws require classroom instruction and teacher training in SoR methods, and also generally prohibit use of the three-cueing model in the future (with exceptions for students with special needs or English language learners where this method might be



preferred and work best).

These states also provide funding for new literacy coaches to help deliver evidence-based reading instruction to students.

In Indiana, the transition to SoR is scheduled to happen rather quickly.

At public and charter schools where fewer than 70 percent of students earn a passing score on a state reading evaluation, an SoR-only curriculum must be in place next school year.

A similar timeline applies to Indiana’s teacher-preparation programs, and a new literacy endorsement for teacher-candidate graduates will begin being offered in July 2025.

“It is aggressive and it’s intentionally so,” Teshka says. “If we know what works, we need to go all in.”

That’s also why he and other lawmakers ultimately rejected the idea of allowing

hybrid approaches, which incorporate elements of both SoR and three-cueing. These hybrid methods are sometimes referred to as “blended” or “balanced” literacy. (The new laws in Ohio and Wisconsin also favor SoR alone, rather than a hybrid approach.)

Over the next two years, Indiana is allocating \$40 million to train teachers on SoR, to recruit literacy and instructional coaches, and to allow teachers who graduated before 2025 to earn a new literacy endorsement (and earn differentiated pay).

This new appropriation builds on big investments in reading instruction in the state in recent years, including a multimillion-dollar Lilly Endowment grant.

PATH TO LEGISLATIVE PASSAGE IN OHIO AND WISCONSIN

Ohio legislators also were able to get a SoR measure passed this year due in part to promised funding.

That state’s new approach to reading instruction came not through stand-alone legislation, but via provisions in the two-year budget. It includes \$86 million for professional development,

\$64 million for curriculum and instructional materials, and \$18 million for literacy coaches, according to the *Ohio Capital Journal*.

Ohio schools will need to transition to SoR-only instruction by next fall, and all teachers and administrators will need to complete training in SoR instructional strategies by June 2025.

Gov. Mike DeWine has been one of the biggest proponents of this new approach to literacy instruction.

“The jury has returned, the evidence is clear, the verdict is in,” DeWine said in his State of the State address earlier this year.

Throughout the spring, he traveled the state to classrooms that were already using the SoR approach, and his office produced a video that included testimonials from teachers, administrators and students.

The path to a new reading law in Wisconsin was quite different.

In previous years, Gov. Tony Evers had vetoed legislation calling for new assessments of reading proficiency among students in the early grades.

Those past differences, Rep. Kitchens says, had resulted in an air of distrust between the legislative and executive branches.

However, bipartisan consensus built for the legislative proposal AB 321 (Kitchens was the chief sponsor) as various K-12 and university leaders voiced support for the SoR model.

“I went to DPI [the Wisconsin Department of Public Instruction] at the beginning of the session, and was very surprised that all of a sudden they were kind of on board with me,” Kitchens says.

“Then, I set up an appointment to talk to the governor, and he was very supportive as well.”

Early on in the legislative process, however, bipartisan support for the measure was almost upended over a provision that would have required schools to “hold back” third-graders if they did not pass a newly designed reading assessment.

“The education community, certainly

the governor’s office, was vehemently opposed to putting in a policy like that,” Kitchens says.

“Honestly, on my part, that was never an issue. ... Very often that is not what’s in the kids’ best interest.”

The provision was taken out, and Evers signed AB 321 in July.

‘AMBITIOUS’ TIMELINES TO IMPLEMENT READING LAW

Under Wisconsin’s new law, school districts have until July 2025 to write individualized policies for how they will intervene and help students with low reading scores as they move from third grade to fourth grade.

Like Mississippi, Wisconsin will take a targeted approach in how it deploys new state-funded literacy coaches — they’ll initially be designated for 50 schools with the lowest reading scores and another 50 schools with the greatest gap between proficient and struggling readers.

Kitchens adds that language in the law will ensure that literacy coaches are spread across Wisconsin, rather than concentrated in only a few districts.

Part of his vision for AB 321 is that schools will work with and learn from each other on what reading strategies and interventions are working best.

“And I think districts will sort of grow their own coaches as well through this process,” Kitchens says.

A new council (appointed by legislative leaders and Wisconsin’s state

superintendent of public instruction) will submit recommendations later this year on a new literacy curriculum as well as the instructional materials to be used in kindergarten through third grade.

“It’s going to be a challenge,” Kitchens says about implementation of AB 321 and the law’s quick turnaround time. “I think there

will be some hiccups. It’s an ambitious calendar. I wish we had been able to pass the legislation earlier in the session so that we wouldn’t have that problem.”



Indiana Rep. Jake Teshka



Wisconsin Rep. Joel Kitchens



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RISKS AND PITFALLS OF  
'PEDAGOGICAL DOGMA'

Mark Seidenberg, a cognitive scientist, psycholinguist and professor emeritus at the University of Wisconsin-Madison, is author of the 2017 book “Language at the Speed of Sight: How We Read, Why So Many Can’t, and What Can Be Done About It.”

Although being a supporter of reading instruction that is rooted in cognitive science, Seidenberg has expressed in speeches and blog posts that support for SoR “is at risk of turning into a new pedagogical dogma.”

“We were a little bit too successful,” he says. “We convinced people of the need for change and where to look, but now we have to deal with the fact that there isn’t a lot of understanding of the research in the pipeline.”

“There aren’t any curricula out there that are based on the ‘science of reading.’ They’re just ones that are better or ‘less bad.’”

According to Seidenberg, the new laws barring three-cue strategies are a “necessary evil” that transition schools away from unscientific practices. However, he warns that much more research and work needs to be done to refine the SoR model and make it work in the classroom.

Take, for example, the five key skills outlined in Ohio’s SoR approach: phonemic awareness, phonics, vocabulary, fluency and comprehension.

“In terms of methods [in reading instruction] that will be really effective and do things that really change the landscape, I think that’s still going to take work.”

Mark Seidenberg, professor emeritus, University of Wisconsin-Madison

Seidenberg says these five skills are based on a National Reading Panel report first released in 2000.

“It’s focusing attention in the right area; we’re in the ballpark,” he says. “But in terms of methods that will be really effective and do things that really change the landscape, I think that’s still going to take work.”

Connecting the research from cognitive scientists with the programming in teacher-preparation courses can be a slow and complex process, one that could become much more challenging for states with quickly approaching deadlines to adopt SoR.

Although there has been a lot of emphasis on improving reading comprehension before the end of third grade, Seidenberg adds, extraneous factors mean some students may continue to struggle in later grades.

For instance, Mississippi, whose progress inspired change across the country, continues to have eighth-grade reading scores and reading levels well below national averages.

Seidenberg’s advice to legislators and

education leaders: Don’t “cast adrift” the needs of these later-grade students; they need specialized reading services and supports as well.

'WINDOWS' AND 'MIRRORS' FOR  
YOUNG READERS

Seidenberg also supports reading instruction that accounts for the language and vocabulary that students are accustomed to at their homes. This strategy is one part of a comprehensive new statewide literacy plan being developed in Illinois as a result of SB 2243 (signed into law in July).

Unlike other states in the region, Illinois chose not to completely overhaul its reading curriculum or go all in on SoR.

Instead, SB 2243 instructs the Illinois State Board of Education to develop a literacy plan that “shall consider, without limitation, evidence-based research and culturally and linguistically

sustaining pedagogical approaches.” Once in place, the literacy plan will serve as the basis for new training opportunities for teachers, as well as the offering of optional microcredentials in literacy instruction starting in 2025.

“What this bill does is provide an umbrella for districts to be able to evaluate what makes sense for them,”

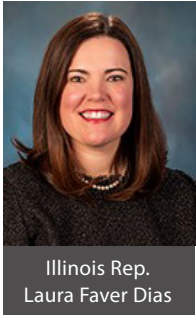
says Rep. Laura Faver Dias, a co-sponsor of SB 2243 and a former teacher herself.

In part, the new law directs the State Board of Education to develop a literacy plan that considers the most effective methods for teaching reading to students with disabilities, to multilingual students and to bidialectal students.

“Students need windows to the world to see people that don’t live like them, that don’t

look like them,” Faver Dias says.

“And then they also need to see mirrors so that they can see people who do look like them and who do live like them reflected back at them.”



Illinois Rep.  
Laura Faver Dias

'NATION'S REPORT CARD' SHOWS DROP IN READING SCORES ACROSS MIDWEST BETWEEN 2017 AND 2022

Between 2017 and 2022, average reading scores among fourth- and eighth-graders fell in each of the 11 Midwestern states, according to results from the National Assessment of Educational Progress, also known as “The Nation’s Report Card.” The changes from one test year to the next were not always classified as “statistically significant” (accounting for standard sampling and measurement errors). However, a regionwide look at NAEP scores shows:

- Between 2019 and 2022, significant drops in the average scores of fourth-graders in eight Midwestern states: Indiana, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio and South Dakota.
- Between 2017 and 2019 (prior to learning disruptions from COVID-19), significant drops in the average scores of fourth-graders in three Midwestern states: Indiana, Kansas and Ohio.
- Between 2019 and 2022, significant drops in the average scores of eighth-graders in seven Midwestern states: Indiana, Kansas, Michigan, Nebraska, North Dakota, Ohio and Wisconsin.
- Between 2017 and 2019 (prior to learning disruptions from COVID-19), significant drops in the average scores of eighth-graders in six Midwestern states: Indiana, Iowa, Kansas, Minnesota, Nebraska and South Dakota.

For fourth-graders, a NEAP score of 208 is the low end of a basic reading level, while a score of 238 or above marks reading proficiency. Eighth-grade students with scores of between 243 and 280 are considered at a basic reading level; a score of 281 and above shows proficiency.



State	Trends in average reading scores of fourth-graders					Trends in average reading scores of eighth-graders				
	Score in 2022	Score in 2019	Score in 2017	Change in score: 2022 vs. 2019	Trend before COVID-19: Score in 2019 vs. 2017	Score in 2022	Score in 2019	Score in 2017	Change in score: 2022 vs. 2019	Trend before COVID-19: Score in 2019 vs. 2017
Illinois	218	218	220	No change	Not significantly different	262	265	267	Not significantly different	Not significantly different
Indiana	217	222	226	Significant drop in score	Significant drop in score	261	266	272	Significant drop in score	Significant drop in score
Iowa	218	221	222	Not significantly different	Not significantly different	260	262	268	Not significantly different	Significant drop in score
Kansas	215	219	223	Significant drop in score	Significant drop in score	256	263	267	Significant drop in score	Significant drop in score
Michigan	212	218	218	Significant drop in score	No change in score	259	263	265	Significant drop in score	Not significantly different
Minnesota	215	222	225	Significant drop in score	Not significantly different	260	264	269	Not significantly different	Significant drop in score
Nebraska	219	222	224	Significant drop in score	Not significantly different	259	264	269	Significant drop in score	Significant drop in score
North Dakota	218	221	222	Significant drop in score	Not significantly different	258	263	265	Significant drop in score	Not significantly different
Ohio	219	222	225	Significant drop in score	Significant drop in score	262	267	268	Significant drop in score	Not significantly different
South Dakota	218	222	222	Significant drop in score	No change	262	263	267	Not significantly different	Significant drop in score
Wisconsin	217	220	220	Not significantly different	No change	262	267	269	Significant drop in score	Not significantly different



HEALTH & HUMAN SERVICES

Call volume has jumped with rollout of 988 lifeline; in many states, long-term funding of new crisis-care system is not yet settled

by Tim Anderson (tanderson@cs.org)

The launch of a potentially transformative service to help people in a mental health crisis began with laws and funding from the U.S. Congress.

But over the long term, states will determine the scope of the new 988 Suicide & Crisis Lifeline and how it is funded.

The 988 system began in July 2022, and call volume has been up 40 percent in comparison to what it replaced: the 10-digit National Suicide Prevention Line.

“There has been a huge contact surge, and that’s with very little national promotion,” says Stephanie Pasternak, director of state affairs for the National Alliance on Mental Illness (NAMI).

The fact that more people in crisis are being reached means more suicides can be prevented and more individuals can be connected to counseling and services. For states, though, the challenge becomes building up an infrastructure and workforce to meet increased demand.

‘VITAL FOR PEOPLE IN CRISIS’

Under a 2020 federal law, states were given the authority to create a dedicated telecommunications fee for 988 services. This money can be used not only to ensure call centers are adequately staffed with trained crisis counselors, but also to fund mobile crisis response teams and stabilization services.

Three years later, eight U.S. states, including Minnesota, have created a dedicated fee structure — a monthly, per-line charge on phone bills along with a retailer-based fee for prepaid wireless services.

“We view 988 as vital for people who are in crisis,” Minnesota Sen. Melissa Wiklund says, “and so we wanted to find a way to provide sustainable funding for it, similar to the 911 telecommunications fee.

“It’s a way to emphasize that having appropriate access to a crisis line is equally important as having access to critical emergencies with physical health impacts.”

She and other legislators decided to set the monthly, per-line surcharge

on phone bills at a maximum of 25 cents.

It could be lower, though. The state’s health commissioner will recommend the rate based on what is needed to support the lifeline. Minnesota’s new law spells out how revenue from the fee can be used: staffing and technology needs, data collection, promotion of 988, and administration and oversight.

Among the eight states with dedicated fee structures, the monthly surcharge on phone bills ranges from 12 cents to 60 cents, a NAMI analysis shows. That variation is partially because of differences in how states want the fee to be used.

In Virginia, a 12-cent surcharge will raise about \$10 million a year and only go toward establishing and administering a crisis call center.

In contrast, the state of Washington expects to collect \$47 million in fiscal year 2027 from its 40-cent fee; this money can be used to fund call centers, mobile crisis response teams and stabilization services.

“What we’ve been seeing is states taking a close look at all the funding sources that they have for mental health services, where there are gaps and where they’d like to expand, and then using the fee to fill those gaps,” Pasternak says.

Minnesota’s new fee was a part of a much larger 2023 omnibus health budget bill. The section of the legislation on 988 doesn’t specifically reference mobile crisis teams or stabilization services. However, other parts of SF 2995 fund an expansion of mental health services, including \$17 million in grants over the next two years for mobile crisis teams.

Made up of mental health professionals, these teams provide rapid responses to crisis situations, helping divert individuals from psychiatric hospitalization while connecting them to ongoing care.

Minnesota has included these grants over the past several budget cycles to expand mobile crisis services across the state.



Minnesota Sen. Melissa Wiklund



Kansas Rep. Brenda Landwehr

adopted a two-year budget that includes more than \$46 million to support 988-related operations and services. A separate measure in that state, HB 231, would create a 10-cent surcharge on monthly phone bills.

Kansas Rep. Brenda Landwehr says discussions in her state about 988 funding began with the idea of some kind of telecommunications fee, but very few states had adopted such a dedicated funding source at the time.

In 2022, the Legislature instead chose to fund the system, at least over the next few years, via an annual general-fund appropriation of \$10 million (SB 19). This money must be used to ensure the “efficient and effective routing of calls,” or for the personnel needed for follow-up responses to these calls (including mobile crisis teams and stabilization services).

One notable part of this 2022 law, Landwehr says, was to include people with intellectual or developmental disabilities as among the individuals served by the 988 system.

Over the long run, her hope with 988 is that Kansas residents are guaranteed adequate, rapid responses to mental health crises — regardless of where they live.

That guarantee gets more difficult in some rural areas of the state, especially due to shortages in the mental-health workforce.

“We’re strapped just like all other states are ... we just do not have enough therapists out there,” Landwehr says.

In future sessions, she expects the Kansas Legislature to again consider adopting a telecommunications fee for 988, instead of depending on year-to-year general-fund appropriations.

Many other legislatures are likely to do the same.

Early on, Pasternak says, states have been able to rely on federal dollars and grants to support these systems, but fiscal conditions are changing while calls and texts to the new lifeline system are going up.

“The [telecommunications] fee opportunity doesn’t expire; states can take advantage of that anytime,” she notes. “So it’s something that may roll out over time.

“But now is really a good time for states to move. They’ve got a year’s worth of data on their 988 systems, and so they now have a much better idea of what the costs are and about the revenue they need to sustain [988] over the long term.”

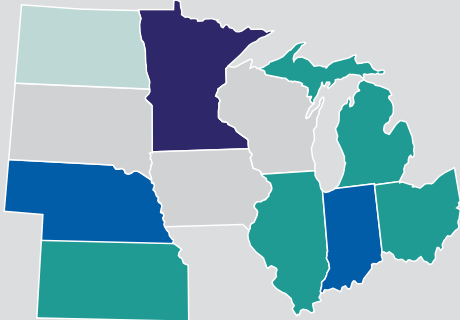
Kansas Rep. Susan Concannon and Illinois Sen. Julie Morrison are co-chairs of the Midwestern Legislative Conference Health & Human Services Committee. South Dakota Rep. Taylor Rehfeldt is the vice chair. Tim Anderson serves as CSG Midwest staff liaison to the committee.

CALLS RECEIVED TO SUICIDE & CRISIS LIFELINE, BEFORE AND AFTER ROLLOUT OF 988 LIFELINE*		
State	# of calls received in July 2023	% change in calls received: July 2023 vs. July 2021
Illinois	12,098	+64.0%
Indiana	3,814	+19.2%
Iowa	1,926	+37.8%
Kansas	2,040	+48.8%
Michigan	7,330	+36.1%
Minnesota	3,763	+30.4%
Nebraska	1,704	+70.1%
North Dakota	619	+82.6%
Ohio	6,999	+35.0%
South Dakota	789	+158.7%
Wisconsin	6,377	+103.5%

\* In July 2022, the three-digit 988 Suicide & Crisis Lifeline replaced the 10-digit National Suicide Prevention Line.

Source: 988 Suicide & Crisis Lifeline

OVERVIEW OF STATE ACTIONS IN MIDWEST TO IMPLEMENT AND FUND THE 988 SUICIDE AND CRISIS LIFELINE (AS OF SEPTEMBER 2023)



- Legislation enacted; telecommunications fee established to fund 988 system; and general-fund appropriations also made
- Legislation enacted and general-fund appropriations made; telecommunications fee for 988 has not been established
- New budget includes general-fund appropriations for 988 system
- Legislation enacted; no general-fund appropriations made and telecommunications fee for 988 has not been established
- No enacted legislation found

Sources: Reimagine Crisis Response, National Academy for State Health Policy and CSG Midwest research

BY THE NUMBERS: DEDICATED FEE STRUCTURES, STATUTORY TRUST FUNDS FOR 988 SYSTEMS (AS OF SEPTEMBER 2023)

8	# OF STATES WITH A TELECOMMUNICATIONS FEE FOR 988 (MINNESOTA IS THE ONLY STATE IN THE MIDWEST)
25 CENTS	MAXIMUM MONTHLY, PER-LINE SURCHARGE UNDER MINNESOTA’S LAW; OTHER STATES’ SURCHARGES RANGE FROM A HIGH OF 60 CENTS PER LINE IN DELAWARE TO A LOW OF 12 CENTS IN VIRGINIA
14	# OF STATES THAT HAVE ESTABLISHED A 988 TRUST FUND, INCLUDING ILLINOIS, INDIANA, KANSAS AND MINNESOTA

Source: National Alliance on Mental Illness



‘A GOOD TIME FOR STATES TO MOVE’

Most Midwestern state legislatures have passed 988 laws over the past few years (see map). These measures have established new 988 trust funds, set up statewide councils to oversee the system, and/or appropriated general-fund dollars.

This year, for instance, Ohio



# AGRICULTURE & RURAL AFFAIRS

Year of ‘right to repair’: Activity has included new state laws, private agreements covering farm equipment and many legislative proposals

by Becky Leis (rleis@csq.org)

As companies innovate and develop new products, those products become increasingly complex and computerized, and include more features.

Contending that those features are proprietary, companies frequently restrict access to diagnostic tools or repair schematics, leaving consumers without the ability to repair the products they now own.

Ideally, a free market would correct this problem without intervention.

Consumers simply wouldn’t buy products from manufacturers who fail to provide access to repair information. However, that approach gets muddled when the product is a durable good, designed to last many years.

The need for consumer protection also increases when product servicing is vertically integrated into an original equipment manufacturer’s business model. Some businesses may generate more revenue from servicing a product than from selling it. For example, *Bloomberg News* reported in 2020 that John Deere earned three to six times more in revenue from its sales on parts and servicing equipment than it earned from original sales.

How can consumers be better protected, including Midwestern farmers and ranchers whose operations rely on the purchase and repair of durable equipment?

State right-to-repair laws and private-party memorandums of understanding (MOUs) are two options to ensure access to the diagnostics and data embedded in a whole range of products — from \$800,000 tractors to small household appliances.

Both methods have advantages. Well-crafted repair laws or MOUs give owners and independent shops the information and tools necessary to fix products. When the law or MOU contains strong compliance provisions, competition within the aftermarket repair industry adds a second layer of consumer protection — a viable marketplace filled with choices for consumers on how to repair a product (including where the work is done and by whom).

## FIRST-IN-THE-MIDWEST LAW EXCLUDES FARM EQUIPMENT

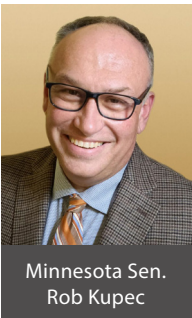
Over the past several years, there

has been an uptick in right-to-repair legislative proposals, with measures introduced in 30 different states in 2023, according to the Public Interest Research Group (PIRG). Among them: Illinois’ HB 3593, Iowa’s HB 587, Michigan’s HB 4562, Ohio’s SB 273 and South Dakota’s SB 194.

These state measures vary on which products are covered and which are exempted from a right-to-repair statute.

For example, a new Colorado law (HB 23-1011) includes farm equipment, while Minnesota’s recently enacted SF 2744 excludes these products.

According to Minnesota Sen. Robert Kupec, author of his state’s right-to-repair measure (part of the omnibus SF 2744), the exclusion of farm equipment was intentional. These products were removed from the bill due in part to a national MOU signed in early 2023 by the American Farm Bureau Federation and John Deere.



Minnesota Sen. Rob Kupec

In that MOU, John Deere agreed to provide diagnostic tools and information to farmers and independent repair shops. In exchange, the Farm Bureau agreed to discontinue right-to-repair lobbying efforts.

Other major agriculture equipment manufacturers such as Case, New Holland, AGCO, Kubota and CLAAS have since signed national MOUs with the Farm Bureau.

The issue in the farm sector had been addressed, Kupec says, allowing Minnesota lawmakers to focus on other products and industries.

The right-to-repair provisions in SF 2744 ultimately received broad legislative support and have been hailed as one of the most comprehensive actions by a U.S. state to date. It also is the first right-to-repair law in the Midwest.

Pierce Bennett, policy director for the Minnesota Farm Bureau, says agricultural producers in the state support the national MOU between the Farm Bureau and John Deere.

According to Bennett, members generally prefer resolutions through private-party measures, thus limiting the need for government regulation. And more specifically, the agreements allow farmers to buy access to software manuals, as well as the diagnostic tools needed to service their equipment. Previously, farmers had to wait for technicians to resolve issues, sometimes a costly delay during harvesting seasons.

Still, as evidenced by the Colorado law, some legislators believe right-to-repair laws should cover farm equipment to provide stronger consumer protection.

## ENFORCING PRIVATE RIGHT-TO-REPAIR AGREEMENTS

An MOU, just like any law, is only as good as written, and state legislators should take a close look at the details

of these new agreements, says PIRG’s Nathan Proctor, an advocate for state right-to-repair laws.

Does the MOU contain provisions on enforcement? Does it apply to the entire industry?

If so, Proctor says, it can be just as effective as a law.

He points to a 2014 agreement between the automotive industry and independent repair shops as an example of an effective MOU.

Regarding farm equipment, though, Proctor says the MOUs have failed to include enforceability mechanisms. He also notes that while the American Farm Bureau is the largest organization of farmers, not all groups were included in the negotiations and some are still seeking state laws because of the lack of enforceability.

Another concern is the quality of the information and diagnostic tools made available. According to Proctor, PIRG investigators found instances of a company’s own technicians having better diagnostic tools and repair information than those made available to farmers and independent repair shops, placing these groups at a disadvantage.

When considering MOUs as a substitute for a right-to-repair law, Proctor adds, policymakers also should also consider differences among industry sectors and the legal environment.

The automotive industry’s MOU worked because a Massachusetts law would have taken effect if the agreement had been breached. Perhaps even more significantly, Proctor notes, roughly 75 percent of the aftermarket car-repair industry is comprised of independent shops (non-manufacturers). In contrast, only a small percentage of farm equipment repairs are made independent of the manufacturer.

The Farm Bureau maintains that its MOUs will compel manufacturers to produce meaningful repair information and will demonstrate their effectiveness over time.

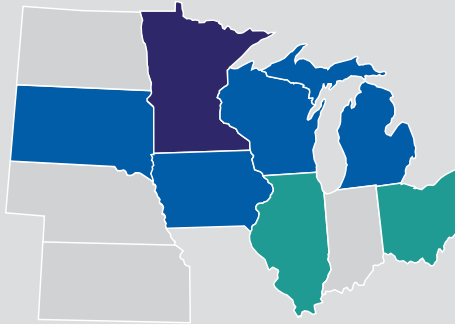
Bennett says he has not heard any complaints from Minnesota members regarding access to repair information.

Colorado’s right-to-repair law was signed in April. Starting in January, agriculture equipment manufacturers will be required to make repair information and tools available.

Provisions in the farm sector’s new MOUs allow manufacturers to withdraw from these agreements upon enactment of state right-to-repair measures; however, none have done so since passage of the Colorado law.

Saskatchewan MLA Steven Bonk and Kansas Sen. Marci Francisco are co-chairs of the Midwestern Legislative Conference Agriculture and Rural Affairs Committee. North Dakota Rep. Paul Thomas is the vice chair. Becky Leis serves as CSG Midwest staff liaison to the committee.

## RIGHT-TO-REPAIR LEGISLATIVE PROPOSALS IN THE MIDWEST IN 2023 (AS OF SEPTEMBER)



- Right-to-repair law enacted; agricultural equipment excluded
- Right-to-repair legislation introduced; agricultural equipment excluded
- Right-to-repair legislation introduced; agricultural equipment included
- No bill

Source: Public Interest Research Group

## ABOUT MINNESOTA’S NEW RIGHT-TO-REPAIR LAW (PART OF SF 2744 OF 2023)

- ✓ FOR THE PURPOSES OF PRODUCT REPAIRS, DIAGNOSTICS AND MAINTENANCE, THE ORIGINAL MANUFACTURER OF DIGITAL EQUIPMENT MUST MAKE DOCUMENTATION, PARTS AND TOOLS AVAILABLE TO CONSUMERS AND INDEPENDENT REPAIR PROVIDERS
- ✓ THE STATE ATTORNEY GENERAL HAS THE AUTHORITY TO ENFORCE VIOLATIONS. A PRIVATE CLAIM ALSO MAY BE BROUGHT.
- ✓ THE LAW TAKES EFFECT IN 2024 AND APPLIES TO MOST ELECTRONIC PRODUCTS SOLD AFTER JUNE 30, 2021
- ✓ CERTAIN PRODUCTS ARE EXCLUDED FROM THIS “RIGHT TO REPAIR”: MOTOR VEHICLES, MEDICAL DEVICES, OFF-ROAD EQUIPMENT SUCH AS FARM MACHINERY AND TRACTORS, AND VIDEO GAME CONSOLES (AMONG SEVERAL OTHER PRODUCTS)

## A COMPARISON OF RIGHT-TO-REPAIR APPROACHES: STATE LAWS VS. MEMORANDUMS OF UNDERSTANDING

State laws	MOUs
<ul style="list-style-type: none"> <li>Applies industry-wide for all products included in the law</li> <li>Is binding and enforceable by state authorities when breached</li> <li>Compels production of repair information without litigation</li> <li>May pressure industry actors to enter into national MOUs to avoid patchwork of state laws</li> </ul>	<ul style="list-style-type: none"> <li>Is a private action that only applies to parties in agreement</li> <li>Is enforceable only as prescribed in agreement</li> <li>Is often negotiated in response to regulation or litigation</li> <li>Is easier to revise</li> <li>Gives industry actors more control over terms of agreement, such as protecting proprietary information</li> </ul>





ENERGY & ENVIRONMENT

Siting of wind, solar projects differs across region; new laws in Ohio, Illinois and Indiana employ varying approaches to state vs. local control

by Jon Davis (jdavis@csg.org)

Across the Midwest, interest in new solar and wind projects is on the rise, but who should make the decisions on approving or denying proposals to build them? The policy choice on siting authority ultimately rests with state legislatures, which in this region have generally taken one of two approaches: 1) leave it to local governments; or 2) carve out a role for state review and decision-making, especially when it comes to larger wind or solar farms (see map). This question of state vs. local control has been getting a close look in state capitols. The result has been legislative proposals in many Midwestern states, and new laws in at least three: Ohio, Illinois and Indiana.

A REGIONAL OVERVIEW

States such as Indiana, Iowa, Kansas and Michigan leave siting decisions entirely or mostly with counties or other local jurisdictions. In contrast, Minnesota, North Dakota, South Dakota and Wisconsin split siting authority in some way between state and local authorities based on a proposed project’s size: larger projects fall under state jurisdiction while smaller ones are left to local authorities. That threshold on when siting authority transfers from local to state control varies. For wind projects, for example, it is:

- 0.5 megawatts in North Dakota,
- 5 MW in Minnesota (though local authorities have the option to retain permitting authority as well for projects up to 25 MW in size); and
- 100 MW in Wisconsin.

In South Dakota, local jurisdictions have authority over facilities of less than 100 MW, but the Public Utility Commission must be notified for construction of facilities above 5 MW. “There’s a logic behind that,” Brian Ross, vice president of renewable energy for the Minneapolis-based Great Plains Institute for Sustainable Development, says about this hybrid approach to siting. “When a project reaches a certain size, it has impacts that are regional in scope and should be considered regionally.” In most cases, he adds, state agencies are the ones big enough to have the expertise necessary to take that broader, regional view.

MORE LOCAL CONTROL IN OHIO

In Ohio, the state’s Power Siting Board has long had control over

the siting decisions of major utility facilities. A 2021 law (SB 52), however, gave local authorities a much bigger say in the approval or rejection of wind and solar projects. First, the county board president and township commissioner (or their designees) where a project has been proposed now become ad hoc voting members of this board, which has seven standing, voting members and four non-voting legislative members. Second, county boards can now designate any unincorporated areas within their jurisdiction as “restricted,” meaning new wind or solar facilities cannot be built there. This designation also can be sought by local residents via a referendum. Since passage of the law, several Ohio counties have used their new powers to ban large wind and solar projects. A similar trend had been occurring in Illinois, but led to a much different response from the General Assembly.

ILLINOIS: BINDING STANDARDS

Before 2023, Illinois was among the Midwestern states that left siting decisions to local authorities. But after passage of the Climate & Equitable Jobs Act of 2021 (SB 2408), which sets a binding target of having a carbon-free power sector by 2045, Sen. Bill Cunningham says legislators began seeing counties enact wind and solar siting regulations so strict they were de facto bans.

“There was a feeling that that was a violation of the intent of the [2021] law, and why state standards were necessary,” he says. Hence HB 4412, an amended bill that he sponsored and became law in early 2023.

It establishes statewide siting, zoning and setback standards for commercial-size wind and solar projects. For instance, setback distances for wind towers are set at 1.1 times

the maximum blade tip height from public rights-of-way and property lines, and 2.1 times that height from schools, houses of worship, day care or community centers, libraries or residences on properties that are not part of the project. Setback distances for solar facilities are set at 50 feet. Illinois’ new law still allows county boards to vote on proposed projects, but bans county ordinances from being more restrictive than the state setback standards. It also requires counties with siting or zoning standards for wind and solar facilities to hold a public hearing within 45 days of a project application’s submission for approval. And another provision in the new law bars counties and municipalities from instituting outright bans. Illinois’ new hybrid approach is

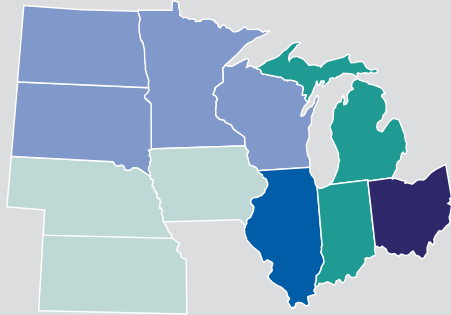
unusual among states, Ross says. “It certainly removed a procedural barrier, but I would raise the point that there were 15 counties that had effectively banned renewable energy projects,” he adds. “There were 90 counties that didn’t, and they had their right stripped just like those 15 had.” Cunningham notes, though, that the 2021 law left it to counties to adopt reasonable standards for wind and solar. Most did just that, he says, and the new state-level standards embrace and reflect many of those recently set at the county level. He believes the new law strikes a good balance — establish state standards but leave counties with the final say. That’s different, he adds, from state standards for livestock containment facilities that remove all local control. “We didn’t want to go that far,” Cunningham says.

INDIANA: VOLUNTARY RULES

Signed into law in 2022, Indiana’s SB 411 sets out voluntary criteria covering common siting and zoning issues; for example, height restrictions, setback requirements, sound limits, drainage-related infrastructure repair, and steps for project decommissioning. By adopting these standards, local jurisdictions receive the designation as “wind ready” and/or “solar ready” communities and can get technical assistance from the state. In 2023, legislators approved a follow-up measure (SB 390) that may provide future financial incentives (\$1 per megawatt hour of electricity generated) to these wind- and solar-ready counties. SB 390 did not appropriate state dollars for the incentive fund, however; instead, federal grant money would be needed. In a March 2023 press release, Indiana Sen. Mark Messmer, who authored both recent laws, said communities are now able to “send a signal” to developers that they are interested in exploring wind or solar opportunities. Ross notes Indiana’s SB 411 was “a consensus piece of legislation” that retains local control. Bills in Indiana to establish mandatory standards have failed to advance. “Which one of these processes [in the states] will result in more renewable energy development? We’ll have to wait and see,” Ross says.

Illinois Sen. Laura Ellman and Indiana Rep. Ethan Manning are co-chairs of the Midwestern Legislative Conference Energy & Environment Committee. Ohio Rep. Sharon Ray is the vice chair. Jon Davis serves as CSG Midwest staff liaison to the committee.

STATE, LOCAL INVOLVEMENT IN SITING OF LARGER-SCALE WIND AND SOLAR PROJECTS



- State-level siting standards established in statute; local governments have permitting authority but cannot set standards more restrictive than state’s
- State-level authority for siting of larger-size projects (local control of smaller projects; size thresholds set in statute)
- State-level siting authority; local governments have statutory power to ban projects from being built in areas within their jurisdiction
- Local control of siting, regardless of project size
- Local control of siting, but some state involvement and/or approval as well (permits, siting approval, certificates, etc.)

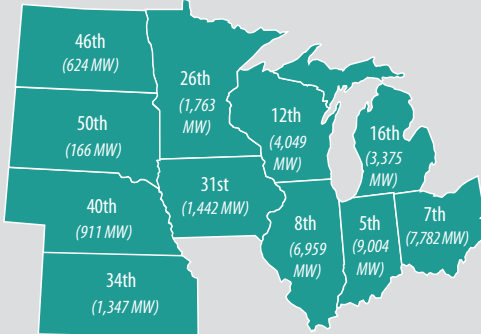
Sources: U.S. Department of Energy, University of Michigan Center for State, Local and Urban Policy, and CSG Midwest research

WIND AT ITS BACK: GROWTH IN WIND ENERGY OVER PAST FIVE YEARS IN MIDWEST

State	% change in installed wind capacity: 2017 to 2022	Wind production as % of state’s total electricity generation in 2022
Illinois	+64.6%	12.3%
Indiana	+63.8%	10.4%
Iowa	+74.9%	64.4%
Kansas	+61.3%	47.1%
Michigan	+73.7%	8.0%
Minnesota	+28.4%	24.0%
Nebraska	+146.8%	31.3%
North Dakota	+43.6%	36.9%
Ohio	+80.1%	2.3%
South Dakota	+229.5%	55.0%
Wisconsin	-1.2%	3.0%

Source: U.S. Department of Energy

STATES’ U.S. RANKINGS FOR PROJECTED GROWTH IN SOLAR INSTALLATIONS OVER NEXT FIVE YEARS (GROWTH NUMBERS IN PARENTHESES)\*



\* In the Midwest, Illinois and Minnesota currently have the most solar installed: 2,212 MW and 1,801 MW, respectively. In 2022, solar made up 3.9 percent of Minnesota’s total electricity generation, highest rate in the Midwest. It accounted for between 1 and 2 percent in Illinois, Indiana, Iowa, Michigan and Wisconsin, and less than 1 percent in Kansas, Nebraska, North Dakota and South Dakota.

Source: U.S. Department of Energy and Solar Energy Industries Association



## IN YEARS AHEAD, KANSAS WILL RELY ON OUTSIDE COMMISSION TO MAKE CHANGES IN LEGISLATIVE PAY

**Kansas** has joined the handful of other Midwestern states that employ a commission-style approach to setting the salaries of legislators. The change in practice is the result of this year’s SB 229. During the 2023 session, lawmakers made \$88.66 per day, a figure that hasn’t gone up since 2009, according to the *Kansas Reflector*. The concern in Kansas, as well as some other Midwestern states, is that unchanging, low levels of compensation keep many people from being willing or able to serve.

Under the new Kansas law, a nine-member commission (appointed by the Legislature, but current legislators cannot serve on it) is tasked with studying compensation rates and retirement benefits and then issuing recommendations every four years. Minus legislative action, the commission’s recommendations on legislative compensation take effect (the first such change will be in 2025).

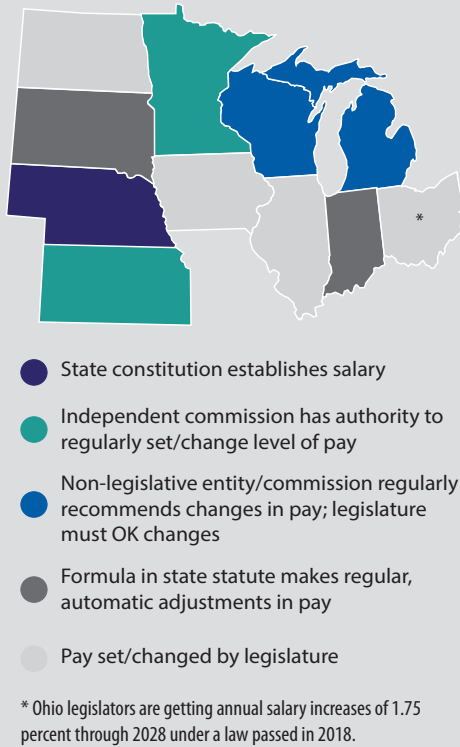
In 2016, **Minnesota** voters overwhelmingly approved a constitutional amendment creating the independent Legislative Salary Council, which now sets legislative salaries every two years. The most recent change took effect in July and bumped annual pay up to \$51,750. Prior to the council’s formation, legislative pay in Minnesota was \$31,140 per year and had gone unchanged for a decade and a half.

The pay of legislators in **Wisconsin** is included in a compensation plan that covers other state elected officials as well as state employees. Developed by the Department of Administration (an executive branch agency), the plan must get approval from a joint legislative committee. **Michigan** has a State Officers Compensation Commission, but any of its recommended changes to the pay of legislators must be voted on and approved by the House and Senate.

**Nebraska** is the only Midwestern state where salaries are constitutionally prescribed; as a result, any change in legislative pay in that state — currently \$12,000 a year — requires voter approval.

Two states in the region have statutory language that automatically adjusts legislative pay: in **South Dakota**, annual changes make the salary equal to 20 percent of the state’s median income; and in **Indiana**, the pay level is equal to 18 percent of the salary for trial court judges. Minus the use of commissions or statutory formulas, legislators typically must initiate and then approve changes in their own pay. In early 2023, the **Illinois** General Assembly bumped up the annual legislative salary to \$85,000; an automatic cost-of-living increase of 5 percent also took effect with the passage and signing of the state’s new state budget.

METHODS OF SETTING PAY FOR LEGISLATORS



## NORTH DAKOTA SHIFTS TO DEFINED-CONTRIBUTION MODEL FOR PUBLIC EMPLOYEE RETIREMENT SYSTEM

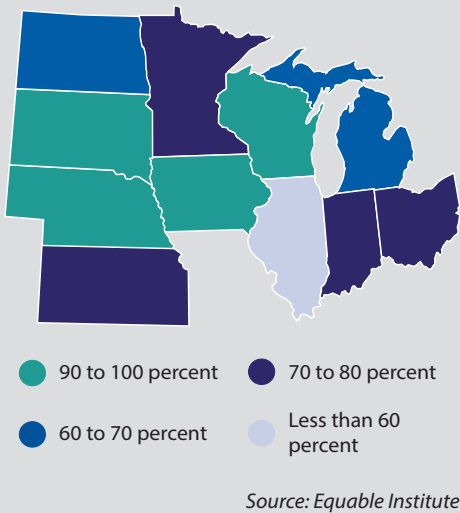
Starting in 2025, **North Dakota** will be closing its defined-benefit pension plan for many newly hired public employees, who will instead be enrolled in a 401(k)-style defined-contribution plan.

Supporters of the new law, HB 1040, say the change will help address the state’s long-term unfunded pension liabilities, which stand at \$1.9 billion in the North Dakota Public Employees Retirement System, or NDPERS. (This system does not include teachers.) North Dakota legislators also injected \$200 million into NDPERS. Opponents of HB 1040 say that by closing the defined-benefit system for new employees, the state will no longer have an important source of money to pay the benefits of retirees — namely, the pension contributions of those new workers. They argued that a better legislative solution was to shore up, but keep, the existing system.

Defined-benefit plans remain the predominant model for state retirement systems. However, more and more states are trying new approaches. According to a September 2023 study by the National Association of State Retirement Administrators, five Midwestern states now use some kind of “hybrid” model in one or more of their systems: “cash balance” plans in **Kansas** and **Nebraska** (a worker accrues money in an account, which converts to an annuity upon his or her retirement), or a combination of defined-benefit and defined-contribution plans in **Indiana**, **Michigan** and **Ohio**. Among those five states, Indiana has the highest percentage of public employees participating in a hybrid plan, the association found.

In a recent national study, the Equable Institute estimates that the average funded ratio among the nation’s largest state and local pension plans in 2023 is 77.4 percent, up from 75.4 percent in 2022. The funded ratio is the value of assets in a pension fund divided by the value of promised lifetime income benefits, and it varies considerably from state to state (see map). The institute classifies the statewide pension plans of **Iowa**, Nebraska, **South Dakota** and **Wisconsin** as “resilient” because they have funding ratios of 90 percent or more. All other statewide systems in the Midwest are classified as “fragile” (ratios of between 60 percent and 90 percent) or “distressed” (under 60 percent).

ESTIMATES OF AGGREGATE FUNDED RATIOS IN STATEWIDE PENSION PLANS (FY 2023)



## ALL-DAY KINDERGARTEN COMING TO SCHOOLS ACROSS ILLINOIS UNDER RECENTLY ENACTED LAW

**Illinois** is set to become the first state in the Midwest to require its school districts to offer full-day kindergarten. HF 2396, signed into law in August, takes effect with the 2026-’27 school year; districts may be granted a two-year waiver from the requirement by demonstrating a lack of adequate state funding or limited capital resources.

Under the law, Illinois schools must offer “developmentally appropriate ... play-based learning” led by a licensed teacher. Proponents of HB 2396 point to research showing higher levels of math and reading achievement among students enrolled in full-day programs; they also say the policy change will result in social and emotional benefits for students.

According to the Education Commission of the States, as of June 2023, 16 states already were mandating full-day kindergarten. In the Midwest, **Michigan** has no kindergarten requirement at all; the other states in the region either don’t specify half day vs. full day or spell out a half-day-only requirement in statute. ECS researchers also found that **Ohio**, **South Dakota** and **Wisconsin** are among the 17 states with laws requiring children to attend kindergarten.



## NUMBER OF PEOPLE LIVING IN POVERTY SPIKED IN 2022; RATES ARE RELATIVELY LOW ACROSS MIDWEST

Every state in the Midwest has a poverty rate lower than the U.S. average, and **Wisconsin** and **Minnesota** have among the smallest percentage of residents living at or below the poverty threshold set by the federal government.

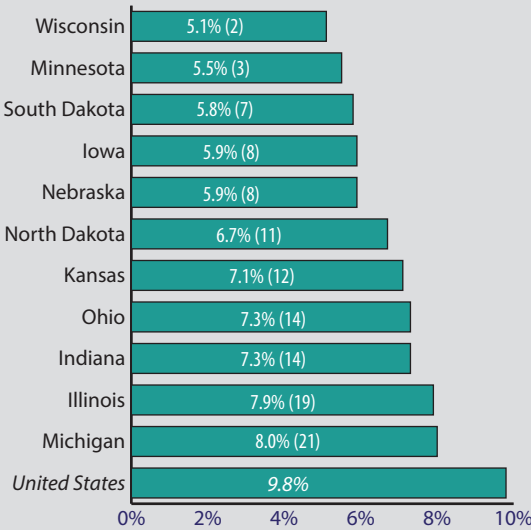
When using the supplemental poverty measure, or SPM, the rates in this region range from a low of 5.1 percent in Wisconsin to a high of 8.0 percent in **Michigan**. The SPM has become a preferred way of gauging poverty because it takes into account several factors that the “official” poverty measure does not — for example, government programs that assist low-income families, geographic variation in housing expenses, state and federal taxes, and work and medical expenses. Among U.S. states, California has the highest percentage of residents living in poverty (13.2 percent).

Part of a U.S. Census Bureau study released in September, the state-by-state data are based on poverty rates in 2020, 2021 and 2022. The same study also compares changes in national rates between 2021 and 2022, a period in which the number of U.S. residents living in poverty increased significantly, as measured by the SPM. That’s due in large part to the end of pandemic-related government policies that had expanded the reach of child tax credits, earned income tax credits and health coverage.

Here are some notable national trends and statistics from the U.S. Census Bureau report:

- The overall SPM poverty rate was 12.4 percent in 2022; that is a year-over-year increase of 59 percent.
- The SPM child poverty rate more than doubled: 5.2 percent in 2021 to 12.4 percent in 2022. Among married-couple households, the rate in 2022 was 7.6 percent, compared to 22.6 percent for female-headed households and 14.7 percent for male-headed households.
- In 2022, the most significant government programs moving individuals out of poverty were Social Security (28.9 million people), refundable tax credits (6.4 million) and the Supplemental Nutrition Assistance Program (3.7 million). On the flip side, medical expenses moved 7.1 million people into poverty.

POVERTY RATES IN MIDWEST (RANKING AMONG U.S. STATES, FOR LOWEST RATES, IN PARENTHESES)\*



\* This is a 3-year average using the supplemental poverty measure.  
Sources: U.S. Census Bureau and CSG Midwest calculations





# PROFILE: WISCONSIN SENATE MINORITY LEADER MELISSA AGARD

How the ‘quiet leaders’ in her life and community continue to inspire her, and why legislative success to her means much more than ‘wins’ inside the Capitol

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

At first, Melissa Agard thought she might be too busy to seek elective office.

She was, after all, the mother of three young boys at the time, a small-business owner, and already very active in her hometown of Madison, Wis.

Friends and neighbors were encouraging her to run for an open seat on the county board, but Agard wasn’t so sure — until a fateful conversation she had with two of her boys.

They had come to Mom asking for some relief from a community-service requirement at school.

“They knew I already dragged them around and had them do so many different things for the community,” Agard says, “and they wanted me to call the teacher and excuse them.”

Agard sat them on the couch. “This is your community asking you to step up,” she told them.

They weren’t the only ones who got the message.

“As those words dripped out of my mouth — and my two little boys’ faces wondered what they’d gotten themselves into, getting this lecture from their mom — I realized I was actually delivering a lecture to myself.”

She listened, running for a spot on the county board and serving two terms there. Soon, though, Agard’s attention turned to state politics, especially after the passage of Act 10 in 2011, a contentious measure on public unions and collective bargaining that sparked protests and brought national attention to Wisconsin.

“I looked around and thought, I have a couple of choices: I could complain and completely withdraw from politics, or I could try and roll up my sleeves and work to make the world a little better,” she says.

In 2012, she won a newly drawn Assembly seat on Madison’s North Side. She moved to the Senate in 2020, and a path to leadership soon opened up. Chosen caucus vice chair at the start of her first term, Agard was elected minority leader by her legislative peers in 2022.

In an interview with CSG Midwest, Agard reflected on her first year as a top caucus leader and shared her perspective on leadership, inside and outside the Wisconsin Legislature. Here are excerpts.

**Q** How do you define leadership in the legislature?

**A** It goes back to my time in the Assembly — what does success look like, not only for me but for my constituents?

Leadership is a lot of listening. Leadership is stepping outside of what



## BIO-SKETCH: WISCONSIN SEN. MELISSA AGARD

- ✓ has been a member of the Wisconsin Legislature since 2013
- ✓ elected Senate minority leader in 2022
- ✓ is a graduate of two CSG leadership programs: the Bowhay Institute for Legislative Leadership Development (Class of 2014) and the Henry Toll Fellowship (Class of 2015)
- ✓ is a lifelong resident of Madison, where she lives with her four sons
- ✓ is a graduate of the University of Wisconsin-Madison

“Leadership is a lot of listening. Leadership is stepping outside of what may be comfortable, and knowing that you’re not always going to be faced with cheers.”

may be comfortable, and knowing that you’re not always going to be faced with cheers. There may be people there that have tough questions.

It’s about making safe spaces for people with differing opinions to be able to be share [their views].

It’s about providing a bit of a vision for my caucus, but also checking in with them: What would they like to see themselves being able to do? How can I and my office continue to support them?

And because we are in the minority party, it’s about really defining what success means for all of us. Then, make sure people are able to achieve that success so it doesn’t feel like a complete negative grind all the time.

**Q** Who have been your role models when it comes to leadership?

**A** The best leaders, the people I really look at as successful leaders, aren’t necessarily other elected officials.

They’re people who are quiet leaders in changing the world around them. It’s people like my grandmother, who was a stay-at-home mom with seven children figuring out how to keep her family moving and continuing to give back to her community. Or young people exhibiting leadership, standing up against adversities and things that don’t feel right to them and being brave enough to use their voice and optimism.

There are quiet leaders everywhere we look. It’s a matter of finding them and seeing the magic that they have.

**Q** What did you learn from your experience as a newer

legislator, especially as a member of the minority party, that you try to impart to colleagues?

**A** I think elected officials need to sit down and meet with their constituents and their staff, and also think to themselves: What is a win? What does that look like?

In the Assembly, I spent a lot of time learning the rules of the house and living my values — knocking on doors in my district and drafting legislation in response to what my constituents wanted to see happen. I wasn’t stepping up in a leadership role. I felt there were other people hungry to do that and were doing a good job. So I spent my time defining success by forging an engagement with my district and my community, while also supporting my colleagues.

**Q** How and why did you step so quickly into Senate leadership?

**A** Going back to a lesson that my dad taught me: If you see something you think can be done differently, you have a couple of options, and one of them is rolling up your sleeves and putting yourself out there.

I was a freshman member of the state Senate when I ran for caucus vice chair and was thrilled to be unanimously elected to that position by my colleagues.

I think people saw me as someone who had a proven track record in the Assembly and in my community. And I certainly had worked hard over the years to build trusting and collaborative relationships with my colleagues in the Senate when I was in the Assembly.

**Q** As minority leader, how do you manage the differences with the majority?

**A** I have a lot of respect for Senator [Devin] LeMahieu [the majority leader]. We sit down and have conversations and touch base with each other; our staffs have good relations with one another.

Do I agree with what he’s putting on the calendar, what bills he’s moving or not moving forward? Not so much, but I do think it’s important to him that there’s a sense of decorum and respect for the body in which we serve, as well as a respect for me and my staff and for the role that I serve in the Capitol.

**Q** What do you view as your biggest legislative accomplishments to date?

**A** It’s always an achievement when you get a bill signed, when you get to go to the governor’s office and stand there for the pictures. But my biggest legislative wins are linked to the time and energy I spend knocking on doors, engaging in listening sessions, and lifting up the true heroes — the everyday people of our community.

I’m also very proud of the bipartisan work that I’ve been able to do. It took six years, different attorneys general and different iterations of legislative champions, but we closed the loopholes in Wisconsin that were creating backlogs in [the processing of] sexual assault kits. We also are now providing tracking systems for survivors to track their kits.

Those are real wins, and life-savers for many people.



# PROFILE: INDIANA SPEAKER OF THE HOUSE TODD HUSTON



Protect the institution, prioritize policy over politics: Top leader uses those principles in guiding the chamber and a supermajority legislative caucus

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

Now three years into the job, Speaker Todd Huston still keeps in mind two pieces of advice that his predecessor gave him as the two planned for a transition in leadership at the Indiana House.

Number one: “Your first job as speaker of the House is to protect the institution.”

“You have the responsibility to make sure that the institution is sound and respected,” Huston says about what he learned from Speaker Brian Bosma, who held the position longer than any other person in state history.

Number two: “Good policy makes for good politics.”

“Do the right thing and the politics will shake itself out,” Huston says, “and I just try to remind myself of that all the time.”

You don’t always “get it right” as a legislator or leader, he adds, but adhering to those two principles helps keep your state, the legislature and your caucus going in the right direction.

It also allows Huston to stay true to what led him to seek state elective office in the first place — “to do things that have an impact for my district and for the state for years and decades to come.”

He joined the House in 2012, and by that time, Huston already had made a mark as a leader on education policy, serving on his local school board and, at the behest of then-Gov. Mitch Daniels, on the State Board of Education and Indiana Education Roundtable.

The chance to become speaker arose in late 2019, and it also came with a unique learning opportunity.

Bosma had announced he would retire at the end of the 2020 session, and House Republicans unanimously chose Huston as “speaker elect.” It was the first time the caucus had ever created such a position, and allowed Huston to learn directly under Bosma’s tutelage.

That session of transition now “seems like a lifetime ago,” says Huston, but it’s one he’ll always be thankful for.

In a recent interview with CSG Midwest, Huston reflected on his views of legislative leadership and effectiveness, recent new laws in Indiana on education policy and more. Here are excerpts.

**Q** You’ve talked about what you learned from your predecessor. What other lessons have you taken away from your many years in public service?

**A** You have to work with people. You have to work to get the number of votes you need. You can have a great idea, but if you can’t get people



## BIO-SKETCH: INDIANA SPEAKER TODD HUSTON

- ✓ became speaker in 2020; first elected to the Indiana House in 2012
- ✓ previously served on his local school board and as a member of the Indiana State Board of Education and the Indiana Education Roundtable
- ✓ was a senior vice president at The College Board
- ✓ has a bachelor’s degree in political science from Indiana University
- ✓ lives in Fishers, Ind.; he and his wife, Denise, have two adult children
- ✓ is a 2016 graduate of CSG Midwest’s BILLD leadership program

“You’ve got to know your topic. You can’t ‘cheat’ by thinking that since you’re in a position of leadership, people are just going to follow blindly.”

to support that idea, it’s not going to go anywhere. ... I also tell new members, “You’re going to learn a lot. A lot of it’s going to be through experience. And the only thing that compensates for that lack of experience is just hard work.”

**Q** How do you seek consensus or support within your own caucus, as well as among legislative leaders from both parties and the entire House?

**A** That all begins with building relationships within our caucus and within the body. People need to know that you’re going to listen to them and you’re going to respect them. It doesn’t mean you’re always going to agree with them. ...

The other thing is you’ve got to know your topic. You can’t “cheat” by thinking that since you’re in a position of leadership, people are just going to follow blindly. Whether you’re a bill author or speaker of the House, they want to follow you because they think you know the topic, and you know that it’s the right thing for their district and our state. That’s critical.

I’ve always had a very open and honest relationship with all our members, I love the leadership of the House Democrats; they’re terrific people. And the same thing with the leadership in both Senate caucuses.

**Q** You’ve long been a leader on education policy, and this session, eligibility for Indiana’s school voucher

program was expanded — now for families with incomes up to 400 percent of the federal poverty rate. Why did you and your House colleagues strongly advocate for this, even as some members of your own party in the Senate had pushed back against the proposal?

**A** Our caucus has always just believed that the money should follow the child. The students and the families should determine the best place for that child to go to school. ... We fund students, not systems, in the state of Indiana. ... I remind people that through all the school-choice expansions we’ve had in Indiana over the last decade, the Senate has always been a partner in that, and they were again this year.

**Q** Indiana has a long history of offering school vouchers/choice, but private-school attendance has been dropping. Do you believe the expansion could change this trend?

**A** I don’t know if it will or it won’t. I guess what I would say is I’m not really worried about that trend; I’m just worried about getting kids in the schools that best fits their needs.

The private schools will have to compete for kids and make a value proposition to parents that that’s the best place for their kid to go to school. And if the schools do it, good for them. If they don’t, that’s their problem.

For us, we just felt like this is about money following students to the schools

that best fit their needs, no matter whether that is a traditional public school, a charter school or a private school.

**Q** You also have been heavily involved with the legislature’s expanded investment in the Regional Economic Acceleration & Development Initiative, or READI. Can you describe the overall objectives of this program?

**A** I’ll take one step back and just note that it’s one of the key areas of my legislative career where I was just wrong initially. In 2015, the Regional Cities Initiative was put into place, and I was not a super big supporter of that and just wasn’t sure that the bang was worth the dollars. I then traveled the state and went to the areas that received [initiative funding] and heard and saw the impact that it had. It’s about building quality of life, connecting communities together, building partnerships. I realized, “Hey, I don’t think I was right in my opinion on that program.” ...

We then had an opportunity in 2021 to make an investment in READI, which shares those same goals. It’s about quality of place, it’s about creating connections between communities — things that will have long-term impacts that maybe a community or a region couldn’t have done without a little state assistance.

We were able to fund \$500 million in each of the last two budgets. And I continue to hear nothing but positive things [about] the impacts. ... The best part is it’s created a tremendous amount of cooperation and really positive activity to bring people together to solve community and regional issues.



REGISTER NOW FOR CSG CONFERENCE, AND GET READY FOR 4 DAYS OF LEARNING

State officials from across the country, representing all three branches of state government, are coming to North Carolina’s capital city to learn from each other along with some of the nation’s top experts in public policy and leadership.

To join your colleagues, register for the CSG National Conference at [csg.org](https://csg.org). The agenda for the four-day meeting (Dec. 6-9) includes sessions on a host of state-related policy issues: mental health and substance abuse, child care, long-term care, housing, artificial intelligence, workforce development and apprenticeships, election law, food security, online consumer privacy, violent crime, and more.

On the meeting’s final day, the Executive Committee of CSG’s Midwestern Legislative Conference will meet. This committee guides the work of the bipartisan, binational MLC and CSG Midwest’s staff support of it. All legislators from the Midwest are members of the MLC.

This year’s National Conference also will include a luncheon presentation from historian Douglas Brinkley, along with professional development workshops on media relations, optimizing the use of social media, managing conflict, and effective political messaging.



CSG IS LEADING A NATIONAL EFFORT THAT BOOSTS CHANCES OF WORKFORCE SUCCESS AMONG DISABLED YOUTHS

CSG and its partner organizations have secured a five-year, \$7.5 million federal grant to continue work on policies that improve employment opportunities and outcomes for disabled youths.

Through research, partnerships and shared best practices, the Center for Advancing Policy on Employment for Youth focuses on the role of states in improving employment outcomes. The recently announced U.S. Department of Labor grant continues funding for this center, also known as CAPE-Youth.

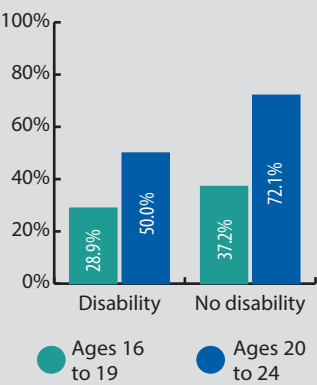
The Council of State Governments oversees the development and management of the center.

“With the workforce rapidly changing due to technological advances, it is critical that we make sure youth and young adults with disabilities and the systems that support them can adapt to the changing landscape,” says Lindsay Lucas, CAPE-Youth project manager at CSG.

Along with the Department of Labor’s Office of Disability Employment Policy, CSG’s partners in this initiative are the K. Lisa Yang and Hock E. Tan Institute on Employment and Disability at Cornell University, San Diego State University’s Interwork Institute and the National Association of Workforce Development Professionals.

Nationwide, more than 1.3 million young people between the ages of 16 and 24 have a disability.

% OF U.S. YOUTHS PARTICIPATING IN LABOR FORCE IN 2022, BY DISABILITY STATUS



Source: U.S. Bureau of Labor Statistics

WITH SUPPORT FROM CSG MIDWEST, BINATIONAL GROUP OF LEGISLATORS COMES TOGETHER TO ADVANCE GREAT LAKES AND WATER POLICIES

In early September, legislators from both sides of the border traveled to Québec City for a one-of-a-kind event that explores Great Lakes policies and the role of state and provincial legislators.

The Great Lakes-St. Lawrence Legislative Caucus (GLLC) meets in person annually. Throughout the year, the GLLC also holds policy-focused institutes for legislators, tracks state and provincial bills, holds web-based meetings, and coordinates regional discussion and actions on Great Lakes policy.

The binational, bipartisan group receives staff support from CSG Midwest. It is led by an Executive Committee of legislators from all 10 jurisdictions of the Great Lakes basin, with Wisconsin Sen. André Jacque (chair) and Illinois Sen. Laura Fine (vice chair) currently serving as officers.

Membership is free and open to all legislators from the Great Lakes’ states and provinces. More information on the GLLC, its services, upcoming events and membership is available at [greatlakeslegislators.org](https://greatlakeslegislators.org).



Pictured here: Members of the Great Lakes-St. Lawrence Legislative Caucus who traveled to Québec City in September for a two-day meeting on the future of Great Lakes policy in the states, provinces, and U.S. and Canadian federal governments.

NEW RESOLUTIONS ON CLIMATE RESILIENCY, BRANDON ROAD PROJECT

At this year’s meeting, GLLC members passed five resolutions, including policy statements that:

- support continuation of the Great Lakes Restoration Initiative, as well as a greater focus within this federal program on addressing climate resiliency and PFAS contamination;
- urge the signing of a Project Partnership Agreement between the state of Illinois and the U.S. Army Corps of Engineers to ensure continued progress on the Brandon Road Interbasin Project, a plan to prevent the introduction of invasive species to the Great Lakes via the Illinois Waterway; and
- commit the caucus to developing recommendations and identifying areas for regional collaboration in the area of climate resiliency.

CSG Midwest and the Great Lakes-St. Lawrence Legislative Caucus thank the Joyce Foundation, Charles S. Mott Foundation, Fred A. and Barbara M. Erb Family Foundation, Great Lakes St. Lawrence Seaway Development Corporation and National Assembly of Québec for supporting this year’s meeting and the continuing work of the caucus.

OFFICERS OF THE GREAT LAKES CAUCUS



Wisconsin Sen. André Jacque, GLLC chair



Illinois Sen. Laura Fine, GLLC vice chair



CHARTING THE FUTURE OF REGIONAL PASSENGER RAIL



Indiana Rep. Sharon Negele (right) discusses developments in passenger rail in her home state as two fellow members of the Midwest Interstate Passenger Rail Commission (MIPRC) look on: Illinois Rep. Matt Hanson and Illinois gubernatorial designee Beth McCluskey, who also is MIPRC’s new chair. All three took part in MIPRC’s 2023 meeting, which was held in September in Chicago and in the downstate Illinois town of Normal.

State legislators, executive branch leaders and private-sector gubernatorial designees serve on the commission. Together, they promote the growth and development of passenger rail in the region: advocacy for the Midwest at the federal level; the coordination of intercity, interstate passenger rail services; and the support of efforts by state departments of transportation.

At the meeting, participants learned about MIPRC’s plans to take an even bigger leadership role in coordinating a regionwide build-out of passenger rail, including new corridors and improved services for riders. The commission, which gets staff support from CSG Midwest, was formed via an interstate compact. Current member states are Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, North Dakota and Wisconsin.



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.



Q & A WITH BILLD ALUMNI ON LEADERSHIP: TWO GRADUATES REFLECT ON NEW ROLES AS APPROPRIATIONS CHAIRS

How should our state spend taxpayers' dollars? Few questions are more fundamental to the work of state legislatures than this one, and the answer comes only after considerable thought, time, collaboration and consensus building. Heading up this work: the chairs of legislative fiscal committees. Across the region, many of these positions are held by graduates of the CSG Midwestern Legislative Conference BILLD program (see sidebar article). That includes Brad Bekkedahl and Don Vigesaa, both of whom were tapped by their legislative colleagues in North Dakota to lead on budget policy. They served as appropriations chairs for the first time this year — Bekkedahl in the Senate (BILLD Class of 2017), Vigesaa in the House (BILLD Class of 2005) — and recently shared their perspectives with CSG Midwest.



What is one lesson you learned from leading an appropriations committee for the first time that you will use in future sessions?

**Sen. Bekkedahl:** Time management was a huge learning curve for me, and it surprised me as that has always been one of my strongest work traits. As the new appropriations chair, I made the decision — in consultation with our Senate majority leader, David Hogue — to break our full committee into three divisions as the House of Representatives has done. While the full committee structure we had used before gave everyone on the committee information on every budget and every bill we saw, it also took a lot of committee time, as well as my time as chairman. Breaking the full committee down into three sections enabled more time for me to focus on leadership issues and meetings, while also enabling some very knowledgeable committee members to take on roles as division chairs. It also provided more public-hearing opportunities, as our division committee rooms were set up technologically to have multiple public hearings on the budgets and bills at the same time as the other divisions were doing the same thing.

**Rep. Vigesaa:** The House Appropriations Committee is divided into three sections that each are responsible for certain state agency budgets. The one important lesson I learned was to be more involved in section hearings and discussions throughout the legislative session, so when final budgeting decisions are made for each agency or policy legislation that has an appropriation attached, I am more informed and prepared for final negotiations.

How has this new leadership role differed from your previous legislative work on standing policy committees in North Dakota?

**Sen. Bekkedahl:** The focus [of work on previous committees] was always on setting policy, without a lot of consideration of financing the policy. On Appropriations, we are solely focused on the budgets and other bills' fiscal impacts. ... I must admit there are times I wish I could have worked more with policy committees on things before we see them in Appropriations, just as they probably wish they could have more input into what we do. But on balance, everything works out for the best. We are fortunate there is a great deal of trust between committee chairs, and between the [two] chambers as well.

**Rep. Vigesaa:** I enjoy Appropriations because the role is a bit more defined. Yes, there are occasionally policy decisions that are tied to funding, but in general, you are primarily charged with setting budget amounts to state agencies and some policy legislation. In North Dakota, we must leave every legislative session with a balanced budget for the next biennium. The Appropriations Committee must work within the confines of the forecasted revenues. Our committee is also responsible for establishing that revenue forecast.

How did the BILLD experience, and skills you gained through the program, help prepare you for a leadership position on state budgeting?

**Sen. Bekkedahl:** I think the biggest take away I had from BILLD as a whole was learning about interacting with others and the importance of relationships and respect in elected office — respect not just from other legislators and officials, but from the general public as well. BILLD also helped me understand time management and learning to understand others in the conversation. Listening is always more beneficial than talking in terms of getting good information. And relative to state budgeting, I learned the importance of listening, researching and diligently seeking information to be able to make good fiscal decisions. What I learned at BILLD was leaders listen and learn. I've appreciated that and have tried to continue to do that every day in my time of public service.



**Rep. Vigesaa:** BILLD is a valuable experience for a newly elected legislator. Little did I know at the time that conflict resolution, consensus building and negotiation skills would play such an important role in my legislative career. All of these attributes were touched on during my 2005 BILLD education. The emphasis on effective communication was also a memorable segment of the training. All of those skills I mentioned have certainly benefited me in my role as chairman of the House Appropriations Committee. I highly recommend all legislators seek acceptance to the BILLD program.

BILLD FELLOWS LEADING ON FISCAL POLICY

Across the 11-state Midwest, 23 graduates of the BILLD program served in leadership roles on legislative appropriations, revenue and finance committees in 2023.

COMMITTEE CHAIRS

- North Dakota Sen. Brad Bekkedahl  
*BILLD Class of 2017*
- Kansas Sen. Rick Billinger  
*BILLD Class of 2012*
- Illinois Rep. Kelly Burke  
*BILLD Class of 2013*
- South Dakota Sen. Jean Hunhoff  
*BILLD Class of 2001*
- Minnesota Rep. Fue Lee  
*BILLD Class of 2019*
- Nebraska Sen. Lou Ann Linehan  
*BILLD Class of 2018*
- Wisconsin Sen. Howard Marklein  
*BILLD Class of 2011*
- Illinois Sen. Elgie Sims  
*BILLD Class of 2014*
- North Dakota Rep. Don Vigesaa  
*BILLD Class of 2005*
- Kansas Rep. Troy Waymaster  
*BILLD Class of 2015*

COMMITTEE VICE CHAIRS

- Indiana Rep. Robert Cherry  
*BILLD Class of 2000*
- Illinois Sen. Sara Feigenholtz  
*BILLD Class of 1995*
- Iowa Rep. Barb Kniff McCulla  
*BILLD Class of 2023*
- Michigan Rep. Amos O'Neal  
*BILLD Class of 2022*
- Nebraska Sen. Anna Wishart  
*BILLD Class of 2017*
- Nebraska Sen. Brad von Gillern  
*BILLD Class of 2023*

MINORITY-PARTY LEADS

- Iowa Rep. Timi Brown-Powers  
*BILLD Class of 2015*
- Michigan Rep. Sarah Lightner  
*BILLD Class of 2021*
- Indiana Sen. Eddie Melton  
*BILLD Class of 2018*
- Iowa Sen. Janet Petersen  
*BILLD Class of 2002*
- Kansas Sen. Pat Pettey  
*BILLD Class of 2017*
- Illinois Sen. Chapin Rose  
*BILLD Class of 2003*
- Ohio Sen. Kent Smith  
*BILLD Class of 2017*

Held every summer, the CSG Midwestern Legislative Conference's Bowhay Institute for Legislative Leadership Development is for lawmakers in their first four years of service. Applications for the 2024 institute will soon be available at [csgmidwest.org](http://csgmidwest.org).



BILLD

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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## CSG EVENTS

### CSG Virtual Events & Web-Based Meetings

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

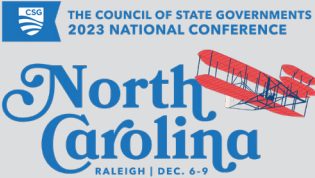


MLC

### CSG National Conference

December 6-9, 2023 | Raleigh, North Carolina

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



### Midwestern Legislative Conference Annual Meeting

July 21-24, 2024 | Columbus, Ohio

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



MLC

### Bowhay Institute for Legislative Leadership Development

August 23-27, 2024 | Madison, Wisconsin

Contact: Amanda Seidel ~ [aseidel@csg.org](mailto:aseidel@csg.org)  
630.925.1922 | [csgmidwest.org](http://csgmidwest.org)



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# STATELINE MIDWEST

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