Work for Medicaid?

Requiring enrollees to work as a condition for participation has come to the Midwest, but remains controversial

by Jon Davis (jdavis@csg.org)

The idea of requiring able-bodied adults to work or be actively seeking it as a condition for government assistance is certainly not new, but its application to Medicaid is as of January, when the Trump administration began approving some states’ applications to impose work rules as a condition of eligibility for this public health insurance program.

In its official guidelines, released Jan. 11, the U.S. Centers for Medicare & Medicaid Services will now allow states to make “work or participation in other community engagement activities” — including skills training, education, job search, volunteering or caregiving — conditions for Medicaid eligibility for able-bodied, working-age adults.

People with a disability, elderly beneficiaries, children, and pregnant women must be excluded. According to a CMS press release, states’ work and community engagement requirements also “should take into consideration areas of high unemployment or caregiving for young children or elderly family members.”

In seeking such a federal waiver, states must “describe strategies to assist eligible individuals in meeting work and community engagement requirements and to link individuals to additional resources for job training, provided they do not use federal Medicaid funding to finance these services.”

CMS also said it will support states’ efforts to align Medicaid work and community engagement requirements with those already in place for the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families, where appropriate.

States must also fully comply with federal disability and civil rights laws and ensure that all individuals with disabilities have the necessary protections to ensure that they are not inappropriately denied coverage, CMS said.

As of Jan. 31, CMS had received demonstration project proposals from 11 states, including Indiana, Kansas and Wisconsin in the Midwest.

South Dakota Gov. Dennis Daugaard announced in January that, he, too, will seek a “Section 1115” waiver — named for that section of the Social Security Act — to implement a two-year pilot work-requirement project in two counties containing the states’ largest cities, Sioux City and Rapid City.

And Illinois Gov. Bruce Rauner’s office, when asked in January by the Chicago Tribune, said the new federal guidelines were “under review.”

Within 24 hours of the CMS statement, however, Kentucky became the first U.S. state to get federal approval and announce plans to implement Medicaid work requirements.

Eyes on waiver-related lawsuit

If Kentucky’s Section 1115 waiver survives a legal challenge, then starting in July, Kentucky will make Medicaid available only to non-disabled adult residents who are working at least 20 hours per week, volunteering, studying or taking care of a family member.

The state was also granted the ability to charge Medicaid recipients health care premiums of up to 4 percent of income, more than allowed in other waivers issued so far.

Kentucky may also now implement six-month lockout periods for people who fail to re-enroll in time or to report changes in circumstances affecting eligibility. The state, too, can eliminate full coverage of dental care, vision services, and over-the-counter medications for many adults.

Former foster care youths, pregnant women and full-time students are exempt from these changes.

A lawsuit was filed on Jan. 24, brought by the Southern Poverty Law Center, the National Health Law Program and the Southern Poverty Law Center, alleging the “authorization of work and com-

The federal government has begun approving states’ requests, including Indiana’s, to make work requirements a condition of receiving Medicaid. What will work requirements mean for Medicaid enrollees, and state Medicaid programs?
**Economic Development**

Amid rise in craft brewing, legislators mull changes to laws on self-distribution, barrel caps

With the popularity of craft beer on the rise, state legislators across the nation have been re-examining their laws to allow for greater growth in the industry, from statutory changes that help increase production to the removal of restrictions on self-distribution. That trend has continued in 2018, with South Dakota and Kansas among the states exploring proposals to assist craft brewers. The issue has been front and center in South Dakota ever since Gov. Dennis Daugaard’s State of the State address.

Laws restricting production and distribution by microbreweries hamper an industry with growth potential, Daugaard told legislators, pointing to the disparity between South Dakota and neighboring states on the number of barrels that small, independent brewers can make — 5,000 barrels a year in South Dakota (one of the most restrictive limits in the nation), compared to barrel caps of 25,000 in North Dakota, 60,000 in Montana, and 50,000 in Wyoming.

At the request of the governor, the South Dakota Senate Commerce and Energy Committee then introduced SB 169, which would increase the barrel cap to 30,000 per year. The bill also would eliminate a provision in state law that prevents craft brewers from selling their product directly to retail stores and restaurants. But within days of the introduction of that bill, legislators introduced a competing measure. Under SB 173, South Dakota’s barrel cap would be raised, but only to 12,000, and the existing restriction on self-distribution would remain, though microbreweries would be able to sell their beer at tap houses or other licensed premises that they own.

The fate of the two measures (unknown as of early February) will depend at least in part on how legislators decide to balance the interests of brewers versus those of distributors.

In Kansas, meanwhile, HB 2470 would allow microbreweries to begin “contract brewing,” under which craft brewers partner with each other (these arrangements already are permitted in most other states and under federal law). For example, a startup could enter into contract with an existing brewer to use the latter’s production facility, thus allowing for market expansion without the capital outlay needed to purchase and run expensive brewing equipment.

“The micro/craft brewing industry can grow,” says Rep. Francis Atterwak, sponsor of the legislation. “The important effect of this bill is that it allows for the [contracting] option.”

Across the country, state regulation of the beer industry is built around a system (dating back to the end of Prohibition) that requires three separate tiers: producer, distributor and retailer. Smaller producers, though, have been afforded some flexibility regarding their distribution systems and business models (for example, direct sales to retailers).

But as the recent legislative activity in South Dakota and Kansas show, state lawmakers still face questions about how flexible those rules should be — and to whom they should apply.

**Passenger Rail**

More aboard: Double-digit increases in ridership reported on most state-supported routes

Ridership on the region’s state-supported passenger rail routes has increased on almost every line over the past decade, according to Amtrak ridership data tracked by the Midwest Interstate Passenger Rail Commission.

More recently, between fiscal years 2016 and 2017, the Chicago-St. Louis and Chicago-Detroit/Pontiac corridors had the steepest gains in ridership (7.6 percent and 11.5 percent, respectively), a sign that passengers have returned after construction projects for higher-speed trains had wreaked temporary havoc with schedules.

That high-speed service is now available on a portion of the Wolverine route connecting Chicago and Detroit, with trains able to go 110 mph between Porter, Ind., and Kalamazoo, Mich. Seven years of track work undertaken by the state of Illinois will soon allow for trains to travel at that speed on parts of the Lincoln service connecting Chicago and St. Louis (110 mph trains already are allowed on a stretch between the Illinois towns of Dwight and Pontiac).

The Wolverine and Lincoln are two of the Midwest’s nine-state-supported passenger train services. Amtrak routes of less than 750 miles that receive financial support from state governments. Combined, the number of passengers on these nine routes was 20 percent higher in FY 2017 than in FY 2007 to FY 2017. Among the other findings:

- The Missouri River Runner (St. Louis to Kansas City) led in long-term growth, with ridership jumping 49 percent over the past decade;
- The Hiawatha (Chicago-Milwaukee) offers the most daily round trips (seven) and has been the most riders among the nine state-supported routes (more than 829,000 in FY 2017), its 10-year growth rate in ridership was 40 percent.
- The only services with ridership declines between FY 2007 and 2017 were the Pere Marquette (Chicago-Grand Rapids, Mich.), which dropped 11 percent, and the Illini/Saluki (Chicago-Carbondale, Ill.), which fell 5 percent, including a one-year, 4 percent decline from FY 2016 to 2017. The Pere Marquette may have turned a corner, however, with ridership on that line registered a one-year, 4.4 percent increase from FY 2016 to FY 2017.

### Craft brewing industry in Midwest (2016)

<table>
<thead>
<tr>
<th>State</th>
<th># of breweries</th>
<th># of employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>181</td>
<td>15,844</td>
</tr>
<tr>
<td>Indiana</td>
<td>127</td>
<td>7,776</td>
</tr>
<tr>
<td>Iowa</td>
<td>70</td>
<td>5,011</td>
</tr>
<tr>
<td>Kansas</td>
<td>31</td>
<td>2,946</td>
</tr>
<tr>
<td>Michigan</td>
<td>222</td>
<td>14,640</td>
</tr>
<tr>
<td>Minnesota</td>
<td>112</td>
<td>14,027</td>
</tr>
<tr>
<td>Nebraska</td>
<td>42</td>
<td>2,717</td>
</tr>
<tr>
<td>North Dakota</td>
<td>10</td>
<td>1,162</td>
</tr>
<tr>
<td>Ohio</td>
<td>177</td>
<td>15,762</td>
</tr>
<tr>
<td>South Dakota</td>
<td>15</td>
<td>1,492</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>138</td>
<td>12,941</td>
</tr>
</tbody>
</table>

Source: Brewers Association

### Passenger rail ridership trends

<table>
<thead>
<tr>
<th>Route</th>
<th># of riders in FY 2017</th>
<th>% change from FY 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chicago-St. Louis</td>
<td>590,497</td>
<td>+24%</td>
</tr>
<tr>
<td>Kansas City-St. Louis</td>
<td>137,840</td>
<td>+69%</td>
</tr>
<tr>
<td>Chicago-Milwaukee</td>
<td>829,109</td>
<td>+40%</td>
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<tr>
<td>Chicago-Detroit/Pontiac, Mich.</td>
<td>439,106</td>
<td>+2%</td>
</tr>
<tr>
<td>Chicago-Grand Rapids, Mich.</td>
<td>91,449</td>
<td>-11%</td>
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<tr>
<td>Chicago-Port Huron, Mich.</td>
<td>186,282</td>
<td>+60%</td>
</tr>
<tr>
<td>Chicago-Carbondale, Ill.</td>
<td>251,384</td>
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</tr>
<tr>
<td>Chicago-Quincy, Ill.</td>
<td>204,148</td>
<td>+5%</td>
</tr>
<tr>
<td>Chicago-Indianapolis</td>
<td>29,504</td>
<td>+12%</td>
</tr>
</tbody>
</table>

Brief written by Laura Tomaka, CSG Midwest staff liaison to the Midwestern Legislative Conference Economic Development Committee. She can be reached at ltomaka@csg.org. The committee’s co-chairs are Illinois Sen. Elgie Sims and Michigan Sen. Ken Horn, its vice chair is South Dakota Sen. Kevin Killer.
Agriculture & Natural Resources

Recently signed Iowa law will pour more dollars into farm-based water quality projects

O ver the next 12 years, Iowa will commit an additional $282 million to water quality, the result of legislation passed early in 2018 after years of unsuccessful legislative initiatives in past sessions.

Even with SF 512 now law, Rep. John Wills says, it still is only “the beginning of the conversation [on water quality], not the end” in Iowa.

Sen. Kevin Kinney, too, originally opposed the bill and had sought changes by backing several amendments. But in the end, he voted in favor of SF 512 because “Iowans want resources to continue and expand water quality initiatives, and this is a first step that we can build on.”

No new tax dollars will be raised under SF 512. Instead, a mix of existing revenue sources will be used — for example, money from a tax on metered drinking water will gradually be diverted from the general fund, and, starting in 2021, some state gambling revenue will be used.

“It’s a good, long-term, sustainable funding source for water quality,” says Wills, who helped get the measure through the Legislature and has been involved in water quality and conservation work for more than 20 years.

With this law in place, a water quality fund will be established within the Department of Agriculture and Land Stewardship to support infrastructure improvements (wetlands, buffer zones, terraces, etc.) that keep nutrients from agricultural land from reaching waterways. SF 512 also creates a revolving fund for cities and utilities’ water quality initiatives.

The impact of agriculture on water quality has been debated in every Midwestern state legislature over the last few years, but maybe nowhere more so than Iowa, where the state’s largest city had filed a lawsuit against three counties, claiming their Norte Dakota Sen. Rich Wardner

water quality, but over the long term, he says, “in order to change the results in the water, there must be changes made to the land.” That, in turn, requires intervention and investments by the government and farmers themselves, he says. The hope among state legislators is that SF 512 leads to some of those changes, on the ground and in the water.

The measure was passed along a party-line vote, with opponents expressing concern that the bill does not do enough to hold accountable those who receive dollars from the state — either through benchmark goals or the ongoing testing of waterways.

John Lawrence, director of Iowa’s State Nutrient Reduction Center, says 88 percent of the state’s land drainage is now measured with nutrient sensors.

Weather variability can influence measures of water quality, but over the long term, he says, “in order to change the results in the water, there must be changes made to the land.” That, in turn, requires intervention and investments by the government and farmers themselves, he says. The hope among state legislators is that SF 512 leads to some of those changes, on the ground and in the water.

Criminal Justice & Public Safety

North Dakota provides some relief for incarcerated parents with child support obligations

U nder a North Dakota law that took effect in January, parents who are sentenced to jail or prison for more than 180 days will have their monthly child support payments suspended throughout their period of incarceration.

Lawmakers passed the enacting legislation (SB 2277) last year in order to prevent the accrual of large amounts of past-due payments for incarcerated parents with child support orders.

According to the U.S. Department of Human Services Office of Child Support Enforcement, studies have found that incarcerated parents leave prison with an average of $20,000 or more in unpaid child support. In 2007 (the most recent year available), the population in U.S. state prisons included 866,000 parents who had a total of more than 1.4 million children.

Sen. Rich Wardner, who sponsored SB 2277, says he became aware of the issue because of his wife’s experience running a sober living home for women, many of whom were returning from prison.

“They would have $30,000 or $40,000 of child support due, which was more than they could imagine paying off,” Wardner says.

This burden, he adds, made the women reluctant to seek a job where their wages would be reported and subject to garnishment, so they would turn instead to illegal activity as a source of income.

The new law does not forgive any past-due support, and it also excludes individuals who are on work release or probation and able to earn wages. Child support payments are reinstated six months after an individual is released from prison or jail.

Wardner acknowledges that this law isn’t a cure-all for incarcerated individuals with large child support obligations, but he hopes it will help ease the transition back into the community. “I want [them] to see that paying down their child support is an attainable goal, that it’s not such a huge mountain to climb.”

Similar legislation was filed, but not passed, in Illinois last year. HB 236 would have suspended a person’s obligation to pay child support during any period of time in which he or she is committed to a state adult or juvenile correctional facility. Two state agencies would have been tasked with the responsibility of identifying people who were eligible for a suspension or modification of child support.

While most states allow for incarcerated parents to seek modification of a child support order, there is no guarantee that the request will be granted. This process also requires an individual to be aware of the modification option and how to initiate it.

Recommended state policy framework for incarcerated parents with child support obligations

- establish collaborations between a state’s child support agency and corrections department
- make sure incarcerated parents understand their rights and responsibilities related to their children
- suspend or modify the child support obligation during the period of incarceration
- encourage the regular payment of child support upon release


Brief written by Carolyn Ortiz, staff liaison to the Midwestern Legislative Conference Agriculture & Natural Resources Committee. She can be reached at cori@usi.edu. The committee’s co-chairs are Iowa Sen. Kevin Kinney and Minnesota Rep. Paul Anderson; its vice chair is Illinois Rep. Norine Hammond.

North Dakota Sen. Rich Wardner

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Brief written by Katelyn Tyer-Skowronski, CSG Midwest staff liaison to the Midwestern Legislative Conference Criminal Justice and Public Safety Committee. She can be reached at ktye@cs.org. The committee’s co-chairs are Illinois Sen. Mattie Hunter and Ohio Rep. Nathan Manning; its vice chair is Nebraska Sen. Laura Eike.

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The annual State of the State addresses that kick off legislative sessions typically include myriad proposals for new laws and government initiatives, and this year was no different. Here is a brief look around the region at nine addresses — one from each of the nine speeches from January. (The governors of Minnesota and Ohio had not yet given their State of the States as of early February.)

**Reform property tax system**

In his speech to lawmakers, Gov. Bruce Rauner said Illinois’ property tax system is “rigged” against ordinary people in favor of those with clout. He wants a new law that would ban legislators from practicing before local tax appeals boards. Rauner also said local voters should have the “ability to lower their property taxes through a simple voter referendum.” A legislative proposal in 2017 (SB 851) would have frozen property tax rates in some counties for two years and allowed for votes on such a freeze in others.

**Provide computer science in all schools**

Every school district in Indiana should be required to offer computer science instruction to its students, Gov. Eric Holcomb said in his State of the State speech. “We’ll pay for the teacher professional development [teachers] need to inspire their students,” he added. In late January, the state Senate overwhelmingly passed SB 172, under which all public and charter schools would have to offer a computer science course as a one-semester elective at least once each school year.

**Bolster mental health training**

Iowa Gov. Kim Reynolds’ first Condition of the State address included a request that state dollars be used to support a new initiative between Des Moines University and the National Alliance on Mental Illness. Under this partnership, every new doctor will receive training to help patients with mental health challenges. “It will be the first of its kind,” Reynolds said of the initiative, “and since Des Moines University trains more primary-care physicians than any medical school in the country, it’s a significant step forward.”

**Improve access to dual credit courses**

Gov. Sam Brownback’s address (given before he left office to become U.S. ambassador for international religious freedom) included several strategies on K-12 education. Among them: Have every Kansas high school (through a partnership with postsecondary schools) offer at least 15 credit hours of dual credit coursework, at no additional cost to parents or students. According to a 2016 Education Commission of the States study, the primary responsibility of paying for dual-enrollment tuition varies across the country: students/parents in nine states; states themselves in four states; and income from it) was used to help North Dakota make themselves more competitive. “I would like us to think really creatively about how we can use those dollars to actually transform what we’re doing, not just fund the basic services and operations of government.”

**Establish a new child tax credit**

Wisconsin Gov. Scott Walker wants to send every family in the state a $100 check for every child living at home under the age of 18. “A couple hundred dollars more in the family budget could really make a difference,” he said. His proposal also calls for creation of a permanent, refundable child tax credit. A handful of U.S. states (none in the Midwest) already provide for a child tax credit. Iowa, Minnesota, Nebraska and Ohio have a credit that helps individuals pay expenses for the care of children, adult dependents or an incapacitated spouse.

**State of the State addresses: Nine speeches, nine ideas from governors**

When it comes to protecting the Great Lakes from Asian carp and the species’ potential invasion via the Chicago Area Waterway System, “We’ve had too many studies, too much talk, [and] we have not had enough action,” Michigan Gov. Rick Snyder said to legislators. In response, he has launched a new multi-state initiative: the Great Lakes Basin Partnership to Block Asian Carp. One of its goals is to find funding sources for a U.S. Army Corps of Engineers plan that, if implemented, would add more controls at the Brandon Road Lock and Dam in Illinois. Thus far, Michigan’s partners in the new initiative are Ohio, Ontario and Wisconsin.

**Reduce income tax rates**

Much like it was last year, a change in Nebraska’s tax system is a top priority of Gov. Pete Ricketts, who described to legislators the main components of his proposed LB 947. They include 1) turning the state’s current property tax credits into refundable state income tax credits (thus ensuring that this tax relief goes only to Nebraska residents); and 2) reducing state income and corporate income tax rates. “We must ... attract more people to come to our state,” he said. “Our neighboring states are making themselves more competitive.”

**State income tax credits for workers and/or families**
Raise the bar for constitutional changes, South Dakota lawmakers say

by Tim Anderson ( tanderson@csg.org)

Come election time, a South Dakota voter’s ballot can become pretty crowded — filled not just with candidates for office, but a mix of constitutional amendments, initiated measures and referendums to overturn existing state laws. In November 2016 alone, 10 such ballot questions were voted on, including measures on the minimum wage, redirecting campaign finance and elections. But it’s not just the sheer volume or the content of some of the proposals that concerns lawmakers such as Sen. Jim Bolin.

“This is not your neighbor coming up with an idea and trying to get it on the ballot; it’s really become an industry,” according to Bolin, who served on a task force of legislators and others this past interim to explore potential changes to South Dakota’s initiative and referendum process.

Out-of-state money and workers come to South Dakota, he says, where advertising is cheap and changing laws or the Constitution is a relatively inexpensive proposition. Sen. Ernie Otten adds that “people can come in here very easily, and then they don’t have to face the consequences of the change.”

Numerous bills (some technical or procedural modifications, others much more far-reaching) have been introduced in 2018. Ottten SB 9, for example, would require that information be included on the ballot about the fiscal impact of initiated measures or constitutional amendments. Several other bills seek to limit the influence of out-of-state money and hired petition circulators, through new disclosure requirements, campaign finance limits or outright bans.

The interim task force’s work led to 10 bills this past interim to explore potential changes to South Dakota’s initiative and referendum process.

The E-Verify program allows employers to check whether newly hired workers have authorization to work in the United States. Undocumented immigrants are not eligible to work, nor are many people in the country here on short-term visas.

Created in 1996 through federal legislation, E-Verify is an internet-based system that uses data from the Social Security Administration and Department of Homeland Security; verification can be instant, and rarely takes more than 24 hours. Individuals who receive “tentative non-confirmations” can challenge the finding.

There is no federal requirement for employers to use E-Verify (they do have to collect and verify I-9 forms), and one criticism is that people with fraudulent documents get through the system. The federal government does very few audits, so there is little enforcement of verification requirements. Still, a number of states get through the system. The federal government does very few audits, so there is little enforcement of verification requirements. Still, a number of states get through the system.

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In addition to the rules in place in these four states, the Kansas secretary of state signed an executive order in 2011 requiring E-Verify participation by the office’s employees and contractors.

Conversely, the Illinois General Assembly passed legislation in 2007 that prohibited private employers from using E-Verify. Inaccuracies in the federal E-Verify database first needed to be fixed, proponents of the law said. This blanket ban was subsequently struck down in federal court, so in 2010, Illinois legislators put in place a revised version. It prevents the state’s private employers from using E-Verify to check the status of current employees or to pre-screen people who have not yet been offered a job.

E-Verify legislation was introduced this biennium in at least four Midwest states, including Iowa’s SF 412, which would cover all employers; Nebraska’s LB 165, which would expand the state’s current requirement to include private employers; and Kansas’ SB 133, which would apply to state and local governments and government contractors bidding on projects or at least $50,000. In Michigan, HB 4130 would require public employers and public contractors to use the E-Verify system or from entering into contracts with those who do. Both proposals include penalties for violations.

By Iren Grossman (igrsson@csg.org), CSG Midwest assistant director.

Does a change to the state constitution require approval by the legislature?

“ar have great pride in that history,” Otten says. These direct-democracy initiatives were added at a time of great concern about the influence that special interests had on the Legislature. Proponents of direct democracy maintain that this tool remains a valuable check on big money in politics and lawmaking, but many South Dakota legislators are now pointing to the dollars behind the ballot measures themselves.

Question of the Month

QUESTION: How many states in the Midwest require employers to use E-Verify to confirm an individual’s authorization to work?

The E-Verify program allows employers to check whether newly hired workers have authorization to work in the United States. Undocumented immigrants are not eligible to work, nor are many people in the country here on short-term visas.

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Article written by Iren Grossman (igrsson@csg.org), CSG Midwest assistant director.

Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 610-925-1922.
munity engagement requirements is categorically outside the scope of the [HHS] Secretary's Section 1115 waiver authority.

The lawsuit also argues that work rules for Medicaid represent "a fundamental alteration" of the program and of the Affordable Care Act, and is thus an unlawful attempt to rewrite federal legislation.

Lynne Valenti, secretary of South Dakota’s Department of Social Services, says she — and certainly plenty of other states — will be watching this lawsuit closely as her state pursues a Section 1115 waiver for its own pilot program.

According to Gov. Dennis Daugaard, the program will involve 1,300 people in Minnehaha (Sioux City) and Pennington (Rapid City) counties, “where there is the greatest availability of employment and training resources.”

Participants will be automatically enrolled for individualized services, and those who eventually earn enough of an income to transition off Medicaid will get other assistance — such as child care subsidies — to ensure their long-term success.

“All work has dignity, and work is an important part of personal fulfillment,” Daugaard wrote in announcing the pilot project. “By making this adjustment to our Medicaid program, we will continue to help persons in need, while helping find jobs for those able to work, and also find that sense of pride and accomplishment which accompanies work.”

Mindful of CMS’s slow march toward waiver approval, South Dakota’s program will be voluntary when it launches in July, Valenti says. (A mandatory work requirement will need a federal waiver.)

Legislators, tribal representatives and county welfare agencies began meeting in February to start framing the program design, Valenti says, adding that the goal is to have a final plan in place by the end of March.

The next step would then be to hold public hearings, as required by the Section 1115 waiver process.

According to Valenti, this state panel will look at what constitutes work under the new state program, and examine potential administrative costs — the program must be revenue-neutral. “The idea is to help people who have barriers to employment,” Valenti says.

**Indiana first Midwest state to get waiver**

This year, as of early February, bills also had been introduced in at least two Midwestern states, Iowa and Michigan, to require work for some Medicaid enrollees.

Iowa’s SF 2158 would require the state Department of Human Services to request a Section 1115 waiver; enrollees would have to spend at least 20 hours a week in work, in job training, looking for work or attending school.

The bill would also require Medicaid enrollees with children to ensure school attendance; all enrollees would have to undergo a drug screening.

In addition, Medicaid coverage would not begin until six months after approval of an individual’s application for assistance.

HB 5317 would require able-bodied adults to work a year to be determined number of hours.

Indiana received CMS approval on Feb. 1 for its “Healthy Indiana Plan 2.0” and a two-year demonstration project that includes a “community engagement” requirement.

Starting in 2019, able-bodied adults will be required to work, volunteer or be in school for 20 hours per week (the number of hours required will be phased in over two years), for at least eight months of the year, in order to maintain coverage through Indiana’s Medicaid program.

Per CMS’s notification letter to the Indiana Family and Social Services Administration, some recipients — including pregnant women, medically frail beneficiaries, students, some caregivers and beneficiaries in active treatment for substance abuse disorders — will be exempt from this requirement.

Enrollees who fail to meet the hours requirement in the preceding calendar year will have their eligibility suspended in the new calendar year until one month after the state is notified that they have completed a calendar month of required hours, and will have to reapply.

“With this policy, the state will test whether requiring some beneficiaries to engage in community engagement requirements will lead to improved health outcomes,” the letter states.

In its Jan. 11 letter to all state Medicaid directors, CMS director Brian Neale — who was Indiana’s health care policy director under then-Gov. Mike Pence — wrote that the agency recognizes “a growing body of evidence [which] suggests that targeting certain health determinants, including productive work and community engagement, may improve health outcomes.” Among the benefits found by myriad studies, he said, were that:

- higher earnings are positively correlated with longer life spans;
- unemployment is generally harmful to health, including higher mortality, medical consultation and hospital admission rates;
- work requirements are positively correlated with reductions in hospitalization and emergency room visits and negative correlated with medical service utilization.

**Proposed reforms for Medicaid in the Midwest: States seek federal waivers for demonstration projects**

- **Iowa** has two Section 1115 applications pending with CMS: “The Behavioral Health Transformation” (submitted in October 2016) would focus on improving delivery of behavioral health services by integrating them with physical health services. The “Path to Transformation” (submitted in June 2014) seeks permission to shift from fee-for-service payments to a system that more closely aligns provider payments to patient outcomes.

- In addition to approval of Iowa’s “Healthy Indiana Plan 2.0,” the state’s other Section 1115 waiver won a five-year extension in July 2016 for a project titled “End Stage Renal Disease” (which evolved from “Healthy Indiana Plan 1.0”). This project extends comprehensive coverage to about 350 Medicare enrollees who are between 150-300 percent of the federal poverty level, but not otherwise eligible for Medicaid, with supplemental wrap-around coverage, including supplemental coverage for kidney transplants.

- **Indiana** submitted an application to renew its Section 1115 waiver on Dec. 26. It seeks approval for “KanCare 2.0” for 2019 through 2023, in addition to work requirements to maintain Medicaid eligibility, the state hopes to extend its “Delivery System Reform Incentive Payment” program through 2020 and then switch it with a yet-to-be-designed alternate payment model. It also aims to expand KanCare’s current focus on coordination of care to also provide coordination of services.

- **Kansas** submitted an application to renew its Section 1115 waiver on Dec. 10. It seeks approval for “KanCare 2.0” for 2019 through 2023, in addition to work requirements to maintain Medicaid eligibility, the state hopes to extend its “Delivery System Reform Incentive Payment” program through 2020 and then switch it with a yet-to-be-designed alternate payment model. It also aims to expand KanCare’s current focus on coordination of care to also provide coordination of services.

- In December, **Minnesota** applied for renewal of its “Healthy Michigan” project, which began in April 2014. In addition, decisions on its state’s waiver applications for a program to keep uninsured patients out of institutional settings (submitted in December 2016) and receive more previous waivers for programs aimed at those with mental illness, substance abuse disorders or developmental disabilities under the Section 1115 process (submitted in June 2016) are still pending.

- **Mississippi** applied in July 2017 for a three-year extension of its “Reform 2020” project, which aims to promote community integration by helping seniors who are near, but not yet eligible, for Medicaid; children under 21 who don’t meet the state’s definition of institutional level of care; and ensuring residents eligible for personal care supports don’t lose that care that they’ve moved into a new personal care program. A decision on a waiver to fund an Urban Indian Health program (submitted in January 2017, revised in April) is pending.

- **Wisconsin** applied in June 2017 (updated in January) to extend its BadgerCare demonstration, to continue providing Medicaid’s standard benefit plan to adults with incomes up to 100 percent of federal poverty level, without dependent children, and to require a monthly premium for parents and caregivers relatives who qualify for traditional parental assistance. The state’s application for a waiver to cover former foster care youth from other states or tribes up to age 26 — despite “aging out” of foster care at 18 — in BadgerCare for 2018 was approved in December 2017.
Why Medicaid enrollees in Midwest’s states aren’t working (2016)

<table>
<thead>
<tr>
<th>State</th>
<th>Ill/disabled</th>
<th>Caretaking</th>
<th>Attending school</th>
<th>Other reasons</th>
</tr>
</thead>
<tbody>
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<td>24%</td>
</tr>
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<tr>
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<tr>
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<tr>
<td>Wisconsin</td>
<td>43%</td>
<td>39%</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

Note: NA means estimate is not statistically reliable.

Source: Kaiser Family Foundation (from U.S. Census Bureau’s Current Population Survey)

Percentage of Midwest states’ populations covered by Medicaid

Trump administration considering a lifetime Medicaid cap: What would that mean?

The Trump Administration is considering whether to allow states, including Kansas and Wisconsin, to impose lifetime caps on Medicaid benefits, McClatchy’s Washington, D.C., bureau reported on Feb. 5. Kansas wants to limit coverage for childless adults to 36 months, Wisconsin to 48 months.

Other states seeking to impose lifetime limits include Arizona and Utah, which are seeking five-year caps, and Maine, which wants to cap coverage at three months within any three-year period for adults who don’t meet work/community engagement requirements (enrollees could apply for an extra month’s coverage under “exceptional circumstances.”)

While lifetime caps were made part of federal assistance programs in the 1996 welfare reform law, they have never been applied to Medicaid. In a Washington Post op-ed column published on Feb. 4, Seema Verma, administrator of the U.S. Centers for Medicare & Medicaid, noted that Medicaid was part of President Lyndon Johnson’s “war on poverty” and cited his comment that “Our aim is not only to relieve the symptoms of poverty, but to cure it and, above all, to prevent it.” (Emphasis in the original.) She also rejected arguments that work requirements and other restrictions are detrimental to able-bodied, childless recipients because the Medicaid expansion that came with the Affordable Care Act shifted them “into a program that wasn’t designed for them.”

“We believe that if Medicaid is going to be used as the vehicle to offer substantial taxpayer benefits to healthy, working-age Americans, then we must allow the program to be more flexible,” Verma wrote. “We recognize that states are closer to the people they serve and can better help recipients rise out of poverty.”

But Jesse Cross-Call, a senior policy analyst at the Washington, D.C.-based Center on Budget and Policy Priorities, wrote last year that lifetime Medicaid caps won’t work because research — including studies by Indiana University and Ohio’s Department of Medicaid — shows beneficial effects of coverage.

The Ohio report, produced for that state’s legislature, Medicaid recipients reported that having the coverage makes job hunting easier. The Indiana study showed that low-income workers in states that expanded Medicaid coverage under the Affordable Care Act did not see more job losses or job switching, nor moving from full- to part-time work, as a result of the expanded coverage.

Moreover, Cross-Call wrote, older Medicaid recipients who are nearing age 65 could exhaust their coverage before becoming eligible for Medicare, if economic conditions create recessions.

“If they lost a job again in their near-retirement years, they’d have nowhere to turn for health coverage at a time when their health needs are greater and their cost of buying coverage in the individual market is the highest,” he wrote.

Words of caution

An issue brief released in January by the Kaiser Family Foundation offers several points of caution regarding state work requirements for Medicaid. Among them:

- Administrative costs to track whether Medicaid enrollees meet weekly work requirements may negate expected program savings.
- CMS requires states to describe how they will assist Medicaid recipients to meet work requirements, but also a 48-month lifetime limit on Medicaid coverage, monthly premiums for households with incomes from 51 to 100 percent of the federal poverty level, and an $8 co-pay for use of an emergency department.

“It is not clear whether tying eligibility to work promotes health,” authors of the issue brief wrote.

“In some research shows that increased income or employment is associated with improved health outcomes and mortality, it is difficult to determine the direction of causation — whether income and work lead to better health, or whether better health facilitates income and work.”

“The authors add that ‘evaluations of existing work requirements in other programs find weak evidence for an effect on health and well-being.’

There is some evidence pointing to the positive effects of work among Medicaid-eligible disabled people. But the authors note two important distinctions about these types of programs: they are voluntary and provide a full range of supportive services to enable individuals to continue coverage as income increases.”

That last point is crucial, as some who work in low-wage jobs, even at the minimum wage, might make too much to stay in Medicaid.

Citing Kansas and Mississippi as examples, co-authors of the Kaiser issue brief write: “Meeting Medicaid work requirements through 20 hours of work per week at minimum wage could lead to loss of Medicaid eligibility. In addition, these jobs are unlikely to have health benefits.”

Work requirements may not have much of an effect on the state or Medicaid recipients in Kansas, because the unemployment rate is so low (3.4 percent as of December 2017, the most recently available figure from the federal Bureau of Labor Statistics), says Rep. Susan Conkannon, vice chair of the Kansas House Health and Human Services Committee.

“I don’t worry about that, about it being detrimental or harmful, because we just don’t have that many people not working,” says Conkannon, who is also co-chair of the Midwestern Legislative Conference’s Health and Human Services Committee. “If work requirements are necessary to get legislative approval of Medicaid expansion, she says, that’s a trade-off she can accept.

“It gives us hope that we can get the votes for expansion” if the topic comes up in the current legislative session — although education funding, which caused the Legislature to work overtime in 2017, is looming again, she adds.

KanCare 2.0 from 2019 through 2023. If CMS approval is given, work requirements would be implemented on or after Jan. 1, 2019, but no later than July 1, 2020, and would affect able-bodied adults who do not fall into any of 14 exempted categories.

Minimal weekly work requirements would be 20 to 30 hours in a one-adult household, depending on whether there is a child under the age of 6, or 35 to 55 hours in two-adult households. Applicants would be required to complete a self-assessment and take part in a program orientation.

Wisconsin’s application to extend its BadgerCare demonstration includes an 80-hour-a-month work/community engagement requirement, but also a 48-month lifetime limit on Medicaid coverage, monthly premiums for households with incomes from 51 to 100 percent of the federal poverty level, and an $8 co-pay for use of an emergency department.

The foundation offers several points of caution regarding implementation of the program.

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Ohio Senate Minority Leader Kenny Yuko

‘Time of my life’: Work inside Capitol has proved to be ideal fit for former union organizer who enjoys bringing people together

by Laura Tomaka (ltomaka@csg.org)

Ohio Sen. Kenny Yuko didn’t know it at the time, but in his 25 years as a union organizer fighting for better contracts, benefits and wages for Ohio workers, he was getting just the right kind of training for the work he now does inside the state Capitol.

“Everything I fought for [then], I’m fighting for as a legislator,” he notes. “So I’ve got a lot of experience at this stuff, and I love people, so it makes it an easy job to do.”

So much so, in fact, that the Ohio native says “I’m having the time of my life” — words that carry special weight for him these days. Yuko had a bout with cancer two years ago (he has been free of the disease since last February), and his wife currently is being treated for cancer.

“That’s an eye-opening experience that puts a whole new perspective on life,” Yuko says.

But one thing that hasn’t changed is the community-minded focus that brought him to the Ohio legislature in the first place and that continues to drive the work he does — both in representing constituents from his diverse, northeast Ohio district and in serving as minority leader for Senate Democrats.

Years before running for public office himself, Yuko would travel to Columbus on behalf of Laborers’ International Union. There were both notable successes during that time (for example, passage of a law giving public employees a right to union representation) and reasons for concern (increased talk of “right to work” legislation and restrictions on collective bargaining).

“I realized that what we needed was to get one of our [union] guys to run for public office so we would have a voice for labor in the Statehouse,” he says.

The first challenge was finding a candidate. After failed attempts to recruit one, Yuko decided to take on the job himself, and successfully ran in 2004 for a seat in the Ohio House, where he went on to champion various union-related issues as chair and ranking member of the Commerce and Labor Committee.

But seven years into his tenure, legislators passed SB 5, a measure that limited collective bargaining by public employees. Outnumbered in the Legislature by the bill’s supporters, Yuko and others turned to the voters themselves, asking them in a statewide referendum to overturn SB 5.

“I was active in all 88 counties to overturn that by significant numbers,” Yuko says. “[It was] a very clear message in Columbus to not mess with our local school properties.

When the conversation turns to his legislative district, Yuko talks passionately about economic revitalization along the Lake Erie lakefront and a reimagining of how local school properties are being used.

“We are not designing them as school campuses” that include schools, senior centers, coffee shops, sports complexes, and libraries.

As far as statewide issues, Yuko says, his priorities include changing the redistricting process, closing tax breaks for businesses, and investing more in mental health, education and opioid abuse programs.

During a recent interview with CSG Midwest, Yuko discussed these issues while also reflecting on his legislative accomplishments and his views on leadership. Here are excerpts.

Q: Of all the issues you’ve worked on during the 12 years in the General Assembly, what accomplishments are you most proud of?

A: When I came to the General Assembly, I spoke about the need to get casinos in Ohio. My wife and I would go to casinos [in other states] and the parking lots would be jam-packed with Ohio cars. All that money from Ohio was going out to other states, and we had nothing to attract people from other states. So when I first got elected, I said that I was going to get casinos in Ohio. Everyone reminded me that the people had voted it down four times in Ohio.

So we devised a new plan, and we took it to the people and we passed it. The difference was that we gave the people the right choice. We were going to bring casinos into Cleveland, Columbus, Cincinnati and Toledo. We were going to create jobs and we were going to make sure that revenue from the four casinos goes to all 88 counties. In Cleveland, for example, we brought the casino down right on Public Square, and there was such a flourish of activity. It gave us an opportunity for tremendous economic development and made Cleveland a very desirable location for the Republican National Convention [in 2016].

Q: You also worked for a long time on efforts to legalize medical marijuana, which is now a reality in Ohio. How did you work to get that measure passed?

A: Democrats and Republicans all laughed when I started talking about it, but we never gave up. We kept persisting those two years I was out of the General Assembly. I said if I won my [Senate] election, I would introduce a medical marijuana bill. But at that time, a ballot initiative for recreational and medical marijuana failed miserably. I teamed up with a Republican senator, and we did a listening tour all over the state. We visited about 500 homes, mostly meeting with young couples with kids with epilepsy and other diseases that cause seizures. We put together a tremendous piece of legislation. It’s a game changer for kids with seizures, for veterans with PTSD, for seniors who are going through cancer treatment.

Q: You are now serving as minority leader of a very small caucus (the Ohio Senate has 33 members, nine are Democrats). What is your approach to this leadership role?

A: It’s up to me as the minority leader to ensure that our voice is being heard in the Ohio Senate at all times. And you do that by being careful about what fights you pick and with whom. You have to make sure you have that ability to reach across the aisle and have an understanding, and you have to show respect to get respect. That’s something I’ve always been a part of doing.

At the end of the day, I don’t see myself as a Democrat; I don’t see them as Republicans. I see us all as Ohioans. You have to have that ability to reach across the aisle and partner with the Republicans, just like I did on the medical marijuana bill. And, yes, we are going to have our share of disagreements because we are from opposite political parties. But we can get things done, and you don’t do it by making waves — you do it by making friends.
First person

A forum for legislators and constitutional officers

Keep more kids in the classroom

Ohio bill would limit exclusionary discipline practices in early grades while fostering social, emotional development

by Ohio Sen. Peggy Lehner (sd06@senate.state.oh.us)

Ever since introduction of the No Child Left Behind Act, policymakers have watched with increasing frustration as achievement gaps in our state’s schools persist.

Whether we are looking at kindergarten readiness, third grade reading, high school graduation or college attainment, we see that disparities based on race, economic status or disability remain virtually unchanged. In all of these realms, achievement gaps of 20 percent or more are the norm.

In response, policymakers have focused most of their attention on academic-oriented reforms such as teacher quality, accountability, assessments and school choice. Not to disparage the value of any of these reforms, but when it comes to the achievement gap, very little has changed.

We have become very good at measuring differences in academic achievement via federally mandated testing, but remain virtually impotent when it comes to even narrowing the gaps.

I would suggest that we need to start paying more attention to another set of statistics — namely, inequitable discipline practices. It strikes me as no coincidence that along with a 30 percent kindergarten readiness gap among economically disadvantaged students, we see equally dramatic differences in the number of suspensions among the same children.

Could it be the behaviors that lead a child to be suspended are the very same behaviors that are preventing them from learning?

Build soft skills, limit child trauma

When it comes to the workforce, everyone is aware of the importance of “soft skills”— those essential qualities employers seek in their new hires such as the ability to show up on time, work well with others, follow directions and be an active problem solver.

Many employers can train workers to do specific job-related tasks, but if an applicant lacks these most basic skills, he or she will not be hired (or retained).

Most soft skills are not something we learn in high school or in preparation for our first job. Rather, many children learn these skills very early in life, well before they even enter school. Take self-regulation, for example. In the workforce, this means being able to show up on time each and every day. In kindergarten, it means being able to sit quietly in class and listen to the teacher. It is a skill first taught at home.

If a parent doesn’t possess the skill, or perhaps is overly burdened by poverty and all that is associated with it, the likelihood that he or she will pass it onto a child is slim at best.

It is widely recognized that a child who is never read to before coming to school is going to struggle to learn to read. We would never suspend a child for struggling to read, but we suspend hundreds of young children every day for not knowing how to behave.

In Ohio last year, more than 34,000 children under age 8 were suspended from school, 90 percent of them were economically disadvantaged.

Research tells us that exclusionary discipline practices such as suspension and expulsion are not only counterproductive in addressing student behavior, but are also extremely detrimental to young children.

Children who live in poverty are exposed to a broad range of adverse childhood experiences, from homelessness and hunger, to violence and addiction. School may be the only safe place in their life, and to be excluded from it can have lifelong devastating consequences, actually becoming yet another adverse childhood experience.

Encourage a new disciplinary model

These factors led me to introduce SB 246, also known as the Safe Act. The purpose of this legislation is to move Ohio away from the widespread use of exclusionary discipline practices and instead to build a school climate which develops the social and emotional skills that a child needs to be successful in school and in life.

I have seen schools like this in action, and have seen what a profound impact they can have not only on children, but teachers as well. Rather than spending their time disciplining children, teachers are able to teach. As one school principal proudly told me, “We haven’t lost a single teacher in two years.” Academically, that same school has the highest test scores in its district — in spite of being the most economically disadvantaged.

Key to this success is broad buy-in from faculty and staff, as well as professional training in trauma-informed practices, cultural competency, and social and emotional learning. Many schools are adopting various social and emotional learning curricula to help develop a schoolwide culture.

SB 246 recommends this approach for schools but does not require it. (For more information about such programs, check out case4.org).

However, the legislation, if passed and once fully implemented, would limit out-of-school suspensions and expulsions for children, from pre-kindergarten through third grade. Schools will be given three years before they are expected to be fully compliant, allowing teachers time to be trained. Startup funds for professional development are included in the bill as well.

Ohio schools are already required by rule to have a Positive Behavior Intervention and Support framework in place; however, only about half have done so and only a handful are fully implementing it.

We must and will do better under the Safe Act. I do recognize that at times, it is necessary to remove a child from a classroom in order to protect the safety of classmates, teachers or the child himself or herself. But I am also equally certain that situations do not occur every 34,000 times per year among our youngest students.

Under the Safe Act, some suspensions will continue to happen, but only under very limited circumstances. (Violent behavior and threats to others would still make a student eligible for suspension or expulsion.)

The Cincinnati Public Schools district has had this type of limited-suspension policy in place for several years. To my knowledge, it is the only Ohio district with such a policy in place. It should also be noted that Cincinnati is Ohio’s highest academic-performing urban district.

I hope our bill is a positive step toward the creation of a system that supports our youngest and most vulnerable students so they too can take advantage of critical opportunities to grow up to be a part of the next generation’s workforce.

Source: U.S. Department of Education, Civil Rights Data Collection

% of students with at least one out-of-school suspension (2013-14)

<table>
<thead>
<tr>
<th>State</th>
<th>All students</th>
<th>Students of color</th>
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<tbody>
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Submissions welcome

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the Midwestern Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 619.925.1922 or tanderson@csg.org.
Newer state legislators encouraged to apply for BILLD leadership program

Legislators have until April 4 to apply for the only leadership program designed exclusively for representatives and senators from the Midwest in their first four years of service. The Bowhay Institute for Legislative Leadership Development, or BILLD, is now in its 24th year. More than 800 lawmakers have graduated from the institute, including many who have gone on to serve in key leadership positions in their respective states. Others have been elected to the U.S. Congress.

BILLD’s highly interactive curriculum includes a mix of sessions on public policy, professional development and leadership — for example, training on conflict resolution, media relations, consensus building and negotiation, as well as as sessions led by top policy experts and legislative leaders in the Midwest. Its goal is to help newer legislators develop the skills necessary to become effective leaders, informed decision-makers and astute policy analysts.

A bipartisan group of legislators from each of the Midwest’s 11 states oversees the program and its competitive application process. Fellowships are awarded by this BILLD Steering Committee on a competitive, nonpartisan basis.

This year’s institute will be held Aug. 10-14 in Minneapolis on the campus of the University of Minnesota. The university’s Center for the Study of Politics and Governance at the Humphrey School of Public Affairs serves as academic partner for the BILLD program, which is run by the Midwestern Office of The Council of State Governments.

Applications to become a 2018 BILLD Fellow are available at csgmidwest.org. For more information, contact Laura Tomaka at ltomaka@csg.org or 630.925.1922.

Applications also now available for Toll Fellows program

Named in honor of Henry Wolcott Toll, the former Colorado legislator who founded The Council of State Governments more than 80 years ago, CSG’s Toll Fellowship Program is one of the nation’s premier professional development programs for state government officials.

The 2018 Toll Fellowship Program will be held Aug. 24-28 in Lexington, Ky.

Forty-eight of the nation’s top officials (12 from each of CSG’s four regions) from all three branches of state government will take part in this intensive “leadership boot camp.” The program’s sessions are designed to stimulate personal assessment and growth, while providing priceless networking and relationship-building opportunities.

Toll is designed as a “graduate-level” program that complements leadership development programs offered by CSG’s regional offices (including BILLD). It is suggested, but not required, that applicants first complete their respective regional program. A 13-member panel of program alumni selects the Toll Fellows. The list of alumni is long and distinguished. Toll graduates have achieved great success, including serving as governors, secretaries of state, chief justices, speakers and members of the U.S. Congress.

Legislators from across region will meet this summer in Winnipeg

Registration has begun for the 2018 Midwestern Legislative Conference Annual Meeting, which will be held in an affiliate Canadian province for only the third time in the event’s 73-year history.

Indiana Sen. Ed Charbonneau, MLC chair, is helping plan the event along with this year’s hosts — the Legislative Assembly of Manitoba. The nonpartisan, family-friendly MLC Annual Meeting will be held July 15-18 in downtown Winnipeg at the RBC Convention Centre and the Delta Hotels by Marriott.

Meeting registration can be completed at csgmidwest.org.

The MLC is an association of all state legislators from the Midwest, as well as lawmakers from four affiliate Canadian provinces. The Midwestern Office of The Council of State Governments provides staff support to the MLC.

The meeting includes a mix of policy sessions, presentations by highly regarded speakers, and professional development training for legislators. Amy Walter, national editor of the Cook Political Report, and Gary Doer, former Manitoba premier and former Canadian ambassador to the United States, will be among this year’s featured presenters.

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 in 11 states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. The Canadian provinces of Alberta, Manitoba, Ontario and Saskatchewan are MLC affiliate members.
Four legislators from Midwest elected to board of State Ag and Rural Leaders

Four state lawmakers from the Midwest have been chosen by their peers to serve on the Legislative Board of State Ag and Rural Leaders (SARL).


SARL provides educational, leadership and networking opportunities for state and provincial legislators who are passionate about agriculture and rural communities. CSG Midwest helps support the groups Ag Chairs Summit, which next year will be held in Calgary, Alberta, with Alberta Minister Oneil Carlier and Manitoba Minister Ralph Eichler serving as co-chairs.

Carolyn Orr is SARL’s executive secretary, as well as the staff liaison for the Midwestern Legislative Conference Agriculture & Natural Resources Committee. She can be reached at corr@sarl.us.

CSG Justice Center gets new director; current work includes help for Ohio policymakers

The Council of State Governments Justice Center, which helps states across the country improve their justice systems by delivering nonpartisan, research-driven strategies to policymakers, has a new director.

Megan Quattlebaum comes to the position after having served as a research scholar at Yale Law School and as a lecturer at Columbia Law School.

Through the work of the Justice Center, CSG has helped develop recommendations for numerous states to improve their justice systems. Most recently in the Midwest, the center’s work in North Dakota led to last year’s passage of a series of bills expected to curb corrections costs, improve the state’s probation and parole systems, and increase access to community-based behavioral health programs.

The center is now helping the bipartisan, inter-branch Justice Reinvestment Committee in Ohio develop policy options in areas related to opioid abuse, violent crime, and probation and prison populations.

In addition to its state-specific assistance, the Justice Center produces original national research, organizes meetings for criminal justice leaders, and works with top officials in the U.S. Congress on bipartisan federal legislation.

A board of directors — made up of state legislators, agency administrators and others — oversees the center’s work. This board includes Tracy Plouck, director of the Ohio Department of Mental Health and Addiction Services, and Pat Colloton, assistant attorney general in Kansas and a former state legislator.

MLC vice chair Elgie Sims becomes Illinois senator

The Midwestern Legislative Conference extends its congratulations to Elgie Sims, who was appointed earlier this year to fill a vacant seat in the Illinois Senate.

Sims, the current first vice chair of the MLC, had been serving in the Illinois House. He is replacing longtime state Sen. Donne Trotter, who announced his retirement. Trotter was an active member of the MLC for many years and served as its chair in 2006.

The MLC is a nonpartisan association of all legislators from 11 states and four affiliate Canadian provinces. Serving alongside Sen. Sims as MLC officers are Indiana Sen. Ed Charbonneau, chair; Michigan Sen. Ken Horn, second vice chair; and Iowa Sen. Janet Petersen, immediate past chair.
Ohio already has a plan in place that will change how the state’s legislative lines are drawn after the next U.S. census, and voters will have the chance in May to change the process for congressional districts.

SJR 5 was passed by the General Assembly earlier this year, culminating months of bipartisan legislative negotiations, The (Cleveland) Plain Dealer reports. Under the proposed constitutional amendment, congressional districts would be drawn by either the General Assembly (if it gets the first crack) or the Ohio Redistricting Commission — a seven-member panel made up the governor, secretary of state, state auditor and four legislative representatives from both parties. Any congressional redistricting plan would require “yes” votes from some representatives of both parties. SJR 5 also would establish new state-level redistricting standards for map makers to follow.

In 2015, Ohio voters approved a change requiring bipartisan support of any plan developed by the Redistricting Commission for state legislative districts. (The full General Assembly does not have a role in drawing or voting on these lines.) In other Midwestern states, legislatures themselves draw state and federal districts — though Iowa employs a unique approach in which lawmakers vote, without amendment, on a plan developed by the nonpartisan Legislative Services Agency.

In May, Ohio voters will decide on plan to require bipartisan redistricting

Ohio’s ‘Green Alert’ would spread word about missing veterans

Wisconsin appears likely to become the first U.S. state to establish a “Green Alert” system to help locate at-risk, missing veterans, The Washington Post reports.

SB 473 was passed by the state Senate in January. Under the proposal, law enforcement agencies would use the state’s crime alert network (administered by the Wisconsin Department of Justice) to send along reports of missing veterans to broadcasters and outdoor advertisers. Similar alert systems already are in place in many states (including Wisconsin) for children, seniors and certain at-risk adults.

A veteran at risk would be an individual with a physical or mental health condition related to his or her service. The legislation has been named the Corey Adams Searchlight Act, in honor of an Air Force veteran in Wisconsin who passed away last year after going missing for 18 days.

Veterans make up a significant portion of the adult population in every Midwestern state, from 6.8 percent in Illinois to 10.1 percent in South Dakota. (Ohio has the largest number of veterans in the Midwest, nearly 800,000.) Rates of suicide and post-traumatic stress disorder are higher among the nation’s veterans.

Iowa’s HB 4296, which would allow sports wagering at the state’s casinos, has the largest number of veteran prisoners under state jurisdiction at the end of 2016 was as follows: 2,613 in Illinois, 2,205 in Iowa, 869 in Kansas, 2,242 in Michigan, 774 in Minnesota, 424 in Nebraska, 213 in North Dakota, 4,594 in Ohio, 498 in South Dakota and 1,488 in Wisconsin.

According to The Sentencing Project, the number of female prisoners under state jurisdiction at the end of 2016 was as follows: 2,613 in Illinois, 2,205 in Iowa, 869 in Kansas, 2,242 in Michigan, 774 in Minnesota, 424 in Nebraska, 213 in North Dakota, 4,594 in Ohio, 498 in South Dakota and 1,488 in Wisconsin.

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Two new laws in Illinois will seek to improve conditions and long-term outcomes for women in prison by providing them with more gender-responsive programming.

Under HB 1479, signed into law in January, a permanent women’s division will be created within the Illinois Department of Corrections. It complements last fall’s passage of HB 3904, which requires the women’s prison and parole system to have trauma-informed, family-centered policies and programs in place. These programs also must reflect women-centered research on the most effective types of treatment interventions.

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Numerous bills on sports betting in play in this year’s sessions

With a case on federalism and the authority of states to allow for sports betting before the U.S. Supreme Court this term, several related bills have been introduced in capitols across the Midwest. Among the proposals:

- Michigan’s HB 4296, which would allow the state’s casinos “to conduct internet wagering on amateur or professional sporting events or contests if the wagering were not prohibited by federal law.”
- Iowa’s HB 592, which, according to The Des Moines Register, would authorize sports betting online or at the state’s casinos.
- Indiana’s SB 405 and HB 1325, which would allow sports wagering at the state’s casinos, racines and satellite facilities.
- Kansas’ HB 2533, which envisions sports gambling at the state’s racetrack gaming facilities.
- Illinois’ SB 2478, which would create the Sports Betting Consumer Protection Act. The U.S. Supreme Court case centers on the state of New Jersey’s attempts to remove restrictions on sports gambling and a federal law that stops most states from sanctioning this activity.

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