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Hidden, lifetime scars
States address the needs of children who have experienced trauma, aim to stem the cycle of negative outcomes

by Kate Tormey (ktormey@csg.org)

Imagine being a young boy waking up one morning to the sound of your parents arguing and your mother being abused. You don’t get breakfast and you miss the bus — so you’re late for school. You get in trouble for being tardy, and by mid-morning, you’re hungry and frustrated, so you lash out at another student.

You’re back in the principal’s office instead of learning in the classroom — and the vicious cycle continues.

It’s the type of scenario that plays out all too often, says Wisconsin Rep. Janet Bewley.

“The idea is not to say to the child, ‘What’s the matter with you?’ Instead, we ask, ‘What happened to you — not just this morning, but in your life — that led to this behavior?’” Bewley says.

That’s the idea behind “trauma-informed care,” which uses scientific research to help reverse the negative consequences of adverse childhood experiences.

Bewley is part of a council of experts, state officials and legislators working to integrate the technique into Wisconsin state policy, from child welfare to education.

It’s one of several efforts in the region aimed at improving the response to early trauma, not only as an investment in young people, but also in the future of states themselves.

Long-term effects of early trauma
By age 16, two-thirds of American children have experienced a traumatic event, according to the National Child Trauma Stress Network. These can include:

• physical or sexual abuse
• natural disasters
• family or community violence
• sudden or violent loss of a loved one
• serious injuries or life-threatening illness; or
• stress related to military service, such as parental deployment, injury or loss.

Neurological research shows that these events can spur an overproduction of stress hormones, which, in turn, can actually change the makeup of the brain and immune system.

“Traumatic stress in early life and common precipitants of toxic stress — such as poverty, abuse or neglect, parental substance abuse or mental illness, and exposure to violence — can have a cumulative toll on an individual’s physical and mental health,” according to a report done by Megan Gunnar, a professor of child development at the University of Minnesota.

“The more adverse experience in childhood, the greater the likelihood of developmental delays and other problems.”

The consequences can last into adulthood.

And the more negative experiences a person has endured, the more likely he or she is to experience mental health issues (depression, substance abuse and suicide attempts, for example) as well as chronic health problems such as obesity and heart disease. (See sidebar on page 6.)

“We have more evidence than ever before about the importance of early development,” says Amy Susman-Stillman, co-director of the Center for Early Education and Development at the University of Minnesota.

“It sets the foundation for later development. Your experiences as a young child still have an impact on you as an adult.”

The negative outcomes related to early trauma and stress do not only affect individuals, but can also generate a high “public cost” to society in the form of higher health care costs, unemployment, criminal-justice expenditures and the need for public assistance.

State leaders are looking at ways to increase the number of at-risk children who receive help and get on the path to healthy adulthood.

For example, Michigan’s Mental Health and Wellness Commission issued a report last year that included recommendations for better addressing the needs of children with mental health issues. It suggests giving priority to children in long-term foster care (who are likely to have experienced trauma) and...
Agriculture & Natural Resources

More than 29,000 farmers in the Midwest called it quits between 2007 and 2012, according to the U.S. Department of Agriculture’s latest census, a period in which the region also lost farmland while the average size of operations grew. The new statistics reflect longtime trends occurring not only in the Midwest, but nationally as well. But one state that bucked some of these trends is Nebraska, which recorded one of the largest U.S. gains in the number of farm operations — nearly 5 percent over the five-year period. Nebraska farmers are also the youngest in the nation, with an average age of 55.7 years old.

A global leader in red-meat production, Nebraska recently became the No. 1 cattle-feeding state in the nation. Livestock production and a strong ethanol industry provide a ready market for Nebraska’s large corn supply (it, along with Iowa and Illinois, produces almost half of the nation’s corn), and the state also boasts a wide range of companies that use the commodities its farmers produce.

Policy makers, meanwhile, have established several programs to promote the industry, with one emphasis being support for young farmers. (Many states in the Midwest, in fact, support young farmers through outreach and financial assistance.) For example, Nebraskans who rent land, equipment or livestock to a new farmer are eligible for a 10 percent income tax credit. And under the 100 Acre and Beef Cow Advantage programs, students learn how to create successful business plans and ranch-transfer programs. The programs are partnerships among the Nebraska College of Technical Agriculture, the state and the USDA.

Nebraska also has a decade-old Livestock Friendly County program. Twenty-six of the state’s 93 counties now receive this designation, which requires local officials to streamline certain zoning and siting rules.

In recent years, Nebraska and other states in the western half of the Midwest have fared much better economically than states in the eastern half — with one primary reason being the strength of the farm economy. But the new USDA census figures also show that the recession had an impact on farmers. For example, the number of very small farms fell 9 percent during the five-year period. These small farmers help meet demand for locally grown foods, but they may have been adversely affected by decreased spending during the economic downturn.

In 2012, nearly two-thirds of the Midwest’s farms had gross sales of less than $50,000, an indication that farming is not the primary income for many farm families; since 2007, the share of farmers with primary occupations off the farm grew from 49 to 51 percent. Only 6 percent of the Midwest’s farms (and 3.8 percent nationally) had gross sales of more than $1 million.

Passenger Rail

From free Wi-Fi to purchase of new 125-mph trains, upgrades to Midwest’s rail service continue

In February, free Wi-Fi service began on most Amtrak trains that operate on the Midwest’s shorter-distance, state-funded “corridor” routes.

Within the next few years, some of these routes will also have new high-performance trains. These modern train sets will be capable of 125-mph speeds and will offer improved fuel efficiency and reliability compared to the 40-year-old equipment now in use.

In a procurement process led by the state of Illinois, the departments of transportation in California, Michigan, Washington and Minnesota jointly made the purchases. Next generation bi-level rail cars, meanwhile, are being manufactured for Midwestern states and California at a facility in the Illinois town of Rochelle.

The purchases were made through grants from the U.S. High Speed Intercity Passenger Rail program. The rail cars and locomotives are scheduled to be delivered starting in 2016, and are part of broader plans to expand and improve passenger rail service in the Midwest.

The new equipment will be used for state-funded corridor routes that provide service between Chicago and numerous end points: downstate Illinois; St. Louis; Milwaukee; and the Michigan towns of Grand Rapids, Port Huron and Detroit/Pontiac.

Meanwhile, progress on other rail improvements is continuing in the region.

- The Illinois DOT is working with private railroads and the Federal Railroad Administration to expand 110-mph service to about 75 percent of the Chicago-to-St. Louis corridor by 2017. The state will also study the feasibility of providing such service to the rest of the corridor.

In February, IDOT began holding public meetings in communities along the route to present results of federally required environmental studies and gather public input.

- Last August, the Michigan DOT contracted with Norfolk Southern to replace more than 138,000 ties and 160,000 feet of rail and to resurface all 135 miles of track on the Michigan-owned segment of the Chicago-Detroit/Pontiac corridor between Kalamazoo and Dearborn. The $8 million stabilization project increased the speed and efficiency of the Wolverine service.

Also last year, Amtrak improved the speed at which trains could travel on 40 miles of track by rehabilitating grade crossings.

- Minnesota officials, the Wisconsin DOT and Amtrak are continuing to study the feasibility of adding a second daily Amtrak train between Chicago and the Twin Cities. A recommendation is expected this summer.

- Also, Amtrak’s Empire Builder service is set to return to the renovated St. Paul Union Depot in May, providing improved transit connections and access to downtown amenities.

As of mid-April, Minnesota legislators were considering a $27 million bonding request to further develop rail corridors in the state.

- Customer satisfaction with the state-funded Missouri River Runner service between Kansas City and St. Louis is among the highest of any Amtrak route. Last year, the Missouri DOT completed two construction projects along the corridor, with two more planned for completion in 2014. And over the winter, despite harsh weather conditions, on-time performance along the route remained at 90 percent.

Issue Briefs cover topics of interest to the various groups and policy committees of CSG Midwest, which include the Midwestern Legislative Conference, Great Lakes Legislative Caucus, Midwest Interstate Passenger Rail Commission and Midwestern Radioactive Materials Transportation Committee.

Brief written by Laura Kliwer, director of the Midwest Interstate Passenger Rail Commission, which was formed by an interstate compact agreement and now includes 10 member states. Laura can be reached at kliewer@csg.org. Tim Hoefner, director of the Michigan Department of Transportation’s Office of Rail, serves as the chair of MIPRC; more information is available at www.miprc.org.
Dust pollution from open petcoke piles sparks push in Illinois, Michigan for enclosed storage

D uring the last year, residents of neighborhoods in Chicago and Detroit have had to deal with growing piles of petroleum coke, or petcoke. These piles were often left uncovered, allowing winds to disperse black dust into surrounding communities and nearby waterways.

Petcoke is a byproduct of the refining process, and more of it is being produced with the increased use of oil from Canada’s oil sands. (Petcoke can be burned in place of coal, but contains more carbon than coal. Much of it is sold and used overseas.)

How can and should this residue be safely stored and transported?

Proposed legislation in Illinois and Michigan would provide greater oversight and require more of the facilities storing the petcoke (storage is usually not done by the refinery, but instead by an outside company).

In Illinois, under a measure initiated by Attorney General Lisa Madigan and Rep. Barbara Flynn Currie (HB 5939), petcoke would have to be completely enclosed when the storage facility is within 5,000 feet of a home, school or hospital.

The bill also prohibits location of a storage facility within 1,000 feet of a residence, school, park, hospital, and child care or nursing facility.

Under HB 5939, too, the loading and unloading of materials would have to take place inside the enclosed facility or with the use of a dust-suppression process. To further minimize dust and air pollution, trucks, barges and rail cars that deliver the coke and coal would have to be covered, and the roads inside and nearby the storage facility would have to be cleaned daily.

The proposed legislation also requires petcoke-storage facilities to obtain state construction, air and water permits; to regularly conduct air monitoring and sampling; and to have plans in place to control the spread of dust.

According to Mary Morrissey-Kochanny, the attorney general’s deputy chief of staff, HB 5939 applies only to “transloading facilities that specialize in moving coke and coal” and that “store the materials in large piles near communities and neighborhoods.”

Meanwhile, the storage of uncovered petcoke along the Detroit River raised concerns in neighborhoods on both sides of the U.S.-Canada border. Those piles of petcoke are now gone, but the company that stored the materials there wants to move its storage site to the River Rouge area, just south of Detroit.

Under two different bills introduced in Michigan (HB 4820 and HB 5365), petcoke would have to be stored in enclosed structures and, when being transported, be in enclosed containers. The two measures would also require the companies storing the petcoke to obtain a stormwater discharge permit.

Great Lakes

State legislation calls for ban on products found to be regionwide source of plastic pollution

W hen they embarked on a two-year survey of the Great Lakes’ open waters, researchers expected to find a fair amount of plastics.

But the sheer amount of the pollution, and the size of the plastic particles that were found, is what caught the attention of State University of New York Professor Sherri Mason and her research group.

Their findings have, in turn, piqued the interest of state legislators.

As of April, bills had been introduced in five Great Lakes states to ban the manufacture and sale of cosmetics and personal care products (facial scrubs, body washes and toothpastes, for example) that contain plastic “microbeads.” Very small particles (less than 1 millimeter) that are too small to be captured by wastewater systems and that end up in the Great Lakes.

Those microbeads accounted for the highest count of plastic pollution found in the recent study of the Great Lakes system. The findings differ from what researchers have found in the world’s oceans, where larger particles account for a greater proportion of plastic pollution.

Mason’s work has also unearthed just how much plastic is present in the Great Lakes.

In 2012, she surveyed lakes Superior, Huron and Erie; levels of plastic pollution were found to be particularly high in Lake Erie — as much as 460,000 plastic particles per square kilometer.

“Plastic is comparable to the highest counts we find in the ocean,” Mason said on a recent web seminar organized by the Alliance for the Great Lakes.

A year later, a survey of the open waters of lakes Michigan and Ontario found even higher concentrations of plastic particles in parts of Lake Ontario (1.1 million particles per kilometer), where water from all of the other Great Lakes eventually flows.

A closer study of the particles, too, helped Mason discover one of the pollution sources — cosmetics and personal care products that include microbeads (they are labeled as polyethylene on the list of ingredients).

Illinois’ SB 2727, passed by the Senate and moving toward passage in the House as of April, would institute a manufacturing ban on these products in 2018 and prohibit their sale a year later. The bill reflects a compromise reached between environmental and business groups.

Some manufacturers have already begun to phase out the use of these plastic microbeads, and some legislators envision a shorter period of time before their state bans would take effect. Proposals in Michigan and New York, for example, would prohibit the sale of these products in 2016.

As state lawmakers consider instituting these new bans, researchers continue to study the potential impact of these small plastic particles.

“Organisms will eat the plastics thinking it’s food, and there are consequences associated with that,” Mason said.

Another concern is that these plastic microbeads act as sponges for toxins, which, as a result, enter the Great Lakes and get consumed by fish.
Interstate agreements aim to expand student access to online courses

At the start of the 2012–13 school year, online enrollment accounted for more than one-third of total enrollment at the nation’s degree-granting postsecondary institutions.

Ten years prior, it made up less than 10 percent, according to enrollment trends tracked by the Babson Survey Research Group.

This rise in distance education allows for the virtual crossing of state lines in pursuit of a degree and a degree — a North Dakota student taking an online course offered by a school in Indiana, for example, or vice versa.

And those two Midwestern states have emerged as national leaders in an effort to make interstate distance education even more seamless and accessible.

In February, Indiana became the first U.S. state to join the National Council for State Authorization Reciprocity Agreements initiative, or SARA. North Dakota followed suit in April.

Implemented by the nation’s four regional higher-education interstate compacts (including the Midwestern Higher Education Compact in this region), the agreements establish interstate reciprocity in the regulation of postsecondary distance education. They require approval by state legislatures; participation by institutions in each state is voluntary.

For participating institutions, SARA offers multiple potential benefits. For one, it reduces red tape and potentially allows for students to seek independent authorization in every state where the postsecondary school’s distance-education courses are being offered. Secondly, these institutions have a broader market (more students) for their online courses. Students in participating states, meanwhile, could have access to more educational offerings.

Four North Dakota institutions and two in Indiana will be the first to participate in the Midwestern State Authorization Reciprocity Agreement.

SARA is funded by a $2.3 million grant from Lumina Foundation. As of early April, in addition to Indiana and North Dakota, SARA-enabling legislation had been passed in Iowa, Kansas, Nebraska and South Dakota.

New Minnesota law sets highest minimum wage in Midwest

At the start of this year, Minnesota was the only state in the Midwest that had a minimum wage lower than the federal requirement.

Starting in August, it will have the region’s highest, as part of a gradual phase-in that will require the state’s larger employers (sales of more than $500,000 a year) to pay their workers at least $9.50 per hour by August 2016.

The recently enacted measure (HF 2091) is one of many proposals in the Midwest this year calling for hikes in the minimum wage. As of April, though, no other state legislature in the Midwest had enacted such a law, and Illinois appeared to be the only state where a bill had the potential of passing.

Proposals in that state (SB 68 and HB 3718) would increase the minimum hourly rate for Illinois workers from $8.25 to $10.65. Illinois is already one of four states in the Midwest with a law that requires a higher wage than the federal rate of $7.25 per hour.

The federal law was last modified five years ago, and with little hope of congressional action, advocates of a higher minimum wage have been focusing more on state-level changes.

Later this year, South Dakotans will vote on whether to increase the state’s minimum wage to $8.50 per hour. This higher wage would then be adjusted annually to account for increases in the cost of living.

Eight years ago, Ohioans approved an increase in their state’s minimum wage. Under that 2006 measure, inflationary adjustments are made annually. This year, for example, Ohio’s wage requirement rose from $7.85 per hour to $7.95 to account for changes in the cost of living.

Minnesota’s law also includes inflation indexing, which takes effect in 2018.

Legislators, too, established separate wage requirements for larger and smaller employers. Businesses with annual gross sales of $500,000 or less must pay their workers at least $7.75 starting in August 2016, compared to the large-employer wage of $9.50.

A different, and lower, wage requirement will also apply to Minnesota workers under the age of 18 ($7.75 per hour) and to 18- and 19-year-olds during their first 90 days on the job (this “training wage” will be $7.75 per hour in 2016; it has been $4.90).

In addition to having the Midwest’s highest minimum wage, Minnesota differs from other states in another important way. It doesn’t have a separate minimum wage for tipped employees. Instead, this group of employees is covered under the new, higher minimum wage.

In contrast, Indiana, Kansas, Nebraska and South Dakota set the minimum wage for tipped employees at $2.13 an hour (the federal requirement). Tipped employees are guaranteed $8.95 per hour in Illinois, $4.35 in Iowa, $2.65 in Michigan, $4.86 in North Dakota, $3.98 in Ohio, and $2.33 in Wisconsin.

Summary of state minimum-wage laws in the Midwest (as of April 2014)*

<table>
<thead>
<tr>
<th>State</th>
<th>Starting rate</th>
<th>Adjustment method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ohio</td>
<td>$9.50</td>
<td>Annual adjustment</td>
</tr>
<tr>
<td>Minnesota</td>
<td>$7.75</td>
<td>Inflation indexing</td>
</tr>
<tr>
<td>South Dakota</td>
<td>$7.40</td>
<td></td>
</tr>
</tbody>
</table>

Population estimates of minimum-wage workers in Midwest (2013)

<table>
<thead>
<tr>
<th>State</th>
<th># of workers paid at or below minimum wage</th>
<th>% of hourly paid workers earning minimum wage or below*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>96,832</td>
<td>3.2%</td>
</tr>
<tr>
<td>Indiana</td>
<td>103,322</td>
<td>6.2%</td>
</tr>
<tr>
<td>Iowa</td>
<td>48,204</td>
<td>5.6%</td>
</tr>
<tr>
<td>Kansas</td>
<td>34,785</td>
<td>4.5%</td>
</tr>
<tr>
<td>Michigan</td>
<td>96,178</td>
<td>3.8%</td>
</tr>
<tr>
<td>Minnesota</td>
<td>65,226</td>
<td>4.2%</td>
</tr>
<tr>
<td>Nebraska</td>
<td>28,917</td>
<td>5.1%</td>
</tr>
<tr>
<td>North Dakota</td>
<td>7,072</td>
<td>3.2%</td>
</tr>
<tr>
<td>Ohio</td>
<td>135,464</td>
<td>4.1%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>11,938</td>
<td>4.7%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>91,684</td>
<td>5.3%</td>
</tr>
</tbody>
</table>

* Nationally, 18.4 percent of workers are paid hourly rates (rather than on a salary basis). Tipped workers are paid at least the minimum wage.

QUESTION: How many states have banned the use of handheld cellphones while driving?

As of mid-April, 12 U.S. states had general statutory bans on drivers’ use of handheld cellphones, including Illinois in the Midwest, according to the Governors Highway Safety Association.

In each of these 12 states, this traffic violation is a primary offense. Law enforcement can stop a driver because of the cellphone use and issue a citation.

Other states have targeted bans in place. For example, every state in the Midwest prohibits cellphone use by young and novice drivers, while Michigan and Minnesota place restrictions on school-bus drivers. Some states outside the region also prohibit the use of cellphones in construction or school zones.

Illinois’ general statutory ban took effect this year, after the General Assembly passed HB 1247 in 2013.

Under the new law, violators are fined $75 for a first offense and must pay as much as $150 for repeat offenses as well as face a moving violation on their driving record. Three moving violations within a year can lead to the suspension of a driver’s license.

In addition, distracted drivers who harm others in Illinois face a class A misdemeanor, which can result in fines of up to $2,500 and jail time of up to a year. Drivers involved in fatal accidents can be charged with a Class 4 felony, which carries fines of up to $25,000 and up to three years of jail time.

Distracted-driving laws in the Midwest

Source: Governors Highway Safety Association

*Ban on texting and handheld cellphone use while driving: primary offense*
*Ban on texting while driving: primary offense*
*Ban on handheld cellphone use: secondary offense*

Illinois law is similar to the cellphone bans in place in other U.S. states. Although fine amounts often vary from state to state, they always increase for multiple violations. Most of these 12 states have decided, too, that repeat cellphone-ban offenses should result in a moving violation that goes on the driver’s record.

Though most U.S. states still allow for cellphone use by drivers, nearly all of them (43) ban texting while driving. That includes all 11 states in the Midwest, the Governors Highway Safety Association reports. South Dakota legislators approved the texting-while-driving ban this year with passage of HB 1177; it takes effect July 1. This traffic violation will be a secondary offense in South Dakota, as it is in Iowa, Nebraska and Ohio (as of April).

Texting while driving is a primary offense in Illinois, Indiana, Kansas, Michigan, Minnesota, North Dakota and Wisconsin.

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**QUESTION OF THE MONTH**

When 11-year-old Henry Campbell and his parents appeared before Judge Richard Tuthill in a crowded Chicago courtroom on July 3, 1899, the course of juvenile justice in America took a historic turn.

Held just two days after the effective date of a landmark Illinois law, the Campbell hearing was the first to be held in the nation’s first juvenile court. Accused of larceny by his own parents, who nevertheless sought an alternative to incarceration for their son, Campbell was eventually sent by Judge Tuthill to live with the boy’s grandmother in New York.

In addition to demonstrating the flexibility afforded to judges under the state’s new Juvenile Court Act, the decision reflected the view of contemporary reformers that rehabilitation, rather than punishment, should be the ultimate goal of juvenile justice.

The unprecedented Illinois law was “based on the idea that children are qualitatively different from adults and that, therefore, the state should respond differently to them,” notes David Tanenhaus, a professor at the University of California, Las Vegas and an expert on the history of juvenile justice.

Under the doctrine of parens patriae, a state is obligated to intervene on behalf of delinquent and neglected children and to act as their guardian or responsible authority when necessary for their protection and guidance.

Consistent with this philosophy, reformers in the Progressive Era believed that the best way to promote the rehabilitation of delinquent youths was to separate them from adult offenders while building a justice system that was better equipped to meet their needs.

Fueled by the efforts of activists such as Jane Addams and Julia Lathrop, the notion of establishing a separate court specifically empowered to handle juvenile cases gradually gained momentum in Illinois as the 19th century drew to a close. The bill that passed in 1899 (on the last day of the legislative session) gave Illinois’ largest counties the discretionary authority to establish juvenile courts.

As a result, the traditional goal of rehabilitation gave ground to a renewed emphasis on punishment, and to adequate notice of charges, for example, and to confront and cross-examine witnesses.

A generation later, in the 1980s, growing concerns about juvenile violence led many states to adopt more punitive measures for young offenders. As a result, the traditional goal of rehabilitation gave ground to a renewed emphasis on punishment, and with most states making it easier for violent juveniles to be tried as adults in criminal courts.

More recently, according to some observers, states have revisited their juvenile-justice strategies in an effort to strike a more appropriate balance among social goals such as public safety and rehabilitation. And Tanenhaus notes that recent Supreme Court decisions have captured some of the underlying ideals that gave rise to the nation’s first juvenile court.

“We periodically rediscover why we established juvenile courts in the first place, and we’re at a moment like that now,” he says. “The idea that juveniles should be treated differently and separately from adults is now a universal in the modern world.”

That idea, he adds, is the enduring legacy of the Illinois experiment.

*First in the Midwest: Creation of the juvenile-court system*

by Mike McCabe (mmccabe@csg.org)
Trauma-informed care, anti-bullying laws among policies being pursued by states

“Toxic stress in early life and common precipitants of toxic stress ... can have a cumulative toll on an individual’s physical and mental health.”

Article by Megan Gunnar, University of Minnesota professor (article based on work done by National Scientific Council on the Developing Child)

Abused, neglected children much more likely to experience health problems as adults

What kind of impact does a child’s exposure to abuse, neglect or household dysfunction have on his or her long-term well-being?

For answers to that question, medical professionals, state policymakers and others still turn to the results of a groundbreaking research project that began in the 1990s — the Adverse Childhood Experiences Study. The results shed light not only on the high number of people who have been exposed to abuse and household dysfunction as children, but also the negative, long-lasting impact of these experiences.

For example, close to two-thirds of the survey respondents reported exposure to at least one adverse childhood experience — abuse, neglect or household dysfunction (see accompanying table). This exposure as a child, in turn, makes it more likely that a person will suffer from depression, commit suicide, use drugs and smoke, or be severely obese as an adult.

And the odds of having these physical and mental health problems as adults are highest among individuals who have had multiple adverse childhood experiences (see bar graphs). For example, 18 percent of survey respondents with four or more adverse childhood experiences said they had attempted to commit suicide, compared to 1 percent of the respondents with no such experiences.

The groundbreaking study was done by Kaiser Permanente and the U.S. Centers for Disease Control and Prevention (they are the sources for all of the accompanying graphics).

Nearly half of all states (including Illinois, Iowa, Minnesota, Nebraska and Wisconsin) have collected data on ACEs among their populations, using the Behavioral Risk Factor Surveillance System, a telephone survey conducted by the CDC.

States in the Midwest have also launched initiatives to help people who have experienced one or more ACEs. The Illinois Childhood Trauma Coalition uses a public-health approach to trauma, integrating prevention efforts into state programs that serve children and families. Wisconsin has created the position of trauma-informed care coordinator within the Department of Health Services.

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create schools that are more supportive of children affected by trauma. The bill in Vermont, for example, would integrate screenings for childhood trauma into health care settings.

Every state in the Midwest has taken on the issue of bullying, and several new bills have been considered during this year's legislative sessions. Minnesota's HF 826/SF 783, signed into law in April, strengthens the state's old law by requiring school policies on bullying and by providing new state support for teacher training.

The measure also includes "cyberbullying" in state statute and allows for school policies to cover the use of electronic technology and communications off school premises — if that use is seen to "disrupt student learning or the school environment."

Legislation has also been introduced in Michigan (SB 74) to address concerns about cyberbullying. The bill is meant to complement legislation already on the books in Michigan to deal with bullying. But many legislators — and the governor — agree that cyberbullying is a serious concern that needs to be addressed more forcefully.

"Spreading something about another student is so much easier and much more prevalent today because of the instant nature of social media," Sen. Glenn Anderson says.

Anderson started working on the state's current bullying law about 10 years ago after learning that a member of his staff had been a victim. And the need for the legislation was amplified by a tragedy right in the state's capital: a Lansing teenager took his own life after being tormented in school.

Anderson says he was at first hesitant to get in touch with the grieving family. "I did not want to inject myself into their sadness and what they were dealing with," he says. But after waiting a bit, Anderson contacted the family.

"I was surprised to learn they absolutely wanted to help work on some legislation."

In fact, the current law is named Matt's Safe School Law after the young man who helped inspire the efforts to prevent future tragedies. SB 74 would update that law to include cyberbullying.

Under the proposal, schools would be required to include cyberbullying in the anti-bullying policies they are currently required to create. The bill also includes language that, for the first time, would require school districts to report incidents of bullying to the state once a year.

Current law does not require districts to report back to the state to determine whether the legislation is working.

"If the state wanted to review what is going on around the state," Anderson says, "it would have to seek the information from over 400 districts." As of late April, Anderson's bill was being considered by a Senate committee. He is hopeful that it will pass this year.

"Bullying is so detrimental to [children's] feeling of self-worth, their interaction with other students, their success as a student, and their achievement. ... It's very difficult to concentrate on algebra when you're scared for your own safety and you're being constantly harassed," he says.

Meeting registration can be completed at www.csgmidwest.org

Summary of 'cyberbullying' laws in the Midwest (as of April 2014)

| Bullying law includes term 'cyberbullying' | schools must have bullying policies; law gives schools the ability to respond to off-campus 'cyberbullying' |
| Bullying law does not include term 'cyberbullying' but refers to electronic harassment; schools must have bullying policies; law gives schools the ability to respond to off-campus 'cyberbullying' |
| Bullying law does not include term 'cyberbullying' but refers to electronic harassment; schools must have bullying policies; law does not clarify schools' ability to respond to off-campus 'cyberbullying' |

"Bullying is so detrimental to a child's feeling of self-worth."

Michigan Sen. Glenn Anderson

You are invited to meet, learn from and work with fellow legislators from the Midwest at the premier event for the region's state leaders — the Midwestern Legislative Conference Annual Meeting.

This year's meeting will be held July 13-16 in downtown Omaha. It will include a mix of highly renowned speakers as well as policy sessions that focus on the Midwest and its states. As always, too, the meeting will provide a forum for lawmakers to share ideas and learn new ones in a welcoming, nonpartisan environment.

This year's featured speakers include Pulitzer Prize-winning author Doris Kearns Goodwin. Other keynote sessions will explore the future of the Midwest's economy and state legislatures. Throughout the meeting, a series of small-group discussions on a wide range of policy issues will be held to foster collaboration and information sharing among attendees and national experts in areas such as education, health care, state fiscal policy, economic development and agriculture.

The family-friendly Midwestern Legislative Conference Annual Meeting offers a host of events for the spouses, adult guests and children of attendees.

This year's daytime and evening activities will be held at many of Omaha's most popular destinations. There is no fee for the children of MLC attendees to participate. A $150 fee covers the meals of adult guests as well as their participation in all meeting-related activities.

Evening activities include the Opening Night Reception at The Durham Museum (located at Omaha's historic Union Station) and Family Night at Omaha's Henry Doorly Zoo and Aquarium (home of the Desert Dome, the largest indoor desert in the world). Adult guests will have the chance to tour Omaha's Historic Old Market district and visit the Joslyn Art Museum and Lauritzen Gardens-Omaha's Botanical Center. Children will go to the Omaha Children's Museum, a trampoline park and the home of the College World Series.
In Midwest’s only state with divided legislature, leader looks back on two years filled with compromise — and achievement

by Kate Torney (ktonney@cpc.org)

As speaker of the Iowa House, Kraig Paulsen has helped oversee what some observers consider the most productive legislative biennium in at least a generation.

And it occurred at a time when powers are being shared by the Republican-controlled House and Democrat-led Senate.

But ask him about some of his proudest accomplishments as a legislator — the moments he treasures the most — and Paulsen talks about the chance to lend a helping hand to constituents.

Last summer, for example, Paulsen received a call from a constituent who was in danger of losing her driver’s license because of a paperwork error at the state Department of Transportation.

Paulsen intervened, ensuring that the woman was able to keep her job and continue going to school.

“Those are stories that stick out in my mind,” he says, “being able to help out individual Iowans and make their state government work for them.”

State government, Paulsen says, is where the “rubber meets the road” — where important aspects of people’s everyday lives are handled and some of the country’s most important policy issues are decided.

Since first being elected in 2002, to a seat representing parts of Cedar Rapids and surrounding communities in eastern Iowa, he has made the most of the opportunity to make a difference inside and outside the state Capitol.

Paulsen was assigned to the Ways and Means Committee in his first year as a legislator, and tax policy has ever since been a policy priority for him.

As speaker, Paulsen led the House through debate and eventual passage in 2013 of a landmark package of property-tax reforms — the largest tax cut in the history of Iowa.

“First, we are now fully funding property-tax credits for homesteads and veterans in an effort to bring it ‘more competitive’ with surrounding states.

Last year, too, state leaders hammered out a compromise on how to implement the federal Affordable Care Act’s Medicaid provision. Iowa extended coverage for low-income residents, but with a twist on traditional Medicaid expansion.

The state received a federal waiver to purchase managed-care plans for enrollees. The program includes incentives for enrollees to monitor their health.

“If I am proud that we were able to do that in a bipartisan fashion,” he says, “and that the program also now includes some level of responsibility for recipients to do everything they can to be as healthy as possible.”

The productive biennium also included creation of a $20 million soil-conservation program to improve water quality. Through the initiative, the state provides matching funds for research-based conservation practices — advanced tillage and terracing, for example.

“One of the great assets of Iowa is our land, and we want to make sure we are doing what we can to maintain it,” he says.

Last month, CSG Midwest spoke with Paulsen about his policy priorities and strategies for success in a divided legislature. Here are some excerpts from the interview.

Q: Iowa is the only Midwestern state in which legislative chambers are currently controlled by different political parties. Yet the legislature has passed a number of landmark bills. How has that worked?

A: We have a Republican-led House and a Democrat-led Senate. If I had my personal preference, I would probably rather work with a Republican Senate; but that is not my decision, that is Iowa’s decision. This is the decision that was made, and now it is our job to go to work. That is the attitude that all of our principals showed up with last year.

I also think that if there is anything good coming out of Washington, D.C. — and, admittedly, you have to look pretty hard to find it — it is the number of people [here] who say, “We don’t want to be like them.” Our members recognize that and challenge the leaders to figure out how to get things done and move the state forward. That creates a formula to only do successful things. This was my 11th session, and it was the most productive session I have ever been involved with. … That is something to be excited about. As I go out and about the state, Iowans are clearly pleased with our work last year.

As a leader, I try to match up issues with people who have an interest in them. That begins with committee assignments and, subsequently, bill assignment.

“A: We had a property-tax system that was much more burdensome than in some other states, and we were able to address that in a significant reform-and-relief bill that was actually the largest tax cut in the history of Iowa.

We had the third-highest commercial property taxes and the 16th-highest residential property taxes in the nation, and we deemed that to be unacceptable. So we did several different things. First, we are now fully funding property-tax credits for homesteads and veterans in an effort to bring down some residential property taxes.

We also [addressed] property classified as either commercial or industrial, and are rolling back taxable assessments over the next handful of years so the tax-able value [on commercial and industrial properties] is lower. We have also created a commercial property-tax credit whereby each commercial property parcel can apply for a tax credit, regardless of valuation, and this ramps up over the next couple of years. And the other part of the two-pronged approach has to do with bringing the valuation [of properties] down.

Q: You are particularly proud of a recently created initiative that returns unused tax revenue to Iowans. How does it work?

A: When the state collects more in tax receipts in a fiscal year than projected, and more than was needed, [the excess funds] go into the Taxpayer Trust Fund. In the following year, that money is refunded back to Iowans on their income-tax forms.

For one thing, it recognizes whose money it is. It’s not the state’s money. It is Iowans’ money. The other thing is, if we can clearly operate state government on something less than what the state brought in — effectively because of an “overpayment” — then we ought to send it back to the taxpayers.

It is capped at $60 million a year, and our hope is to raise that cap over time. But it’s a great start.
Learning a new language

Minnesota legislation reflects education model that views English learners’ native tongue as asset rather than barrier to achievement

by Minnesota Sen. Patricia Torres Ray

As my older son was finishing his senior year in high school, we looked at his yearbook and I noticed a significant number of girls who were pictured in the book with their babies. All except one were Latina students.

These young mothers were among the lucky 34 percent of Latino students who managed to stay in school long enough to graduate that year in Minneapolis. Sadly, so many other girls were not in the yearbook photos because they had dropped out of school, and many are English Language Learners — people who are learning English in addition to their own native language.

Educating our ELL students is an urgent matter. According to the Minnesota Department of Education, there were 65,689 such students in Minnesota for the 2012-13 school year, with Spanish-speaking students making up the largest segment (39 percent) of the group. And the Minnesota State Demographic Center projects the numbers of Latino, black and Asian Minnesota students to more than double over the next 30 years.

The challenge for our state is that the growing number of ELL students is accompanied by alarming academic statistics. For the past 10 years in Minnesota, these students have consistently graduated from high school at significantly lower rates than non-ELL students, with only 51 percent of ELLs graduating in 2012.

In addition, reading, math and science test scores for ELL students have been dramatically lower than the scores of Minnesota students as a whole.

The needs and challenges confronting our ELL students are not just an urban issue — rural and suburban communities are impacted, too. In the rural town of Worthington, the Latino student population accounts for almost half of all students. In suburban Bloomington, more than one of every five elementary students are ELLs.

According to a recent story on Minnesota Public Radio: “In recent years, the Twin Cities’ suburbs and communities in rural Minnesota have seen much of the growth in the number of students who are new to the language. The Willmar district started its newcomer class a few years ago, doubling its size in the last decade.”

Seeking strategies for improvement

I represent a city (Minneapolis) with the largest number of ELL students in my state, and in 2006, I became the first Latina immigrant elected to the Minnesota Senate. One of my top responsibilities today as the chair of the Education Policy Committee is to seek more-effective strategies to improve academic outcomes for these students.

At the heart of a bill (SF 2611) proposed this year is the research-supported tenet that our bilingual children’s native, non-English languages are phenomenal assets — not deficits — which we must build upon to expand their education.

One model that could guide state policy is provided by the Internationals Network for Public Schools. According to a study by the City University of New York, Spanish-speaking students attending schools in that network graduate at a far higher rate than Hispanic students in the general citywide population — 87 percent vs. 59.9 percent of all New York City’s Hispanic students (many of whom were never ELLs).

According to Kathy Christie, vice president for education management with the Education Commission of the States, “The network schools follow a number of principles for the effective education of English-language learners:

• create educational programs that emphasize high expectations, coupled with effective support systems;
• view students’ native languages and cultures as resources to the student, classroom, community and society;
• support the further development of students’ native languages both inside and outside of the classroom;
• design a professional development program for all faculty members that specifically addresses the needs of ELL students;
• integrate professional development into the fabric of the school week to enable teachers to reflect and plan collaboratively on how to include English-language learners;
• involve families as educational partners; and
• incorporate language development into all content areas.”

Many of the best practices and the principles underlying the Internationals Network for Public Schools are also employed by the St. Paul school district. That district was listed by the U.S. Department of Education as having made among the best gains of the Great City Schools districts in closing the achievement gap between ELL and non-ELL students.

In 1999, the St. Paul district moved away from the “pupil out” model for ELL services (where students are pulled out of classes and the focus is solely on students’ English language proficiency) and implemented a Language Academy model.

Under this model, students interact with both native English-speaking peers and native language speakers. Students develop English proficiency through studying content areas. They are taught by both a licensed ESL (English as a second language) teacher and a licensed content-area teacher. Through the program, students are fully integrated into the school community.

A great deal of research shows the value of the

High school graduation rates for Limited English Proficient students in Midwest, 2010-11 (rate for all students)

<table>
<thead>
<tr>
<th>State</th>
<th>Rate for All Students</th>
<th>Rate for ELL Students</th>
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<tbody>
<tr>
<td>Minnesota</td>
<td>86%</td>
<td>52%</td>
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<tr>
<td>Minnesota</td>
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<td>Minnesota</td>
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Source: U.S. Department of Education

Bill tailored to meet diverse needs

In the past 10 years, the high school graduation rate for Latinos in Minnesota has increased by almost 30 percent. This is not nearly good enough; however, in 2012, only 53 percent of our Latino children graduated from high school. This trend extends to our Hmong, Somali and other ELL children too.

It is imperative that together we say that while our progress in closing the opportunity gap is moving in the right direction, our pace is not fast enough. We must tap into every resource we have to move faster. The native languages that our English learners bring to school are major assets to preserve and value their heritages, and to help these students achieve academic success.

Minnesota Sen. Patricia Torres Ray, a Democrat from Minneapolis, was first elected in 2006.

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 Midwest Legislative Conference. Responses to any FirstPerson article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at 630.925.1922 or tanderson@csg.org.
Family-friendly MLC meeting offers unique chance for legislators to learn, collaborate

4-day event provides diverse mix of sessions for attendees, activities for their guests

On July 13-16, lawmakers from across the Midwest will gather in Nebraska’s largest city for the only annual event designed exclusively for them. The Midwestern Legislative Conference Annual Meeting has been providing a forum for the interstate exchange of ideas for nearly 70 years. It provides legislators with the unique chance to learn from national policy experts, listen to highly renowned speakers, and collaborate with peers from the region.

This year’s meeting in Omaha will include a special presentation from Pulitzer Prize-winning author Doris Kearns Goodwin.

It will also feature a keynote session on the Midwest’s economic and demographic future; a preview of upcoming state and federal elections; and various sessions that explore fiscal, education and health policies in the states.

Throughout the four-day meeting, too, activities have been planned for the children and adult guests of MLC meeting attendees, as well as evening events in Omaha for everyone. A $425 registration fee ($375 for first-time attendees) covers meals and participation in the various events scheduled around the four-day MLC Annual Meeting. A $50 late fee will be assessed for registrations received after June 6.

A separate fee of $150 for spouses and other adult guests is required; there is no fee for the children of attendees (under the age of 18). The meeting is being held at the Hilton Omaha; attendees must make their own room reservations.

Registration materials and a preliminary agenda are available at www.csgmidwest.org.

Legislators with questions about the meeting can call CSG Midwest (which provides staffing services to the MLC and its meeting) at 630.925.1922.

Nebraska Sen. Beau McCoy, chair of the MLC, is leading the work of this year’s host state in planning the event.

The MLC is a nonpartisan association of legislators from 11 Midwestern states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. It also counts four Canadian provinces as affiliate members: Alberta, Manitoba, Ontario and Saskatchewan.

Featured MLC meeting speakers

Doris Kearns Goodwin, Pulitzer Prize-winning author

Joel Kotkin, leading expert on economic trends

Jennifer Duffy, senior editor of The Cook Political Report

Gary Moncrief, author of “Why States Matter”

Policy sessions

• A series of sessions hosted by MLC committees on agriculture, natural resources, economic development, education, health care and Midwest-Canada relations

• A professional development workshop on “Mental Toughness for the Legislative Environment”

• Sessions on institutional challenges and opportunities for state legislatures, state fiscal policy and the future of the Midwest’s economy

Special events for attendees, guests

• Opening Night Reception at The Durham Museum, Family Night at the Henry Doorly Zoo and Aquarium, and the traditional State Dinner

• For the adult guests of attendees, trips to Omaha’s Old Market District, Joslyn Art Museum and Lauritzen Gardens-Omaha Botanical Center

• For the children of attendees, a day trip to the zoo, a tour of the home of the College World Series, and visits to the Omaha Children’s Museum and a trampoline park

How to register

✓ Visit www.csgmidwest.org for online forms; registration deadline is June 6 (registrations received after that date will be assessed a $50 late fee)

33 state legislators chosen as 2014 BILLD Fellows

Thirty-three legislators from 11 Midwestern states have been selected to attend the 2014 Bowhay Institute for Legislative Leadership Development.

The BILLD Steering Committee, made up of lawmakers from 11 Midwestern states, awarded the fellowships in late April. The bipartisan committee is led by co-chairs Indiana Rep. Ed Clere and Ohio Sen. Cliff Hite. Started in 1994, BILLD has become a signature program of the Midwestern Legislative Conference. More than 600 legislators have participated in this renowned leadership program.

Below is a list of the 2014 class, as chosen by the BILLD Steering Committee.


Four Canadian provincial legislators will take part in this year’s program. They include Everett McDonald from Alberta, Wayne Ewasko from Manitoba and Warren Steinley from Saskatchewan. Ontario’s 2014 BILLD participant was not yet known as of April.

Co-chairs of the BILLD Steering Committee

Indiana Rep. Ed Clere

Ohio Sen. Cliff Hite

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, supported 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.
CSG Midwest’s Under the Dome initiative brings customized training to legislators

CSG Midwest’s commitment to providing customized training to state legislators inside their capitols continued in April with two different workshops held in Nebraska and Illinois.

The Under the Dome initiative began two years ago under the leadership of the Midwestern Legislative Conference. (CSG Midwest provides staffing services to the MLC, a nonpartisan association of all legislators in the 11-state region.)

On April 2, close to 50 people—a mix of Nebraska state senators, legislative staff and executive branch officials—took part in a two-hour Under the Dome session on entrepreneurship. Through a mix of speakers and discussion, state leaders explored the importance of entrepreneurship to economic growth as well as policy strategies to promote it.

The event was held in conjunction with the Kauffman Foundation, The Council of State Governments and the state’s legislative leaders: Speaker Greg Adams and Sen. John Wightman. Nebraska Sens. Heath Mello and Beani McCoy, chair of the MLC, also helped organize and publicize the event.

On April 29, an Under the Dome workshop on the Great Lakes and water policy was held for Illinois legislators inside their state Capitol. Participants examined policies to improve wastewater and stormwater management as well as ideas to prevent the introduction and spread of aquatic invasive species. The event was presented by CSG Midwest, its Great Lakes Legislative Caucus and Illinois’ four legislative leaders (Senate President John Cullerton, Senate Minority Leader Christine Radogno, House Speaker Michael Madigan and House Minority Leader Jim Durkin). Illinois Rep. Robyn Gabel and Sen. Pam Althoff also helped organize the workshop. Funding from the Joyce Foundation and CSG’s 21st Century Foundation made the workshop possible.

Since it began, Under the Dome has delivered a range of programming on professional development and public policy. CSG Midwest is seeking input from the region’s state legislators for future workshops. Please contact Mike McCabe at 630.925.1922 or mmccabe@csg.org.

Caucus urges more action to stop Asian carp

Thirty state legislators from across the Great Lakes basin have signed on to a letter urging the U.S. Army Corps of Engineers to follow up its recent Great Lakes and Mississippi River Interbasin Study by identifying a preferred option for closing a pathway (the Chicago Area Waterway System) that could allow Asian carp to enter the Great Lakes. However, the federal agency has not recommended which option to pursue.

In the letter, the legislators also say, “It is very important for any long-term solutions to be developed in close consultation and collaboration with the region’s stakeholders, including the state legislatures.” The full letter can be read at www.greatlakeslegislators.org.
Wide variations seen in how much residents trust state government

Residents’ trust in state government varies widely depending on where they live — with trust levels as high as 77 percent in North Dakota and as low as 28 percent in Illinois, according to a recent Gallup poll.

The state-by-state results were based on interviews conducted in 2013.

The results from the Midwest mirror national results: In smaller-populated states, trust levels tend to be higher. Another factor appears to be the health of states’ economies. Trust levels in Illinois were 12 percentage points lower than in any other U.S. state, Gallup says, a reflection of the state’s history of corruption. (The last two governors served prison time for crimes committed while in office.)

The average U.S. state had 58 percent of respondents say they had a “great deal” or “fair amount” of trust in state government. In addition to North Dakota, five states in the Midwest had trust levels above that average: Indiana (68 percent), Iowa (67 percent), Minnesota (62 percent), Nebraska (73 percent) and South Dakota (74 percent).

Ohio, Wisconsin crack down on ‘re-homing’ of adopted children

In response to reports that adopted children were being placed in the care of abusive adults, Wisconsin legislators have adopted a first-in-the-nation measure that cracks down on a practice sometimes referred to as “re-homing.” AB 581 was signed into law in April. The legislative action came a few months after a Reuters investigation uncovered loopholes in states’ laws and the problem of children being transferred from their legal adoptive parents to unauthorized individuals. For example, a 9-year-old was transferred to a pedophile in Wisconsin, and in Ohio, a girl from Haiti was sent to a home with sexually abusive parents.

Under the new Wisconsin law, Reuters reports, it is now illegal to advertise a child for adoption or any other custody transfers. In addition, adoptive parents seeking the transfer of a child must seek permission from a judge. A legislative committee, meanwhile, will be formed to further investigate the issue.

Similar legislation has been introduced in Ohio. SB 311 would require a parent to first get permission from a juvenile court judge before delegating his or her parental powers. The same measure would also make it a crime to bring a child into Ohio or send the child out of the state for the purpose of transferring physical custody.

New laws in Kansas, Nebraska require autism coverage

The number of Midwestern states requiring insurers to cover the diagnosis and treatment of autism continued to rise in 2014, as the result of legislative measures in Nebraska and Kansas that passed with overwhelming support.

The advocacy organization Autism Speaks now lists Ohio, North Dakota and South Dakota as the only states in the region that have not adopted autism insurance reform.

Under Nebraska’s LB 254, a wide range of services must now be covered, including up to 25 hours per week for behavioral health treatment, such as applied behavior analysis. The new mandate covers individuals up to the age of 21. Kansas’ HB 2744 covers children up to the age of 12. Like the Nebraska bill, too, it includes applied behavior analysis among the covered services. Other common treatments for children with autism include speech and occupational therapy. In both Kansas and Nebraska, some health plans will be exempt from the new mandates.

Earlier this year, the U.S. Centers for Disease Control and Prevention estimated that 1 in 68 children (and 1 in 42 boys) have been identified with autism spectrum disorder. The number of Midwestern states requiring insurers to cover the diagnosis and treatment of autism continued to rise in 2014, as the result of legislative measures in Nebraska and Kansas that passed with overwhelming support.

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Earlier this year, the U.S. Centers for Disease Control and Prevention estimated that 1 in 68 children (and 1 in 42 boys) have been identified with autism spectrum disorder. The findings were based on results from sites in 11 different states, including Wisconsin.

North Dakota prevails in legal dispute over Minnesota energy law

Key parts of a 7-year-old Minnesota law designed to limit carbon dioxide emissions have been ruled an unconstitutional violation of the U.S. Commerce Clause.

The decision was handed down by a federal judge in April. North Dakota brought the lawsuit against neighboring Minnesota and its Next Generation Energy Act. Under that 2007 law, Minnesota placed restrictions on the construction of new fossil fuel-fired power plants and sought to limit the importation of electricity from out-of-state, coal-fired facilities.

For example, the construction of a new plant requires the carbon dioxide emissions from it to be offset by changes at older power plants that make them cleaner and more efficient.

The legal dispute centered on the restrictions placed on energy imports from other states — for instance, Minnesota’s use of coal-based electricity from North Dakota. In her ruling, the U.S. District Court judge said the Minnesota law was inconsistent with the “boundary-less nature of the electricity grid.”

Because the buying, selling and transmission of electricity occurs across multiple states in the region, she said, the practical effect of the law is that “out-of-state parties must conduct their out-of-state business according to Minnesota’s terms.” Minnesota will appeal the decision.