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A compilation of articles that appeared in the publication *Stateline Midwest* on “Food Security: Feeding the Future” — the topic of this year’s MLC Chair’s Initiative of Michigan Senator Roger Victory



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‘TRULY UNIFYING ISSUE’: HOW STATES CAN HELP ADDRESS FOOD INSECURITY

Progress has been made in recent years, and new state laws and investments point to promise in building new partnerships with farmers, food banks, schools and grocers

by Tim Anderson (tanderson@cs.org)

Out in the fields of western Michigan, before he became a state lawmaker, “Farmer Rog” was doing a job that ultimately would help shape his legislative agenda.

Agricultural products — “off-grade,” but edible and healthy — were regularly being delivered every week to Roger Victory’s produce facility.

“What was our job? Was it to recondition [that product], to get it into the food system?” Victory said. “No, it was just to be disposed of — semi-loads of product with \$10,000, \$20,000 of potential market value. And it wasn’t just one semi. It was two semis, three semis a week.”

Across the Midwest, lots of food is being produced by farmers like Victory, yet there are households without enough to eat.

“Couldn’t there be a better way?” Victory thought as he composted that “excess product” in his fields.

Finding answers has been a legislative priority of his ever since coming to Lansing.

Victory told that story in July to fellow legislators, as part of his introduction of a session at the Midwestern Legislative Conference Annual Meeting built around his MLC Chair’s Initiative: “Food Security: Feeding the Future.”

“This is a truly unifying issue,” Victory



said. “We all have constituents who struggle every day to put food on their tables and to feed their families.”

And his home state points to the possibility of some “win-wins.”

Michigan is providing more dollars to a grant program for food banks to purchase excess food from agriculture producers in order to better meet the emergency food needs of households.

New investments are being made to build stronger local food systems and supply chains.

And state funding is going to a Double Bucks program that opens new markets for farmers’ locally grown foods while helping individuals who receive food-assistance benefits. (See page 3 for details on these and other state actions to improve food security.)

“There’s enough of us now who believe that we can solve this problem; I don’t think we want to just manage it anymore,” Phil Knight, executive director of the Food Bank Council of Michigan, said about food insecurity, singling out some of the policy advances in that state during a panel discussion at the MLC session.

FORMULA FOR SUCCESS: STRONG ECONOMY PLUS EXPANDING REACH OF SNAP

Rates of food insecurity are regularly measured by the federal government, and are based on responses from U.S. households to a series of survey questions.

“It’s become the leading indicator of well-being for vulnerable households in America; I really think it has surpassed the poverty rate,” said Craig Gundersen, a Baylor University professor and leading researcher on food insecurity.

Those surveys show that progress has been made in recent years: Rates of food insecurity among U.S. households fell 40 percent between 2014 and 2021, Gundersen said.

He identified two factors behind the positive trend.

Strong economic growth “raised up” more households, while enrollment in the Supplemental Nutrition Assistance Program — which provides food assistance to low-income people — also rose. And not only did SNAP reach more households in need, policy changes increased the level of benefits.

Though recognizing that SNAP has its critics, Gundersen praised the program and its structure.

He said it reaches those most in need, gives them dignity and autonomy when making food purchases, can be used at virtually all food retail outfits, and does not discourage work among recipients.



Michigan Sen. Roger Victory, chair of The Council of State Governments’ Midwestern Legislative Conference, presides over this summer’s MLC Annual Meeting. This edition of Stateline Midwest features articles on many of the meeting’s sessions, including a cover story on a session built around Sen. Victory’s Chair’s Initiative for 2023: “Food Security: Feeding the Future.” (photo: Patrick Yockey)

NUMBERS ON FOOD INSECURITY

33.8 MILLION	# OF PEOPLE IN U.S. LIVING IN FOOD-INSECURE HOUSEHOLDS IN 2021
-3.8	PERCENTAGE-POINT DECLINE IN FOOD-INSECURE U.S. HOUSEHOLDS BETWEEN 2014 AND 2021 (14.0% VS. 10.2%)
14.8	PERCENTAGE-POINT GAP IN FOOD-INSECURITY RATES BETWEEN BLACK AND WHITE HOUSEHOLDS IN MIDWEST (RATE HIGHER FOR BLACK HOUSEHOLDS)
17.0	PERCENTAGE-POINT GAP IN U.S. FOOD-INSECURITY RATES BASED ON DISABILITY STATUS (7 PERCENT FOR NON-DISABLED VS. 24 PERCENT FOR DISABLED)
8.2%	% OF TOTAL FOOD-INSECURE PEOPLE IN THE U.S. WHO ARE NATIVE AMERICAN (A GROUP THAT MAKES UP LESS THAN 3 PERCENT OF THE TOTAL U.S. POPULATION)

Sources: U.S. Department of Agriculture, Feeding America, and MLC Annual Meeting presentation by Professor Craig Gundersen

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- For 28th year, CSG Midwest provides leadership training to region’s newer legislators

COVER STORY ON MLC CHAIR'S INITIATIVE

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"Every discussion about food insecurity ... has to involve SNAP," Gundersen said about the nation's largest hunger-fighting program.

Among his policy ideas for legislators: Streamline the SNAP recertification process so that households in need of assistance don't lose benefits.

"There is [too much] churn where people are off the program and back on the next month because they missed a notification or there's some sort of glitch," he said. "Let's make recertification a lot more streamlined."

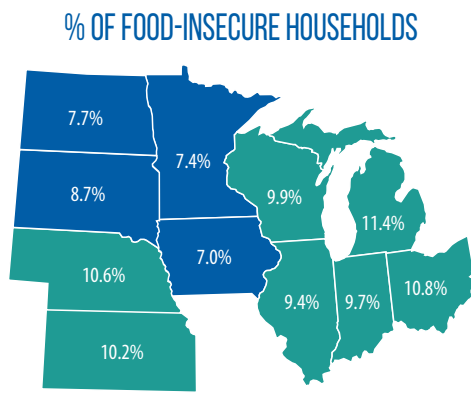
One recent example from the Midwest: This year, Indiana simplified SNAP certification and lengthened renewable periods for its disabled and older residents (SB 334).

DISABILITY: 'LEADING PREDICTOR OF FOOD INSECURITY'

Gundersen also pointed out some not-so-good news about trends in food insecurity. He said rates remain high among certain groups, particularly African Americans, Native Americans and people with disabilities. Those disparities remain even when controlling for income.

"The gap between Whites and Blacks in the Midwest is astounding compared to other parts of the country," Gundersen said. (It's nearly 15 percentage points.)

Nationwide, 93 percent of households with non-disabled adults are "food secure." The rate falls to 76 percent



● Statistically different and lower than three-year U.S. average of 10.4%

● Not statistically different than three-year U.S. average of 10.4%

Source: U.S. Department of Agriculture

for households with disabled adults between the ages of 18 and 64.

"The leading predictor of food insecurity in the United States today is disability status, especially mental health," Gundersen said.

Addressing food security goes hand in hand with addressing the nation's mental health crisis, he said. And for individuals who have difficulty traveling due to a disability, states can help by making SNAP certification simpler and by investing in programs that enable the home delivery of meals.

Knight said some Michigan food banks are partnering with private businesses such as DoorDash, and through another pilot initiative, food pantries are opening inside of health clinics.

THE CAUSES AND EFFECTS OF BEING FOOD-INSECURE

The session panelists also pointed to various studies showing that health outcomes and costs, as well as the academic success of young people, are tied to food security.

"One of the great predictors of graduation rates is third-grade reading levels, right?" Knight said. "But if they're not well fed, they will never be well read."

University of Toronto professor Valerie Tarasuk, a pioneer of research on food insecurity in Canada, said the correlation with health also is clear.

"[It] takes a huge toll on health and on health care budgets," she said. "An adult in Canada who is in a severely food-insecure household, in the course of a 12-month period, burns up more than double the health care dollars of somebody else who's food secure."

Canada does not have a food-based assistance program such as SNAP. It instead relies on cash transfers to provide low-income households with the financial resources they need.

According to Tarasuk, those transfers have not kept pace with recent spikes in the price of food, housing and other necessities. As a result, food-insecurity rates in that country are on the rise.

It's a reminder, too, that income levels and a social safety net are not the only determinants of food insecurity; prices of goods, especially food, play a role as well.

According to Gundersen, giving farmers "the freedom to operate" helps keep food prices low and contributes to food

security. Tarasuk urged legislators to look at broader economic metrics — for example, the wages being paid to workers.

"We can see very clearly from Canadian data that even a small increase in the minimum wage reduces the rate of food insecurity," she said.

Another session panelist, Michigan State University Professor M. Jahi Johnson-Chappell, wrote a book detailing how a community in Brazil dramatically reduced hunger. He shared his global insights during the discussion.

The first step, Chappell said, was having political leaders recognize food as a "right of citizenship."

That didn't mean directly providing every person with a meal, he said, but instead creating conditions to ensure access to it (just as right such as free speech doesn't guarantee access to a newspaper, but creates an environment where it is available to citizens).

Once the "right to food with dignity" was recognized and taken seriously, Chappell said, a series of interventions followed. Central to the effort were new partnerships with local farmers.

"We saw decreases in infant mortality and infant malnutrition of 50 to 70 percent, a decrease in diabetes of about 30 percent, and it was one of the few Brazilian cities that saw increases in fruit and vegetable consumption," he said.

"Food Security: Feeding the Future" is the Midwestern Legislative Conference Chair's Initiative of Michigan Sen. Roger Victory.

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FEEDING THE FUTURE: RECENT LAWS & INVESTMENTS IN MIDWEST TO IMPROVE FOOD SECURITY

EXPANDING THE REACH OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

Funded at the federal level, SNAP is the nation's largest hunger-fighting program, with benefits provided to eligible low-income households to purchase food via an electronic benefits card. States run the program and are given some flexibility on SNAP-related policies and administration.

- This year, with the passage of SB 35, **MICHIGAN** removed limits on the amount of assets that households can have and still be eligible for SNAP. **ILLINOIS**, **MINNESOTA**, **NORTH DAKOTA**, **OHIO** and **WISCONSIN** also don't have asset tests for some or all SNAP applicants, according to the U.S. Department of Agriculture.
- Under SB 334, signed into law in April 2023, **INDIANA** is simplifying the SNAP application and recertification process for two groups of Hoosiers: disabled residents and those who are older (60 and over).
- **NEBRASKA** legislators approved an extension this year (LB 227) of a law that increased the state's SNAP gross-income threshold from 130 percent to 165 percent of the federal poverty level. According to the USDA, as of early 2023, income thresholds in the Midwest were as high as 200 percent in **MICHIGAN**, **MINNESOTA**, **NORTH DAKOTA** and **WISCONSIN**. Under federal law, the threshold is 130 percent, but states can expand SNAP eligibility (using an option known as "broad-based categorical eligibility").
- SNAP also includes federal dollars for nutrition incentive programs, and state-level appropriations in states such as **MICHIGAN** and **MINNESOTA** have allowed for the expansion of initiatives that provide dollar-for-dollar matches of purchases by SNAP recipients of locally grown foods (Double Up Bucks in Michigan and Market Bucks in Minnesota).



PARTNERING WITH FARMERS AND HELPING STOCK THE SHELVES OF FOOD PANTRIES

- **MICHIGAN** was the first U.S. state to fund a program that buys excess food products from local farmers in order to stock the shelves of local food pantries. With this year's budget (HB 4437), the Legislature boosted annual funding for the long-running Michigan Agricultural Surplus System, from \$2 million to \$12 million.
- A new **ILLINOIS** law (HB 2879 of 2023) makes permanent the Farm to Food Bank program, a pilot initiative launched in 2021 to create a centralized donation program for use by local farmers and food banks. HB 2879 also includes grants for capital improvements needed to store and transport fresh food to underserved communities.
- **OHIO**'s HB 45, signed into law in early 2023, establishes a \$25 million program to purchase, transport, store and distribute food from the state's agricultural producers to local food banks.
- **IOWA**'s Farm to Food Donation Tax Credit is for farmers who donate their agricultural products to food banks and food pantries. Available since 2014, the credit is equal to the lesser of \$5,000 or 15 percent of the value of the commodities.
- In early 2023, **MINNESOTA** legislators approved an emergency appropriation of \$5 million to support local food shelves (HF 213), which help individuals experiencing hunger. Later in the year, lawmakers increased the amount of state dollars going to the Minnesota Food Shelf Program and also established a \$7 million grant program to expand the capacity of food shelves. **INDIANA** is among the other states making a direct appropriation to help local food banks — \$2 million this year.



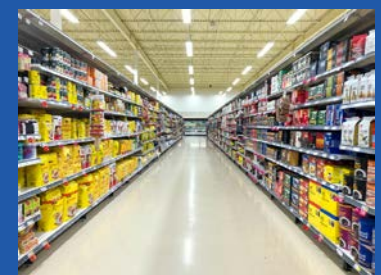
INVESTING IN SCHOOL-BASED INITIATIVES THAT FEED K-12 AND POSTSECONDARY STUDENTS

- **MINNESOTA** is now providing universal free school meals to K-12 students. A fiscal estimate of HF 5 (signed into law in March 2023) placed the two-year cost of this new program at more than \$400 million. A 2023 **ILLINOIS** law (HB 2471, signed in August) also establishes a Healthy School Meals for All Program. Implementation is "subject to appropriation."
- Those two states also are tackling hunger among college students. **MINNESOTA**'s postsecondary schools can get state dollars to become a "hunger free campus" by taking steps to reduce food insecurity — for example, disseminating information to students about SNAP and other programs, providing them with emergency assistance, opening an on-campus food pantry, and establishing hunger task forces. **ILLINOIS** created its own hunger-free campus grant program this year (HB 2528).



DELIVERING FOOD OPTIONS FOR RURAL AND OTHER UNDERSERVED AREAS

- A new \$1 million grant program in **NORTH DAKOTA** has two goals: the "preservation of rural grocery stores" and "increasing the availability of food access in the state." Legislators created the pilot initiative with this year's passage of SB 2273. Potential recipients of new state grants include community-based cooperatives that help improve the viability of rural stores by improving efficiencies in food purchases and distribution.
- **ILLINOIS**' new \$20 million Grocery Initiative (SB 850) will provide wraparound supports to local governments and independent grocers opening stores in areas of the state designated as "food deserts." Those supports include technical assistance; feasibility studies and marketing; help with operational costs; and access to capital funding for the acquisition of land, facilities or equipment. Additionally, last year's HB 2382 established the Illinois Health Food Access program, which provides support to stores, farmers' markets and other small retailers operating in underserved areas.



PARTNERING WITH THE FEDERAL GOVERNMENT TO BUILD A MORE RESILIENT FOOD INFRASTRUCTURE

The COVID-19 pandemic underscored the importance of robust local and regional food infrastructure systems that support local farmers and ensure food security. One result has been congressional support of new federal-state partnerships. For example:

- The Resilient Food Systems Infrastructure (RFSI) program aims to improve supply chains for specialty crops, dairy, grains, aquaculture and other products (meat and poultry are excluded; other grant programs support these sectors). The **SOUTH DAKOTA** Department of Agriculture announced it would use \$3.3 million in RFSI funds for "middle of the supply chain activities" — expanding processing and storage capacity, for example, and modernizing equipment and facilities.
- The USDA's Local Food Purchase Assistance Cooperative Agreement Program provides money for states to purchase home-grown foods from producers. Those foods are then used to address food insecurity in underserved communities.



RATES OF 'FOOD INSECURE' HOUSEHOLDS VARY IN MIDWEST; STATE POLICY IS ONE OF MANY FACTORS

Over the course of the past year, did you have enough food, at all times, for an active, healthy life?

For people in most U.S. households, the answer is “yes.” Close to 90 percent of households were “food secure” in 2021. But that leaves more than 9 million U.S. children and more than 24 million adults living in a household with some degree of “food insecurity,” including some households reporting “low” or “very low” levels of food security.

In support of the yearlong Midwestern Legislative Conference Chair’s Initiative of Michigan Sen. Roger Victory on “Food Security: Feeding the Future,” a series of articles on this topic is appearing in *Stateline Midwest* in 2023. Here, we share regional and U.S. data on food insecurity, as well as on the nation’s leading hunger-fighting program: the Supplemental Nutrition Assistance Program, or SNAP.

IMPACT OF STATE- AND HOUSEHOLD-LEVEL CHARACTERISTICS ON FOOD INSECURITY

Nationwide, the rate of food-insecure households is 10.4 percent (when averaging the years 2019, 2020 and 2021). Four Midwestern states — Iowa, Minnesota, North Dakota and South Dakota — have a “statistically significant” lower rate than the national average. Every other state in the region is close to the national average, according to the U.S. Department of Agriculture’s “Household Food Security in the United States in 2021” (see top map).

Authors of the USDA report cite several contributors to the state-by-state variations.

On the policy side, state laws and programs affect access to unemployment insurance, nutrition assistance and the earned income tax credit. In turn, access to these as well as other safety-net and/or anti-poverty programs influences rates of food insecurity.

Differences in state-level economic characteristics play a role as well. For example, lower average wages lead to higher rates of food insecurity, as do higher housing costs and unemployment rates.

At the household level, families with children have higher-than-average rates of food insecurity (12.5 percent in 2021). This is especially true of households with children headed by a female with no spouse. Nearly 1 in 4 of these households report being food insecure, compared to 7.4 percent of married-couple households.

A 'MEAL GAP' IN MIDWEST'S RURAL AREAS, AND AMONG SEVERAL MINORITY GROUPS

According to the hunger-relief organization Feeding America, which tracks county-level data for its “Map the Meal Gap” study, 89 percent of the U.S. counties with the highest rates of food insecurity are rural.

This kind of rural-urban gap is seen in the data for the 11-state Midwest, where most counties with elevated rates of food insecurity (11.9 percent or more of the population) are rural. Michigan, for instance, has 42 such counties, and nearly all of them are concentrated in the state’s northern region and Upper Peninsula. Many of Ohio’s 46 counties with higher-than-average food-insecurity rates are in the southeast part of the state.

In South Dakota’s Oglala Lakota County, 26.3 percent of the residents report being “food insecure,” one of the nation’s highest rates. This county has a mostly Native American population. In four other Midwestern states (Minnesota, Nebraska, North Dakota and Wisconsin), the counties with the highest rates of food insecurity also have high numbers of Native Americans.

According to Feeding America, of the 34 million people in the United States experiencing food insecurity, 8.2 percent are Native American, a group that makes up less than 3 percent of the U.S. population.

The USDA study found higher rates of food insecurity among Black and Hispanic households, 19.8

percent and 16.2 percent, respectively. That compares to 7.0 percent of White households.

RATES OF SNAP PARTICIPATION IN MIDWEST

Every month, around 40 million Americans receive financial help with food purchases via the Supplemental Nutrition Assistance Program, or SNAP. It is the nation’s largest hunger-fighting program, providing benefits via an electronic benefits transfer card that is only redeemable for food purchases. In fiscal year 2022, the average monthly benefit, per household, was \$438.99.

According to the Center on Budget and Policy Priorities, the percentage of state residents in the Midwest participating in SNAP in FY 2022 ranged from a high of 16 percent in Illinois to a low of 6 percent in North Dakota (see bar chart). Nationwide, the center says, more than 65 percent of SNAP participants are in families with children; 36 percent are in families with members who are older adults or disabled; and 41 percent are in working families.

RECENT STATE-LEVEL CHANGES TO SNAP

This year, state legislatures in the Midwest considered many measures related to SNAP, a reflection of the central role that states play in program administration and policy decisions. For example:

- In Iowa, households no longer qualify for SNAP if they have assets that exceed \$15,000, excluding the value of a home, a car and up to \$10,000 of the value of a second car. The new law (SF 494) also establishes a statutory income limit on SNAP eligibility, at 160 percent of the federal poverty level. Additionally, the measure includes new requirements for program administrators and SNAP applicants in areas such as eligibility verification and

identity authentication.

- Last year, Kansas (HB 2448) established new statutory language regarding work requirements for able-bodied adults without dependents between the ages of 18 and 49. To receive SNAP benefits, these individuals must be employed 30 hours a week or be enrolled in an employment or training program. This year, with the successful override of a gubernatorial veto, legislators passed HB 2094, which makes 50- to 59-year-olds subject to this same requirement.

- Indiana’s recently enacted SB 334 simplifies the application process for elderly and disabled residents seeking SNAP benefits. The new law also lengthens to 36 months the certification period for these individuals, reducing the frequency in which they need to recertify eligibility.

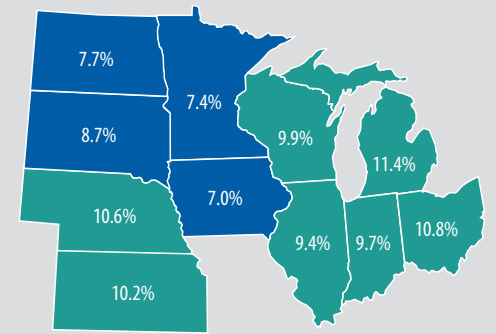
- Two years ago, Nebraska temporarily raised its SNAP income threshold from 130 percent to 165 percent. This expansion was set to sunset in 2023. Nebraska legislators, though, voted to keep the higher threshold with this year’s passage of LB 227.

The actions in Nebraska are possible because of a provision in federal policy that allows states to offer broad-based categorical eligibility: make households “categorically eligible” for SNAP if they receive benefits from other means-tested, low-income assistance programs.

States use this policy to raise income eligibility thresholds and remove asset limits, thus making more households eligible for federally funded SNAP benefits. Without state implementation of broad-based categorical eligibility, SNAP participation is limited to households with gross income at or below 130 percent of the federal poverty level and, as of FY 2022, households with liquid assets below \$2,500 (\$3,750 for the elderly and disabled).

Every Midwestern state except Kansas and South Dakota uses broad-based categorical eligibility for SNAP. One result is varying income thresholds across states (see bottom map).

% OF FOOD-INSECURE HOUSEHOLDS



- Statistically different and lower than three-year U.S. average of 10.4%
- Not statistically different than three-year U.S. average of 10.4%

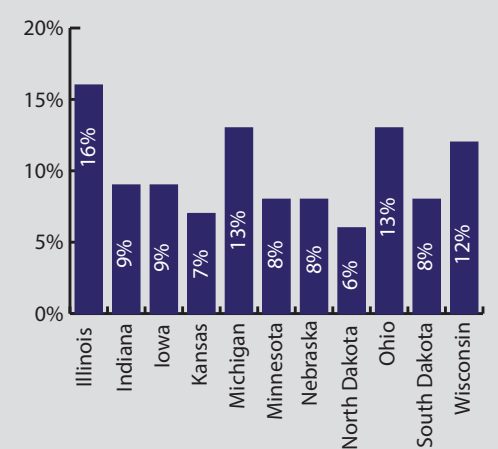
Source: U.S. Department of Agriculture

FOOD INSECURITY IN THE MIDWEST (2021)

State	# of counties with elevated rates of food insecurity*	County with highest rate of food insecurity
Illinois	17	Alexander (14.7%)
Indiana	25	Scott (15.2%)
Iowa	1	Appanoose (12.4%)
Kansas	13	Crawford (13.6%)
Michigan	42	Clare (18.3%)
Minnesota	1	Mahnomen (13.0%)
Nebraska	8	Thurston (14.9%)
North Dakota	3	Sioux (17.9%)
Ohio	46	Scioto (18.5%)
South Dakota	12	Oglala Lakota (26.3%)
Wisconsin	1	Menominee (15.8%)

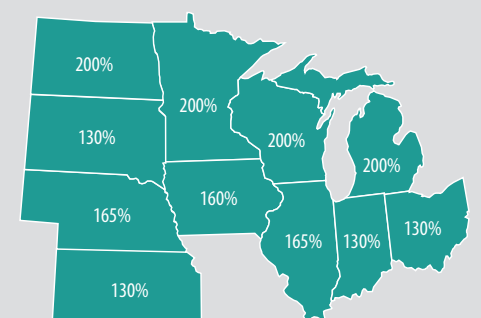
*“Elevated” means 11.9 percent or more of the population is food insecure.
Source: Feeding America

ESTIMATED % OF POPULATION HELPED BY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), FY 2022



Source: Center on Budget Policy and Priorities

STATE INCOME THRESHOLDS FOR PARTICIPATING IN SNAP (AS OF JANUARY 2023)



*Variations in income thresholds are due to states using their authority under federal law to adopt broad-based categorical eligibility (see article for details). That same authority allows states to eliminate asset limits on SNAP eligibility. Illinois, Minnesota, North Dakota, Ohio and Wisconsin have no limits on assets for some or all SNAP participants. Asset limits vary in the other Midwestern states.

Source: U.S. Department of Agriculture

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

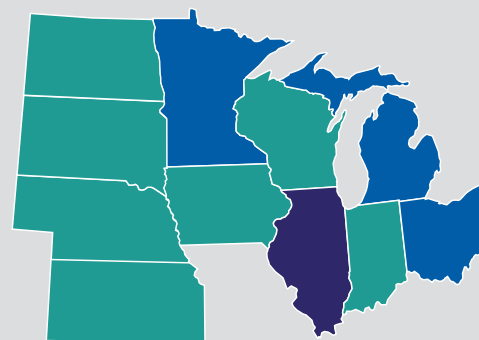
Another variance among states: the number of bills being introduced during legislative session. In 2020, that number exceeded 9,000 in **Illinois** and **Minnesota**, compared to fewer than 500 in South Dakota.

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.



FARM TO FOOD BANK: HOW STATES ARE BUILDING THIS LINK TO FEED FAMILIES IN NEED

by Tim Anderson (tanderson@csg.org)

The Midwest is known globally as the U.S. region that feeds the world.

But how can state policy serve as a catalyst for farmers to be able to feed their neighbors, especially those individuals living in food-insecure households?

One part of the answer can be the creation and funding of programs that build stronger links between in-state farmers and food banks.

Michigan has the oldest farm-to-food-bank program in the nation, and states such as Minnesota (Farm to Food Shelf) and Ohio (the Agricultural Clearance Program) have these initiatives as well. Now, as the result of this year's HB 2879, Illinois is joining these states.

"Establishing this kind of program has been on our radar for many years, and it was a [U.S. Department of Agriculture] grant that allowed us to show that it could work," explains Steve Ericson, executive director of Feeding Illinois, the state's association of food banks.

"We created pilot programs and model [agreements] with farmers to start building out those relationships, and that helped us convince the state."

During the two years of the USDA pilot program, nearly 2.5 million pounds of food were donated by Illinois farmers.

Legislators have now appropriated \$2 million to expand the reach of the



program, which will require a dollar-for-dollar match from food banks. These state dollars will help farmers use the food banks as secondary markets for "excess" or "surplus" products that otherwise would have gone to waste.

"To get more food, we're going to have to pay something for it," Ericson says. "We can't expect farmers just to continually give us everything. We needed to find a way to meet in the middle."

That "middle" will be reimbursing Illinois farmers for the expense of harvesting, packaging and transporting the food (their picking and pack-out costs).

This kind of "surplus purchasing" is one acquisition model commonly used in farm-to-food-bank programs; another is to negotiate prices and enter into pre-season agreements with participating farmers, according to a University of Illinois study done for Feeding America.

Some states, including Iowa, reimburse farmers for their donations to food banks and pantries via a tax credit.

BIG FUNDING BOOST IN MICHIGAN

This year, Michigan legislators

deepened the state's commitment to the long-standing Michigan Agricultural Surplus System; the new budget appropriates \$12 million for the program, compared to \$2 million a year earlier.

Under this program, Michigan's Food Bank Council uses a state grant to purchase fresh, local produce that is of high quality but "cosmetically challenged" (also sometimes called an "ugly"). The council's executive director, Phil Knight, says the program also allows for the acquisition of eggs and dairy. The council distributes the purchased products among Michigan's seven food banks, using a formula based on the number of people living in poverty in each food-bank territory.

Michigan Sen. Roger Victory says another role for states is to invest in infrastructure (cold storage, local processing, etc.). In his home state, for example, state grants are going to build facilities that can store and freeze the fresh fruits and vegetables grown in the spring, summer and fall months, but are needed by local families year-round.

In Illinois, HB 2879 includes grant funding for capital projects that build the capacity to store fresh food and transport it to underserved communities.

Michigan Sen. Roger Victory chose "Food Security: Feeding the Future" as his CSG Midwest Legislative Conference Chair's Initiative for 2023. A series of articles have appeared in *Stateline Midwest* in support of this initiative.

ESTIMATED AMOUNT OF "FOOD WASTE" GENERATED IN THE MIDWEST (2021)*

State	Tons of food waste
Illinois	2.6 million
Indiana	1.6 million
Iowa	746,000
Kansas	594,000
Michigan	2.4 million
Minnesota	1.4 million
Nebraska	410,000
North Dakota	224,000
Ohio	2.5 million
South Dakota	227,000
Wisconsin	3.2 million
United States	80 million

* Definition includes uneaten food and inedible parts that are not harvested, that are composted, or that end up in landfills, incinerators, sewers or other destinations. Across all U.S. states, the 80 million tons of food waste comes from the following sectors: residential (54.5% of total), farm (16.9%), food service (16.0%), manufacturing (8.8%) and retail (3.8%).

Source: ReFED

QUESTION OF THE MONTH

QUESTION | For property to be subject to civil asset forfeiture, do any Midwestern states require a criminal conviction?

Over the past decade, every state in this region has changed its laws on civil asset forfeiture, a process that allows for the seizure and permanent taking of property that is related to a criminal offense. In some states, those changes have included adding some kind of criminal-conviction requirement for the property to be subject to forfeiture.

Without such language, the process in most states is unrelated to outcomes in a criminal case. That's because the property, not an individual, is the subject of the case in a civil proceeding. The standard of proof in these proceedings is lower than "beyond a reasonable doubt," with one of two standards applied in the Midwestern states: "preponderance of the evidence" or "clear and convincing" (see map).

The addition of a criminal-conviction requirement has been part of a broader trend in legislatures that aim to better protect property owners. In the Midwest, **Iowa, Michigan, Minnesota, North Dakota, Ohio** and **Wisconsin** are among the states where such a prerequisite has been added to statute.

However, this criminal-conviction requirement sometimes only applies in certain types of forfeiture actions. For example, one approach is for states to require a criminal conviction only in cases involving property valued at a certain statutorily defined amount: under \$5,000 in Iowa (SF 446 of 2017); \$50,000 or under in Michigan (SB 2, HB 4001 and HB 4002 of 2019), and under \$15,000 in Ohio (this was the amount set under HF 347 in 2017; the threshold changes based on inflation).

The Institute of Justice, which has backed

changes to state civil asset forfeiture laws, says these criminal-conviction requirements still leave many property owners vulnerable.

First, the institute notes, the burden can be on the owner to take legal action and contest the forfeiture; second, the state requirement often is satisfied by the conviction of any person related to the underlying criminal activity — not necessarily the property owner. As a result, an "innocent owner" still risks having his or property taken.

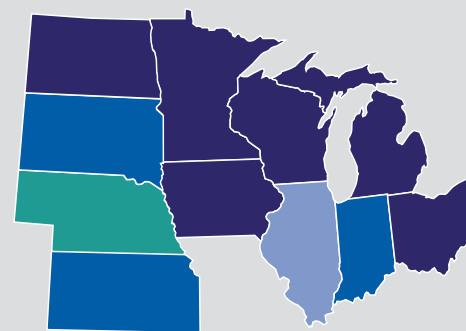
The criminal-conviction requirement is one example of how legislatures recently have altered the rules of civil asset forfeiture, but kept it as a tool for law enforcement. Other changes have:

- **Raised the standard of proof for property to be subject to forfeiture** — Over the past decade, Iowa, Michigan, North Dakota and Ohio are among the states where the standard has been raised to "clear and convincing evidence."

- **Added protections for "innocent owners"** — An innocent owner is a person who did not know of or consent to the illegal activity connected to the property. As part of the civil asset forfeiture process, states provide a mechanism for these "innocent owners" to get back the confiscated property. Legislatures in states such as Iowa and Wisconsin (SB 61 of 2018) now make the government bear the burden of proof, rather than the owner having to prove his or her innocence.

States also have placed new reporting requirements on law enforcement and changed how proceeds from the sale of forfeited property can be used; for example, in Wisconsin, money

STANDARD OF PROOF TO LINK PROPERTY TO CRIME AND MAKE IT SUBJECT TO CIVIL ASSET FORFEITURE



- "Preponderance of evidence"
- "Preponderance of evidence" ("clear and convincing" if related criminal case results in acquittal or non-indictment)
- "Clear and convincing"; state also has criminal-conviction requirement of some kind
- Has only criminal asset forfeiture; civil asset forfeiture abolished

Sources: Institute of Justice and CSG Midwest

now goes to the state's Common School Fund.

Nebraska is one of four U.S. states that has abolished civil asset forfeiture (LB 1106 of 2016).

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



STATELINE MIDWEST



MIDWEST

MAY/JUNE 2023 | VOLUME 32, NO. 3
THE COUNCIL OF STATE GOVERNMENTS | MIDWESTERN OFFICE

LAWS REFLECT INTEREST IN, CONCERNS ABOUT FUTURE OF MIDWEST FARMLAND

Much of the region's land is devoted to agricultural production, but development has caused acreage losses in some states; a rise in solar projects poses future land-use questions

by Tim Anderson (tanderson@csg.org)

Rep. Kendell Culp grows corn and soybeans and raises beef cattle in a part of Indiana with some of the most productive agricultural land in the entire state.

But some of that same land also has appeal as a site for other uses, particularly renewable energy projects such as solar farms that are growing in number.

"It is an issue on a lot of people's minds right now," Culp says about what he hears from constituents about the actual and potential loss of prime farmland.

He heard it as a longtime county commissioner, and again when he did his first-ever survey as a newly elected state legislator in the fall.

His response was the introduction

of two bills this year — both of which became law — that will have the state taking an in-depth look at trends in farmland loss and land use, as well as policy ideas to keep this land in agricultural production.

"Measuring the acres lost is important," Culp says, "but just as important is what it's being lost to."

Those are the two goals of HB 1557, a new law that directs the Indiana Department of Agriculture to detail losses of farmland between 2010 and 2022. The second enacted measure, HB 1132, creates a state-level land use task force, a group of legislators and others who will look at growth patterns in Indiana's rural, urban and suburban areas.

Loss of farmland will be one focus of this task force. Another will be the extent of food insecurity in different parts of Indiana.

"There is the perception that the less farmland, the less food," Culp says. "I don't think that's necessarily been the reality because farmers always have been able to use new technologies to maximize production.

"But I do think that the issue of food insecurity and lost farmland is something we need to be more

conscious of, especially if more acres start getting taken out of production at drastic rates.

"It's also a really great responsibility we have [to the world]. People in other countries think more than we do about where their food comes from, and they know they rely on the U.S., specifically the states of the Midwest."



Indiana Rep. Kendell Culp

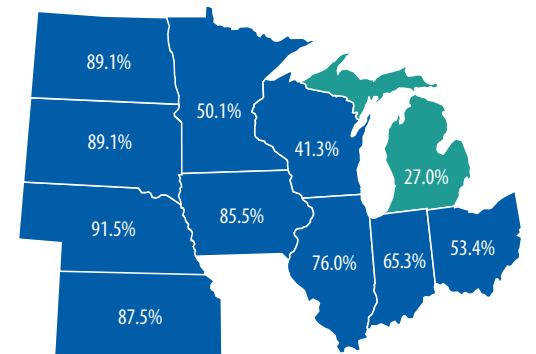
FUTURE PRESSURES AND NEEDS

"No Farms No Food" is the message of the American Farmland Trust, an advocacy group founded more than 40 years ago to save the nation's farms and ranches from development.

The group's Midwest director, Kristopher Reynolds, says it's a message that doesn't always resonate in this region because of the clear abundance of ranchland and farmland: Drive through much of America's Heartland, and it's most of what you see.

However, many states in this region have lost some of this land

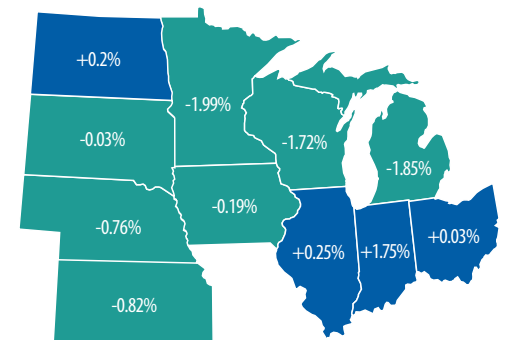
% OF STATE'S TOTAL LAND AREA THAT IS IN FARMS, AS OF LAST U.S. CENSUS OF AGRICULTURE (2017)*



- Higher than % of total U.S. land area in farms: 39.8%
- Lower than % of total U.S. land area in farms: 39.8%

Source: U.S. Department of Agriculture, Economic Research Service

NET GAIN OR LOSS OF FARMLAND, AS MEASURED OVER LAST TWO U.S. CENSUSES OF AGRICULTURE: 2012 VS. 2017*

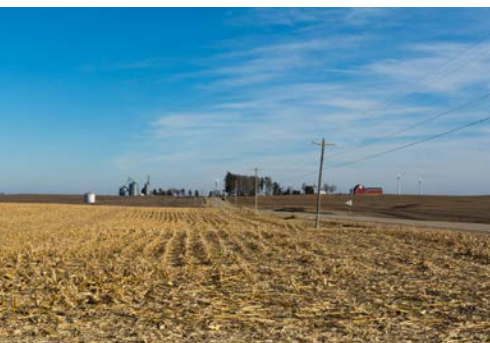


- Gained farmland
- Lost farmland

* The U.S. lost a total of 14.3 million acres of farmland during this period. Minnesota had the highest acreage loss in the Midwest (-518,856 acres). Indiana had the region's largest increase in farmland (+249,600 acres).

Sources: U.S. Department of Agriculture, Economic Research Service, and Farmland Information Center

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- Education & Workforce Development:** Indiana is offering new career scholarships to high school students as part of a plan to offer more work-based learning experiences
- Midwest-Canada Relations:** A binational push to increase the production and supply of critical minerals offers potential new opportunities for the region

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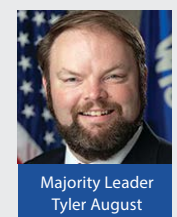
- Legislators and voters are overhauling state policies on cash bail in several Midwestern states
- Minnesota gives consumers 'right to repair' digital electronic products with first-in-Midwest law
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- New Indiana, Nebraska laws invest in model to improve access to behavioral health services



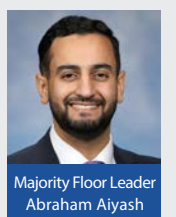
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Majority Leader Tyler August



Majority Floor Leader Abraham Aiyash

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WISCONSIN MAY EXPAND PROGRAM THAT REWARDS CONSERVATION, FARMLAND PRESERVATION

» CONTINUED FROM PAGE 1

to population changes, sprawl and development in recent decades.

Looking ahead, it's not just residential, commercial or industrial development in new areas that could replace farmland. The American Farmland Trust notes in a 2022 national study that "tens of millions of additional acres of rural land will be used for energy production and transmission in the coming decades."

Add to that increases in global population and the likelihood of more-frequent extreme weather events such as droughts and flooding, and keeping "nationally significant" agricultural land in production becomes important for "long-term food security and environmental health," the authors note in that same report.

No region has a higher concentration of that "nationally significant" land than the Midwest.

For states, Reynolds says, these trends point to the need for new policies that stop low-density sprawl, that incentivize or help farmers to keep prime agricultural land in production, and that limit the loss of this land to the continuing rise in energy projects.

"As an organization, we support

renewable energy, but we also recognize that it can come at a cost to farmers and to farmland," Reynolds says.

"What we've tried to do is identify areas [for renewable projects] that are maybe less productive in terms of agriculture — brownfield sites, for instance — or look for ways where you can still have agriculture production and solar development at the same site."

'ONCE IT'S OUT ...'

The pinch on agricultural land is being felt in Wisconsin as well.

According to Sen. Patrick Testin, his state has lost nearly 1 million acres over the last two decades, and he worries about future declines due to pressures not just from other types of development or uses, but to some longstanding demographic and economic trends.

"Like in many states, the average age of our farmer is increasing, and that next generation hasn't necessarily been there to take up the mantle," Testin says. "And we've seen some of our smaller operations go out of existence."

One policy lever used by Wisconsin since 1977 is the state's Farmland Preservation Program. Under the program, local governments have the authority to develop farmland preservation plans and zoning districts, as well as to petition the state for approval of Agricultural Enterprise Areas (AEA).

With these AEA designations and zoning districts in place, local farmers then have the opportunity to access state income tax credits by entering into a farmland preservation agreement. Under this agreement, a farmer agrees to keep the land in agricultural use for 15 years and meet the state's soil and water conservation standards.

The tax credit is \$5 per acre for land in an AEA; \$7.50 for land in a certified farmland preservation zoning district; and \$10 for land in an AEA and a farmland preservation zoning district. According to the Wisconsin Department of Agriculture, Trade and Consumer Protection, as of July 2021, a total of 1,061 preservation agreements had been signed covering

close to 233,000 acres.

Many more acres of land are eligible but not enrolled in the program.

Testin says this lack of participation points to two problems with the current program: the length of the agreement is too long (individuals don't want to be wedded to 15 years), and the tax credits are too small.

He and other legislators introduced bills this year (SB 134 and AB 133) to address

both those concerns. The term of the agreement would be reduced from 15 years to 10, and the per-acre tax breaks would be increased and automatically rise in the future with inflationary changes.

"What we're trying to do with this bill is encourage more people to participate, first of all, and then encourage more farmers to put more acreage into it," says Wisconsin Rep. Katrina Shankland, another sponsor of the bill.

She vice increased participation as a win-win for the state: Reward farmers for being good stewards of the land, advance the state's conservation goals, and help preserve Wisconsin's agricultural heritage.

"Once it's out of [agricultural] production, it's rarely, if ever, farmed again," Shankland says.

'BEST OPPORTUNITY FOR STATES'

Reynolds suggests that states in the Midwest develop and invest in new Purchase of Agricultural Conservation Easement programs; as of January 2022, only Michigan, Ohio and Wisconsin had any farmland acreage protected via a PACE program, according to the American Farmland Trust's Farmland Information Center.

Under a PACE program, landowners are compensated for keeping their land for agricultural use; the compensation amount is based on the property's fair market value.

"It's probably the best opportunity for states to protect more farmland because they're able to leverage federal dollars," Reynolds says.

ACRES OF FARMLAND PROJECTED TO BE UNDER SOLAR INSTALLATIONS OR CONVERTED TO DEVELOPMENT BY 2040

State	Acres to solar	Acres to urban and highly developed uses or low-density residential uses
Illinois	82,400	363,400
Indiana	23,300	451,100
Iowa	22,600	183,400
Kansas	36,600	196,900
Michigan	93,900	483,800
Minnesota	29,700	369,500
Nebraska	16,000	103,800
North Dakota	4,900	198,500
Ohio	32,600	518,500
South Dakota	800	156,900
Wisconsin	54,300	515,200

Source: American Farmland Trust

That money comes from the U.S. Department of Agriculture's Agricultural Conservation Easement Program. The Inflation Reduction Act, signed into law in 2022, authorized an additional \$1.4 billion for this program over the next five years.

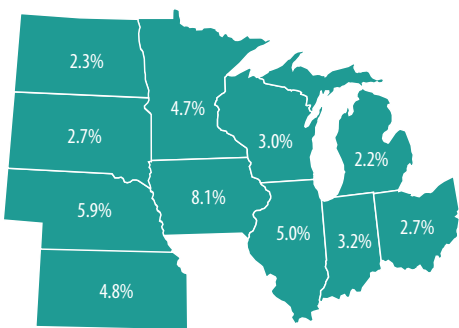
Accessing those funds, though, requires a 50 percent match. States can fill that void, and tap into newly available federal dollars, by creating a PACE program.

"We're not making any more farmland, so we need to protect what we have — not just for production purposes, but from what we're seeing with some of the climate projections and how it's going to be more difficult to grow food in some other places," Reynolds says.

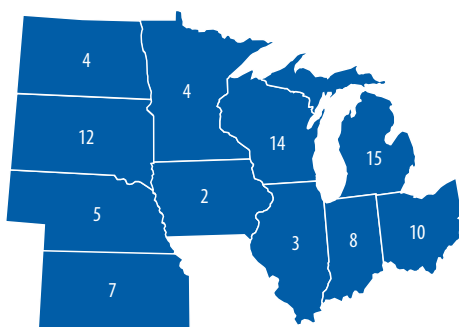
"There's also the issue of farmland changing hands at a rapid pace over the next 15 years. We want to make sure that the next generation still has access to farmland in the future."

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

STATE'S SHARE OF TOTAL VALUE OF U.S. PRODUCTION IN AGRICULTURAL SECTOR



MIDWESTERN STATES' U.S. RANKINGS ON VALUE OF AGRICULTURAL EXPORTS (2021)



Source: U.S. Department of Agriculture

EXAMPLES OF POLICY STRATEGIES USED BY STATES TO PRESERVE FARMLAND, ENCOURAGE CONTINUED AGRICULTURAL PRODUCTION

- ✓ INVEST IN PURCHASE OF AGRICULTURAL CONSERVATION EASEMENT (PACE) PROGRAMS THAT COMPENSATE OWNERS OF AGRICULTURAL LAND TO KEEP THE LAND IN PRODUCTION AND PREVENT DEVELOPMENT FOR OTHER USES
- ✓ ESTABLISH AGRICULTURAL DISTRICTS IN STATE STATUTE THAT ALLOW LOCAL GOVERNMENTS TO IDENTIFY AREAS WHERE COMMERCIAL AGRICULTURE WILL BE PROTECTED AND ENROLLED FARMERS WILL GET TAX BENEFITS OF SOME KIND
- ✓ REDUCE THE AMOUNT OF MONEY THAT AGRICULTURAL PRODUCERS MUST PAY IN LOCAL PROPERTY TAXES THROUGH THE USE OF A DIFFERENTIAL ASSESSMENT SYSTEM
- ✓ PROVIDE TAX CREDITS TO PRODUCERS WHO LEASE THEIR LAND OR EQUIPMENT TO BEGINNING FARMERS; ESTABLISH LOW-INTEREST LOAN PROGRAMS FOR BEGINNING FARMERS
- ✓ CREATE 'RIGHT TO FARM' LAWS THAT PROVIDE LEGAL PROTECTIONS TO AGRICULTURE PRODUCERS AND PROTECT THEM FROM LOCAL ANTI-NUISANCE ORDINANCES



Source: American Farmland Trust