Changes coming to foster care

Midwest states move to revamp and reform their foster care systems as a new federal law emphasizes families, prevention

by Jon Davis (jjon@csg.org)

A federal law enacted in 2018 is going to revamp how the states approach their foster care systems by placing a greater emphasis on preventing children from entering foster care at all and, if they do, on placing them with relatives.

In many cases, however, the Family First Prevention Services Act will accelerate trends already under way as states have been stepping up efforts to reform foster care programs by trending away from group homes, streamlining their legal processes regarding foster care, and providing more support for older youth as they “age out” of foster care.

Nationally, there were 442,995 children in foster care in 2017, according to the Adoption and Foster Care Analysis and Reporting System run by the U.S. Department of Health and Human Services’ Administration for Children and Families.

While that is a slight drop from the 463,074 children recorded in foster care in 2008, it’s a big increase from the 396,414 recorded in 2012.

The Midwest has mirrored that trend, falling from 98,397 children in foster care in 2008 to 85,993 in 2012, before jumping up to 102,083 in 2017.

The Annie E. Casey Foundation, a Maryland-based private philanthropy organization, reported last month that states are doing a better job of placing foster children with families instead of group homes (also known as “congregate care”).

Eighty-six percent of foster children were placed in families in 2017, compared to 81 percent in 2007, according to the foundation’s report, which also noted that progress is slower for older youth and for children of color — just 58 percent of foster children ages 13 and older lived with families, compared to 95 percent of children ages 12 and younger.

And while the proportion of white children placed with families rose 6 percentage points, the proportion of African-American and Latino children so placed rose just 3 percentage points, the report said.

The Family First Act, signed into law in February 2018 by President Donald Trump, offers states an opportunity to “reimagine” their foster care systems in ways that keep children out of group homes, the report concludes. Kansas (HB 2103) and North Dakota (SB 2069) have already passed legislation to bring their laws into compliance with the law, while similar legislation was pending in Illinois (HB 2572) and Nebraska (LB 328) as of late April.

Other states, meanwhile, have opted to overhaul foster care funding, and Ohio’s Cuyahoga County has taken a very new path: its officials are experimenting with using “social impact” bonds to pay for an initiative aimed at reducing the county’s foster care caseload.

According to a 2013 story from The (Cleveland) Plain Dealer, the county planned to use the bonds to expand a program aimed at keeping children from homeless families out of foster care.

The general idea with “social impact” bonds is to raise money from investors who get paid only if the program in question meets its performance goals. In this case, the county, which was spending around $35 million annually on foster care at the time, aimed to raise between $8 million and $9 million.

While investors’ profits would come from taxpayers, the program — which involves providing therapy and housing to homeless mothers — could save the county money overall if it can reduce the number of kids in foster care, the newspaper reported.

Ohio Treasurer Robert Sprague announced in late March he would use the state’s ResultsOhio fund to back similar projects.

### Children in foster care in the Midwest*

<table>
<thead>
<tr>
<th>State</th>
<th>2008</th>
<th>2012</th>
<th>2017</th>
</tr>
</thead>
<tbody>
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<tr>
<td>United States</td>
<td>463,074</td>
<td>396,414</td>
<td>442,995</td>
</tr>
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</table>

* Counts are taken on Sept. 30, the last day of the federal fiscal year. U.S. total includes Puerto Rico.

Source: U.S. Department of Health & Human Services’ Administration for Children & Families, Adoption & Foster Care Analysis & Reporting System
Criminal Justice & Public Safety

Nebraska seeks answers to prison overcrowding: Michigan sees results from its policy changes

Prison overcrowding is one of the most persistent and confounding problems facing state criminal justice systems, and the issue is especially pertinent in the Midwest — home to three of the nation’s five most overcrowded prison systems.

As of the end of 2016, Nebraska had the second highest prison population as a percent of designed capacity; Illinois was third and Wisconsin fifth. In 2015, Nebraska legislators passed a package of prison reform bills, including language (LB 589) that an “overcrowding emergency” be declared if the state’s inmate population is over 140 percent of design capacity as of July 1, 2020.

With a little over a year left before that date, Nebraska still has a lot of progress to make, and legislators are not standing idly by as the deadline approaches. This year, for example, Sen. Carol Blood’s LB 114 seeks to reduce the negative consequences of offenders’ violations while in prison. This bill would limit the amount of “good time” taken away to six months for nonviolent misconduct and two years for violent misconduct. The bill also allows good time to be restored by the heads of Nebraska’s prisons, with agreement from the corrections department director.

Citing her past experience as a corrections officer, Sen. Blood believes Nebraska’s current policies permit dangerous working conditions: “If you are incarcerated and you have really nothing to work toward and no hope, why do you care how you behave? What do you have to lose?”

She argues that prison employees would be safer if inmates had greater incentives to follow the rules. LB 114 does not aim to release people before their prison sentences are finished. Rather, it seeks to ease Nebraska’s overcrowding by releasing people as close to the date assigned by the judge as possible.

“If we are giving people incentive to get out and they’re doing their programming and they are being good [prisoners], then we have an opportunity to move inmates through the system in an effective and appropriate manner,” Blood says.

One of the other bills under consideration this year, LB 188, would continue the practice of contracting ing 150 beds with county jails, as long as there is a vacancy and the jails meet programming requirements. Additionally, the bill would allow county jails to house inmates within one year of their parole or release eligibility.

Finally, LB 277 would change the makeup of the five-member Nebraska Board of Parole, mandating that it have at least one female, one with professional corrections experience, one ethnic minority, and one with professional experience dealing with substance abuse or mental illness.

Another way to reduce prison overcrowding is to build more prison space. Nebraska Gov. Pete Ricketts has proposed funding a $344 million addition at one of Nebraska’s existing correctional facilities.

There is precedent for Midwestern states to successfully and dramatically reduce their prison populations. Between 2006 and 2016, Michigan’s prison population fell by 20 percent. One reason for this drop was the creation of the Michigan Prisoner Reentry Initiative, which increased parole approval rates and reduced parole returns to prison by engaging with the community and establishing alternatives to revocation for parole violators. (Michigan’s drop in prison rates was also accompanied by a 37 percent reduction in its index crime rate and a 41 percent reduction in recidivism.)

The Michigan Legislature has taken significant actions as well. Under an 18-bill package signed into law in 2017, the state’s parole and probation practices were updated and new tools were established to reduce recidivism. Later in 2017, new laws were enacted (SB 435-438) to expedite the use of alternatives to prison, such as the use of specialized drug and mental health treatment courts.

Great Lakes

Though costs remain a concern, Illinois signals support for plan to stop movement of Asian carp

A U.S. Army Corps of Engineers plan to keep Asian carp from reaching the Great Lakes has an important new supporter — J.B. Pritzker, the recently elected governor of Illinois.

In an April letter to the Corps, Pritzker said the state was “willing to move forward to preconstruction, engineering and design” on the Brandon Road Lock and Dam Project. But he also expressed concern about the estimated price tag: $778 million.

“The state of Illinois is not in a financial position to commit to the full plan in its current form,” Pritzker said in his letter, telling the Corps that he would like to “discuss how we can lower the cost of this plan and still effectively address the threat of Asian carp.”

Brandon Road Lock and Dam has been identified as the best location to construct new barriers that prevent the movement of Asian carp into the Great Lakes. (Photo: U.S. Army Corps of Engineers)

Prior to Pritzker taking office, Illinois officials had expressed misgivings about the Brandon Road project because of its potential impact on navigation and the economy. The state’s position has shifted with the change in governor.

For the project to move forward, the U.S. Congress must first fund the preconstruction and design work, and eventually authorize construction funding. Agreements must be reached, too, with Illinois, the project’s “non-federal sponsor,” which typically pays for 35 percent of the engineering and design costs associated with an Army Corps project.

But one idea with the Brandon Road project is for all Great Lakes jurisdictions to contribute in some way. Pritzker alludes to this possibility in his letter, saying that “our Great Lakes neighbors” should be viewed as “critical strategic and financial partners.”

In 2018, then-Michigan Gov. Rick Snyder proposed that Great Lakes jurisdictions share the annual costs ($8 million) of operating and maintaining the new barriers at Brandon Road Lock and Dam. The Army Corps’ plan calls for the installation of a new electric barrier, an acoustic fish deterrent, an air bubble curtain and a flushing lock.
**Education**

**New laws in Indiana target improved teacher retention, pay**

In April, Indiana submitted to the federal government its list of subject areas in education that have a statewide shortage of teachers. The list was long (close to 15 subject areas) and varied, from a dearth of music and arts teachers, to the need for more people to teach special education, math and science, and English.

“South Dakota’s and ‘teacher shortage’ have become synonymous terms,” State Superintendent of Public Instruction Jennifer McCormick said in releasing the state’s most recent analysis of shortages. Legislators are hoping a series of recently signed bills will help fix the problem, by addressing two oft-cited causes: high turnover and low pay.

Under HB 1009, the state will fund a new pilot program that gives prospective teachers a full year of intensive, preservice experience under the guidance of a mentor teacher. Funding will go to local school districts that establish this kind of “teacher residency” program, with the expectation that both the prospective and mentor teacher will be compensated.

“We want to make sure that our new teachers are matched with and able to learn from our most effective and mentor teacher will be compensated. districts that establish this kind of “teacher residency” of a mentor teacher. Funding will go to local school

Public Investment Foundation (HB 1115) was signed into law in April. Rep. Dale DeVon, whose restructuring bill Karickhoff says. He notes, too, that the new tourism-related business interests.

The state can do more, and can become a bigger player in the nation’s $1 trillion travel-and-tourism industry. According to the U.S. Travel Association, the travel industry employed nearly 9 million workers across the nation in 2018. Federal, state and local tax revenues from tourism-related activity topped $170 billion.

Indiana wants bigger piece of ‘visitor spending pie,’ revamps tourism office to make it happen

Two years ago, Indiana began taking a closer look at how it measures up to other states when it comes to tourism activity and promotion. The bottom-line finding for legislators: The state can do more, and can become a bigger player in the nation’s $1 trillion travel-and-tourism industry.

Using the findings and recommendations of the task force that it created in 2017, Indiana legislators this year moved ahead with a restructuring of its tourism department, turning it into the kind of public-private corporation already in place in select other areas of state government (for example, economic development, housing and community development, and state museums and historic sites).

“Indiana is not getting the share of tourism compared to other states; this legislation will promote what our state has to offer,” says Indiana Rep. Mike Karickhoff, whose restructuring bill (HB 1115) was signed into law in April.

Next year, the newly created Destination Development Corporation will replace the state’s Office of Tourism Development. The corporation’s seven-member governing board will be composed of the governor (or his or her designee), the president of the state’s Indiana Economic Development Corporation (or his or her designated employee), and five private sector members representing tourism-related business interests.

“The focus [of the new corporation] will be driven by experts from the private sector,” Karickhoff says. He notes, too, that the new governance structure will help the state secure private dollars in order to better promote Indiana tourism. (In its research on how Indiana compares to other states, the Tourism Task Force found that the state’s funding of its tourism office was among the lowest in the nation.)

Indiana’s tourism-related businesses and associations are supportive of this governance change, viewing it as an opportunity for greater collaboration and partnerships across the state.

With popular destinations such as Dunes State Park and Indy 500, Indiana already has seen recent growth in tourism. According to the state’s Office of Tourism Development, visitor spending hit record levels in 2017 — more than $12 billion, with an overall economic impact for the state of $9 billion.

Nationally, domestic and international travelers to the United States spent more than $1 trillion last year. According to the U.S. Travel Association, the travel industry employed nearly 9 million workers across the nation in 2018. Federal, state and local tax revenues from tourism-related activity topped $170 billion.

California has the largest market share of total visitor spending in the United States (13.8 percent of 2016), followed by Florida, New York and Texas. Indiana’s share of the “visitor spending pie” in 2016 was 1.2 percent, according to a final report released by the state’s Tourism Task Force.

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**Economic Development**

**Brief written by Laura Tomaka, CSG Midwest staff liaison to the Midwestern Legislative Conference Economic Development Committee. She can be reached at ltomaka@sg.org. The committee’s co-chairs are Ohio Rep. Dave Greenspan and Nebraska Sen. John McCollister; its vice chair is Karlee Macer.**

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**Economic Development**

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Release of new ‘Census of Agriculture’ underscores changes and challenges for Midwest states and their farmers

Every five years, farm owners and operators are asked to complete a survey describing the characteristics of their farms. It takes almost two years for the U.S. Department of Agriculture to compile this data, which was released in April. Here is a summary of the notable trends and changes captured in the census about the Midwest.

1. Farmland acreage declining, but some Midwest states bucked this national trend

Total U.S. farmland is the lowest since the census began in 1910. Between 2012 and 2017, the nation lost more than 14 million acres of farmland — mostly pastureland and rangeland, in areas outside of the Midwest. For several states in this region, in fact, the amount of farmland actually increased: North Dakota, South Dakota, Nebraska and Kansas led the nation, with each adding more than 600,000 acres of farmland between 2012 and 2017. Much of this gain was due to land leaving the federal Conservation Reserve Program and returning to production.

2. Fewer farms, larger farms: Consolidation of agriculture sector continues

Farms in the Midwest continue to consolidate: There are 6 percent fewer farms in the region, and farm size has grown by an average of 8 percent. This trend was not consistent across states, however. For example, North Dakota lost 15 percent of its farms, and that state’s remaining farms grew in size by 18 percent. In contrast, Ohio bucked regional and national trends, with its number of farms rising (by 3 percent) and average farm size declining (by 3 percent). This is similar to trends in some Northeastern states (as seen in the prior census) and may indicate growth in Ohio’s direct-marketing farms.

3. Use of conservation practices such as cover crops, no-till is on the rise in Midwest

The 2017 census collected data on production methods and found a rise in practices related to environmental protection and water quality. For example, the use of cover crops surged by 50 percent in the region. This increase is unique to the Midwest. In states such as Iowa and Minnesota, policymakers have been boosting public investments in cost-share programs for farmers to adopt evidence-based conservation practices (these programs include state dollars to encourage no-tilling/cover-crop practices).

Regionwide, between 2012 and 2017, the use of on-farm renewable energy systems such as wind turbines and solar panels increased by 136 percent.

4. Most farms are still family-owned; aging of Midwest farmers continues

The great majority of farms are still family owned and operated — 96 percent of them — and more young people and women are becoming farmers. However, the average age of the principal operator of a Midwestern farm increased from 55 in 2012 to 57 in 2017. (Nationwide, the average age was 50 in 1982.)

Concerns about the continued aging of American farmers has led states to pursue various programs — for example, tax credits for beginning farmers in states such as Iowa, Minnesota and Nebraska.

5. Recent years marked by precipitous decline in net farm income across Midwest

Net farm income fell dramatically between 2012 and 2017. Across the region, the census showed a decrease of 20 percent, with huge variances among the states (see map).

Across the region, more than 56 percent of farms had negative cash farm income, signaling serious challenges for U.S. agriculture and rural communities. Those challenges include slumping commodity prices (due to record production and a glut of corn, wheat and soybeans on the global market) and higher levels of farm debt.

6. Farm expenses mostly declined, but property taxes cost farmers more

Farm expenses declined in most categories, with the notable exceptions of labor costs and property taxes. This rise in property taxes occurred while farm income was falling in many states (see #5 above). According to the census, between 2012 and 2017, property taxes increased by at least 25 percent in Illinois, Indiana, Kansas, Nebraska, Ohio and South Dakota (as high as 75 percent in Ohio).

In 2017, some state legislatures passed measures to curb these increases in property taxes. Ohio modified how the state’s agriculture use valuation should be calculated while also reducing taxes on land enrolled in conservation programs. Indiana legislators, meanwhile, adopted a series of tax relief measures for farmers — for example, changing the base rate and reducing the lag time for when changes in commodity prices are accounted for in the property tax formula.

With policy changes like these and decreasing commodity prices, farmland taxes are expected to be lower in the next census.

*Article written by Carolyn Orr, CSG Midwest staff liaison for the Midwest Legislative Conference Agriculture & Natural Resources Committee. She can be reached at corr@sarl.us.*

**Change in net cash farm income, 2012 to 2017 (based on average, per-farm net cash income in state)**

<table>
<thead>
<tr>
<th>State</th>
<th>% change in total farm property taxes paid: 2012 vs. 2017</th>
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<tbody>
<tr>
<td>Illinois</td>
<td>-3%</td>
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<tr>
<td>Indiana</td>
<td>-3%</td>
</tr>
<tr>
<td>Iowa</td>
<td>-3%</td>
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<tr>
<td>Kansas</td>
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<td>Michigan</td>
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<tr>
<td>Minnesota</td>
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<td>Nebraska</td>
<td>-7%</td>
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<tr>
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<td>-15%</td>
</tr>
<tr>
<td>Ohio</td>
<td>-3%</td>
</tr>
<tr>
<td>South Dakota</td>
<td>-6%</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>-7%</td>
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**Change in number, size of farms in Midwest: 2012 to 2017**

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<thead>
<tr>
<th>State</th>
<th># of farms, 2017</th>
<th>% change from 2012</th>
<th>Average farm size, 2017</th>
<th>% change in size from 2012</th>
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<td>264 acres</td>
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<td>86,104</td>
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<td>355 acres</td>
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<td>Kansas</td>
<td>58,569</td>
<td>-5%</td>
<td>281 acres</td>
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<td>221 acres</td>
<td>+6%</td>
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Illinois, Nebraska among states looking to improve civics instruction

by Tim Anderson (tanderson@csg.org)

This year, Nebraska Sen. Julie Slama took a lead role in updating her state’s 70-year-old law on civics education. She had some experience from the not-so-distant past to guide that work — the time she spent as a student herself.

The 23-year-old senator (one of the youngest people ever to serve in the unicameral legislature) still fondly recalls those civics classes and how her teachers approached lessons on government and citizenship.

“It wasn’t about memorization of dates and [historical] figures,” Slama says. “It was about the role of being a citizen, about discussing the issues of the day.

“From that, you learn that people can come to different conclusions about those issues, that disagreement is part of the process. And you learn to engage respectfully."

But are most young people being exposed to a rich, meaningful civics curriculum?

Slama worries that many are not, based on her more recent experiences working with students as a track coach and as a counselor for the American Legion Auxiliary’s Girls State.

Too many young people, she says, don’t know basic facts, such as the three branches of government, and aren’t equipped with the skills to be informed, active citizens.

She’s hoping this year’s passage of LB 399 will strengthen the curriculum offered in Nebraska schools.

Her work on the bill reflects a national trend; state legislators have been exploring ways to put a greater emphasis on civics in schools, across the country, state legislators have been exploring ways to put a greater emphasis on civics in schools, and to perhaps teach it in a different way.

In the Midwest, Illinois is often cited as a national leader in these efforts. Four years ago, with the passage of HB 4025, the state began requiring every high school student to take a stand-alone, semester-long civics course.

Having such a requirement in and of itself is not unusual. As of fall 2018, completion of a civics or government course was a prerequisite for high school graduation in eight of the 11 Midwestern states (all but Minnesota, Nebraska and Wisconsin), according to Education Week.

What distinguishes the Illinois law are some of the details, including how civics must be taught and how teachers are being helped with implementation.

In Illinois, in addition to instruction on government institutions, course content in civics must incorporate the following: discussions of current and controversial issues, service-based learning opportunities and democratic simulations.

Shawn Healy, director of the Robert R. McCormick Foundation Democracy Program, says those three instructional practices all have proven to improve students’ performance in civics, and lay a foundation for active citizenship.

With service-based learning, for example, students may volunteer at a homeless shelter or food pantry as part of a lesson on poverty or the government safety net. With democratic simulations, classrooms turn into legislatures, with students becoming legislators and party leaders as they debate and pass mock bills.

“We’ve been able to build a statewide movement around improving civics education in Illinois because of that [2015] law,” Healy says.

The McCormick Foundation has led a philanthropic effort to implement the state’s new plan for civics instruction — by providing teachers with professional development training and resources. (The Illinois law states that “school districts may utilize private funding ... for the purpose of offering civics education.”)

Nebraska’s LB 399 does not require a stand-alone civics course or any specific type of instruction.

Instead, local schools are given one of three options:

1) administer to students the test that people must pass to become U.S. citizens; 2) require that students attend a meeting of a public body, and then complete a project based around that experience; or 3) require that students complete a project on important individuals or events in U.S. history and government.

Also under LB 399, each school district must have a committee meet every year, in public, to review and approve its social studies curriculum (based on state standards). That committee’s final plan for how to teach social studies, including civics, must then be “made readily accessible to the public.”

This year’s Midwest Legislative Conference Chair’s Initiative of Illinois Sen. Elgie Sims Jr. is “State Strategies to Build Civic Engagement.” Articles on this topic will appear throughout the year in Stateline Midwest.

**QUESTION OF THE MONTH**

**QUESTION:** Do any states have laws in place to protect health consumers from getting “surprise bills” from health providers?

When a health consumer receives care outside of an insurer’s network of providers, he or she may receive a surprisingly high medical bill, and face the prospects of paying unexpectedly high out-of-pocket costs.

These situations are not uncommon, and often not the fault of the health consumer — for example, he or she requires immediate emergency care, or an out-of-network provider is part of a larger team of physicians providing complex medical treatment.

As evidenced in recent polling data and new state laws, “surprise billing” has become a widespread concern among health care consumers and policymakers alike. In a poll conducted last year by the Kaiser Family Foundation, two-thirds of Americans said they were either “very worried” or “somewhat worried” about being able to afford their own or a family member’s unexpected medical bills.

The Commonwealth Fund, meanwhile, has been tracking the spread of laws to protect individuals from certain types of “surprise billing.” By the end of 2018, the number of states with such laws had reached 25: nine with comprehensive laws (including Illinois in the Midwest) and 16 with “partial protections” (including Indiana, Iowa and Minnesota).

In April testimony before the U.S. Congress, Georgetown University Health Policy Institute research professor Jack Hoadley (a co-author of the Commonwealth Fund’s recent studies) noted the following features of “comprehensive” laws on surprise billing in states such as Illinois:

- Insurers must hold consumers harmless from extra provider charges, and providers cannot send surprise bills to consumers in certain circumstances.
- One of two mechanisms is in place to resolve the insurer-to-provider payment: 1) a rule that determines how much the insurer pays the provider; or 2) an arbitration process to resolve disputes between providers and insurers.
- State-level protections extend to both emergency department and in-network hospital settings; and the law applies to all state-regulated types of insurance, including HMOs and PPOs.

Two years ago, Minnesota legislators (SF 1) began prohibiting “surprise billing” in instances when an in-network provider was not available or when out-of-network services were provided without the consumer’s knowledge. According to the Commonwealth Fund, Minnesota also has a process in place to resolve payment disputes between insurers and providers.

The consumer protections in Indiana and Iowa apply to emergency care, but not non-emergency care, the Commonwealth Fund notes.

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**Question of the Month response by Tim Anderson, CSG Midwest publications manager. He can be reached at tanderson@csg.org. Question of the Month highlights an inquiry sent to the CSG Midwest Information Help Line: csgm@csg.org or 651.925.1922.**
Foster care: Rights, and helping older youth transition to adulthood

New federal ‘Family First Prevention Services Act’ will bring sweeping change to foster care

In February 2018, the federal government set in motion a sea change in foster care when the new Family First Prevention Services Act became law. It changes the rules for how states can spend an annual $8 billion in federal funds for foster care by placing a priority on keeping families together. To that end, the law puts more money toward at-home parenting classes, mental health counseling and substance abuse treatment. Among its major changes, cited by the Pew Charitable Trusts:

- Federal funding for group homes (also known as “congregate care”) is capped. Starting this year, the federal government won’t pay for a child to stay in a group home longer than two weeks, with some exceptions such as teens who are pregnant or parenting.
- A new emphasis on prevention and funding for evidence-based services that could prevent children from entering the foster care system, like mental health treatment, substance abuse prevention or treatment, and in-home parenting skills. Such services will be guaranteed by the federal government for families of children who are deemed “foster care candidates”: usually kids determined to be victims of abuse or neglect who haven’t been removed from their home.
- Removal of a requirement that states only use such prevention services for extremely poor families. (Income standards hadn’t been adjusted in 20 years, so fewer and fewer families qualified for the services.) States may use matching federal funds to provide at-risk families with up to 12 months of mental health services, substance abuse treatment and in-home parenting training. Eligible beneficiaries are the families of children identified as safe staying at home; teen parents in foster care; and other parents who need preventive help, so their kids don’t end up in the foster care system.

The law also provides competitive grants for states to recruit foster families; establishes licensing requirements for foster families who are related to the child; and requires states to come up with a plan to keep children safe while remaining with parents. Some Midwestern states have already passed or are considering legislation to comply with the new law, including Kansas (HB 2103, which brings state code into compliance) and North Dakota (SB 2069, which allows a juvenile court director to examine requests for review of a child’s placement at a qualified residential treatment program under the new law). In Illinois, HB 2572 would require a restructuring of the state’s Family Support Program to better enable early treatment — including both community-based and residential treatment services — for children or young adults with serious mental health needs.

Nebraska’s LB 228 would conform state statutes to the Family First Act and expand foster care eligibility to children who can remain safely at home or in kinship placement, or who are at risk of an adoption or guardianship disruption or dissolution; youth in foster care who are pregnant or parenting; children with open juvenile court proceedings who have not been removed from their homes, or whose juvenile court case has closed in the last six months; children with non-court-involved cases or alternative response cases; and children who are victims or are at risk of becoming victims of sex trafficking.

It also requires that a “kinship navigator” program be established to provide support services for relatives caring for foster children.

Foster parent/child* bills of rights in Midwest states (as of April 2019)

- The federal Preventing Sex Trafficking and Strengthening Families Act (2016) requires that all children in foster care ages 14 and older participate in crafting their care plans, and be given a document outlining their rights to education, vaccination, health, court participa-
tion and personal safety.

* Source: CSGB/midwest staff research

Cover Story

StateLine Midwest

May 2019
children’s bill of rights in December (HBs 5121, 5122 and 5123).

Jennifer Pokempner, a senior attorney at the Philadelphia-based Juvenile Law Center, says these are important advances, but “they’re just step one.”

To make bills of rights truly effective, she says, states must ensure follow-through in ways that make foster children or parents heard and understood if they make a complaint or allege their rights are being violated. There should be a mechanism — whether an agency embusman like in California, or an outside review process — to handle such allegations, she adds.

“I don’t think we have, in most states, that capacity. Having a system in place to help with enforcing these rights is really important,” Pokempner says.

Help for foster kids ‘aging out’

Along with more attention being paid to how children are placed in foster care, states are putting a greater emphasis on helping older youths as they “age out” of the system. The baseline age at which foster children “age out” should be 21 (it is in all Midwest states but Iowa, 19, and Indiana, 20) and, ideally, even older, Pokempner says.

The transition from adolescence or youth to adulthood really happens from ages 24 to 26, it doesn’t make sense to kick vulnerable individuals out of foster care at 18 and expect them to make it on their own, she adds.

“In the child welfare system, we are slow to align ourselves with what parents already know — that the transition to adulthood is really made in the early 20s,” she says.

Pokempner singles out Indiana’s “Foster Success” program as an innovative approach to supporting people as they transition from foster care to adulthood. It uses education/training vouchers, personal financial education for individuals ages 14-26, and credit-building via micro-loans and personal coaching to help older foster care youths prepare for independence.

Nebraska created the Bridge to Independence program with LB 216 (of the 2013 session), which extends services and support to youth aging out of foster care until they turn 21. It also provides extended adoption or guardianship subsidies for youths who were adopted, or entered into a guardianship at age 16 or older.

A bill in Nebraska’s current session, LB 332, would expand this program to include young adults who were adopted or entered into a guardianship from the juvenile justice system at age 16 or older; it would also limit participation in the program to Nebraska residents and eliminate benefits to recipients who already are getting residential funding through the state’s home and community-based waiver program.

Illinois enacted HB 5122 (of the 2018 session) in January; it provides partial tuition and fee waivers for foster care youths 18 and older at the state’s colleges, community colleges and universities for up to five years of postsecondary education. These waivers cover amounts not covered by federal Pell grants or Illinois’ Monetary Award Program. In the current session, a proposal, HB 5121, would limit the number of foster children in one house from eight to six, with exceptions for siblings, or a parent and child, to remain together. It unanimously passed the House in March.

Examples of recent legislation and other activity in Midwest related to foster care

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<th>Example</th>
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<td>A foster parent’s “Bill of Rights” (HB 5123 of the 2018 session) was signed by Illinois Gov. Eric Holcomb in March 2018. It requires the Indiana Department of Child Services to work with foster parents, placement agencies and other agencies with expertise in foster care to develop a statement of foster parents’ rights. These rights cover communication, safety and privacy for information about their foster children, support from the state on training to pay for training, and their foster children’s permanency plans.</td>
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Minnesota Rep. Laurie Halverson

From a family of legislators, she has created her own policy legacy on issues ranging from helping homeless youth to curbing e-cigarette use

by Mitch Avidan (mavidan@cs.com)

Laurie Halverson had been around politics and public service much of her life. Her grandfather and uncle were both Minnesota mayors and legislators; she was deeply involved in various volunteer activities in the Minnesota town of Eagan. But the impetus for Halverson to run for public office herself came from an unlikely source — her book club.

At one of its gatherings, the club’s conversation somehow veered toward politics, and the need for more women to seek and hold office. Halverson’s friends began pitching her on the idea.

“I thought it was fascinating, and I felt a little indicted because I’ve given that speech before, ‘that we really need to get more women to run!’” she recalls about the talk at the book club.

Halverson answered the call from her book club friends and ran for a House seat in 2012.

She won, and the work inside the state Capitol has turned out to be a good fit for someone who had learned much about public service and bipartisanship.

“You grow up sharing ideas and trying to come to good solutions, as opposed to being an ideologue,” Halverson says about the lessons that she took from her family. (She is a member of the Democratic-Farmer-Labor Party; her grandfather and uncle were Republican officeholders.)

In a recent interview with CSG Midwest, Halverson discussed her political career so far and what she hopes to accomplish in Minnesota’s changing legislative landscape.

Q: What have been some of your top legislative priorities this year?
A: Passing additional e-cigarette legislation. We had worked on e-cigarette regulations in Minnesota in 2014, but [they] did not get passed because a lot of people were not concerned about e-cigarettes. Now they’re really concerned because Minnesota is losing ground regarding youth smoking rates, and e-cigarettes are a big part of that. We got a bipartisan bill (HF 349) passed which added to our Clean Indoor Air [Act] regulations. It was fun to have it be bipartisan because the history of that issue has not been bipartisan.

The other big priority has been the Paid Family Leave Act. That is the big one. It has been introduced in several legislatures over the years, but this year, for the first time, it was passed [by the House] as part of a jobs omnibus bill. So that was kind of an amazing accomplishment to see that actually get passed out the House floor. [Editor’s Note: As of early May, differences in the House and Senate versions of the jobs omnibus bill, HF 2208, still needed to be worked out.]

Q: What do you think is Minnesota’s biggest challenge over the next five to 10 years?
A: It’s hard to choose one. It feels like we’re at such a significant time in our history. It feels like it’s almost a resetting time regarding who we are going to be going forward. For example, we have incredible issues facing our natural resources. Half of the lakes in the “Land of 10,000 Lakes” are not swimmable or potable.

We have, like every other state, incredible health care issues that we must deal with. … Getting people covered is one important thing that we’ve been good about in Minnesota, but what we have kind of fallen down on is getting to the underlying cost drivers and making sure that health care will be sustainable into the future.

Then, of course, we’re facing an era of incredible change regarding transportation needs and interests. The future is here. We are talking about things like what happens when self-driving cars and trucks are part of our transportation system. We’re having these conversations already and trying to prepare.

We’re also making sure that Minnesotans are prosperous into the future. I think a lot of people are feeling afraid of the future of the economy. If they’re comfortable now, they’re wondering if they’ll be comfortable in the future — because of things like the high prices of college and health care, because of shortages of housing and, for employers, shortages of workers.

It feels like we’re really at a crossroads on a number of issues.

Q: From a family of legislators, she has created her own policy legacy on issues ranging from helping homeless youth to curbing e-cigarette use
‘Help higher education thrive again’

With goals of improving access, affordability and attainment, a bipartisan group of Illinois legislators has led efforts to improve policies and funding

by Illinois Sen. Pat McGuire (pmcguire@senatedem.ilga.gov)

The Illinois General Assembly's bicameral, bipartisan Higher Education Working Group grew out of a failure of our executive branch to address the fragile state of Illinois higher education following the state's shameful 736-day budget impasse in 2016 and 2017.

We formed in the fall of 2017, at the request of several Democratic and Republican legislators, and our working group recently met for the 22nd time. Over this period, there have been changes in the working group's membership. Unchanged, however, are the group's policies — such as utilizing outside experts and meeting privately — and the members' commitment to work together and their zeal to improve our state's higher education system.

We have already had some important legislative successes, and are working toward more.

Ambitious goals, successful bills

No executive order, Senate or House resolution, or appointment letters were behind the formation of this Higher Education Working Group. Rather, at the request of a bipartisan group of legislators, the Senate president, Senate minority leader, speaker of the House and House minority leader each chose three legislators for the group and told relevant staff to assist it. Each member from each caucus was named caucus lead, but these positions are perfunctory.

The goal set by our working group was deliberately general, yet ambitious: “To help Illinois higher education thrive again.”

Last year, we helped get several bills passed and signed into law with this overarching goal in mind, and with a specific focus for improvement in three areas: access, affordability and attainment.

The successful bills from 2018 championed by our working group's members include:

- SB 2927 — Under this new law, the state is providing matching grants to Illinois' four-year public universities for financial-aid awards to undergraduate students in Illinois. These AIM HIGH grants require the participating universities to provide dollar-for-dollar matching funds. Our state budget for FY 2019 included $25 million for this program.

- SB 2354 — Starting next fall, students who have completed 30 academic credit hours will disclose their degree programs of interest to their college or university. The school must then attempt to conduct a meeting with the student about prerequisites for his or her degree program of interest. Under this law, too, schools will develop policies that encourage “reverse transfer credits” — students advancing toward credentials at a community college for previous coursework done at two- or four-year schools.

- HB 5020 — This bill makes changes to the state’s Monetary Award Program, or MAP, which provides financial aid to students with a demonstrated need. Our goal with HB 5020 is to ensure that MAP students get the aid they need throughout their college life. Under the law, the state will prioritize the renewal of MAP grants to students, as long as these students meet application deadlines and eligibility requirements.

- HB 4781 — This bill created a task force to study how to collect data on the college and career interests of Illinois high school students, and then share this information with our postsecondary institutions.

The path to legislative success

Last year’s passage of these bills came after several meetings of our Higher Education Working Group, along with many hours of discussions, presentations from outside experts, and staff research.

We first heard from leaders of the Illinois Board of Higher Education, Community College Board, Student Assistance Commission and governor’s office.

Next, we invited representatives from all 12 campuses of Illinois’ nine public universities to make half-hour presentations. These presentations were delivered by admissions and financial-aid personnel, (rather than presidents, chancellors and provosts), and they were critical in informing our approach to lawmaking for the 2018 legislative year.

The University of Illinois, for example, told our working group that its top-10 competitors for students had changed from Big Ten schools to a mix of Big Ten and Southeastern Conference schools. Other public universities told of dramatic enrollment losses — and the next step proved invaluable.

Jennifer Delaney, a professor of higher education studies at the University of Illinois Urbana-Champaign, agreed to procure within two weeks white papers on need-based and merit aid, the use of a common college application for students and other topics heading our list. The Council of State Governments and other state groups also contributed materials. The Illinois General Assembly staff assigned to our working group did a Herculean job in consolidating all this research.

All of this work gave our group a bounty of ideas — programs from other states, promising research results, historical perspective and more.

From this came our legislative focusing on access (for example, developing a common application for our community colleges and universities), affordability (improving need-based and merit aid), and attainment (through improved policies on the transfer of credits and “reverse transfer” degrees).

In April and May of 2018, our group met at least weekly, and sometimes twice a day, to finalize bill language, work with stakeholders and navigate the legislative process. Various members of the working group served as lead sponsors of the bills. Other sponsors came from leadership and rank-and-file members on both sides of the aisle.

Those factors, combined with members of the working group serving as leaders of the committees to which the bills were assigned, made for swift and overwhelming passage of many of our priority bills.

The end result: New ideas and laws “to help Illinois higher education thrive again.”

In addition to his leadership role on the Higher Education Working Group, Sen. Pat McGuire is chair of the Illinois Senate Higher Education Committee.

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 630.925.1922 or tanderson@csg.org.
July meeting in Chicago to focus on high-priority issues for Midwest states

Sessions planned on agriculture, regional economy, schools, health and criminal justice

The Midwestern Legislative Conference’s six bipartisan, binational policy committees will meet for the first time this biennium as part of the 2019 MLC Annual Meeting in Chicago.

Led by legislative co-chairs and vice chairs from this region (see photos below), these committees give lawmakers the chance to learn from each other and national policy experts. They are planning to offer sessions to all MLC meeting attendees on issues related to agriculture and natural resources, education, the economy, criminal justice and cross-border trade.

The MLC Annual Meeting will be held July 21-24 and is for all state and provincial legislators from the Midwest. Links to register for the meeting can be found at csgmidwest.org. In addition to the numerous policy sessions, the meeting will include featured speakers, a professional development workshop for legislators, and social events in some of Chicago’s best-known venues.

Leaders of the MLC’s Six Interstate Policy Committees

Agriculture & Natural Resources


Economic Development


Health & Human Services


Criminal Justice & Public Safety


Education


Midwest-Canada Relations


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.

Featured MLC Annual Meeting speakers

Jon Meacham, Pulitzer Prize-winning historian and author

Anna Palmer, Politico’s senior Washington, D.C., correspondent

Bryan Stevenson, founder of the Equal Justice Initiative

74TH ANNUAL MEETING OF THE MIDWESTERN LEGISLATIVE CONFERENCE

July 21-24, 2019 ~ Chicago, Illinois

Event details
• Premier meeting for the Midwest’s state and provincial legislators
• Mix of sessions on public policy and professional development, as well as renowned speakers
• Visit csgmidwest.org or call CSG Midwest at 630.925.1922 for more information

25TH ANNUAL BOWHAY INSTITUTE FOR LEGISLATIVE LEADERSHIP DEVELOPMENT (BILLD)

August 9-13, 2019 ~ Minneapolis, Minnesota

Event details
• Leadership development program for legislators in their first four years of service
• BILLD Fellows chosen through competitive application process
• Applications available at csgmidwest.org
• Visit csgmidwest.org or call CSG Midwest senior program manager Laura Tomaka at 630.925.1922 for more information

CSG HENRY TOLL FELLOWSHIP PROGRAM

August 23-28, 2019 ~ Lexington, Kentucky

Event details
• One of nation’s premier leadership programs for state government officials
• Toll Fellows chosen through competitive application process
• Visit csg.org for more information

GREAT LAKES-ST. LAWRENCE LEGISLATIVE CAUCUS ANNUAL MEETING

September 13-14, 2019 ~ Chicago, Illinois

Event details
• Meeting for state and provincial legislators that focuses on protecting, restoring Great Lakes
• Visit greatlakeslegislators.org or contact Lisa Janairo at gllc@csg.org for more information

CSG NATIONAL CONFERENCE

December 4-7, 2019 ~ Puerto Rico

Event details
• Meeting for legislators and other U.S. state officials to explore myriad issues in state government
• Visit csg.org for more information
The Bowhay Institute for Legislative Leadership Development, or BILLD, provides annual training on leadership and professional development for newer state legislators from the Midwest. This page highlights key upcoming BILLD dates and includes news about the program as well as BILLD alumni.

**New BILLD leadership team in place**

Four state legislators have been selected to lead the interstate, bipartisan committee that governs the Bowhay Institute for Legislative Leadership Development, or BILLD.

Nebraska Sen. Sara Howard (BILLD class of 2013) and Minnesota Rep. Laurie Halverson (class of 2015) will serve as co-chairs. Iowa Rep. Amy Sinclair (class of 2016) and Indiana Rep. Holli Sullivan (class of 2015) are the co-vice chairs.

The BILLD Steering Committee includes legislators from every Midwestern state. It met in May to choose the 2019 BILLD class. It will next gather this summer in conjunction with the Midwestern Legislative Conference Annual Meeting in Chicago (July 21-24).

Along with selecting each class of BILLD fellows, this committee establishes rules for the application process, provides guidance on fundraising initiatives, and oversees development of the institute’s curriculum.

BILLD is a signature program of CSG Midwest and the Midwestern Legislative Conference. Since the institute’s inception, 840 state legislators have received training through BILLD; many have gone on to serve in top legislative leadership positions.

**Milestone year, record number of BILLD applicants**

In a landmark anniversary year for the Bowhay Institute for Legislative Leadership Development, the regional program reached an important milestone — a record number of legislators vying for a BILLD fellowship.

A total of 96 applications were submitted by legislators in the 11 member states of CSG’s Midwestern Legislative Conference.

Those applications are reviewed by the BILLD Steering Committee (see above), which oversees the competitive, nonpartisan selection process and awards the fellowships. The June edition of Stateline Midwest will highlight the 2019 BILLD class.

This year, BILLD is celebrating its 25th anniversary as the premier leadership institute for Midwestern state legislators in their first four years of legislative service. Legislators from the provinces of Alberta, Manitoba, Ontario and Saskatchewan also take part in the institute.

This year’s program will be held Aug. 9-13 in Minneapolis and include sessions to help participants:

- understand the meaning of leadership and individual leadership styles;
- build civil discourse in the legislative arena;
- communicate with the media, colleagues and constituents;
- manage time and focus while facing multiple demands and distractions;
- craft legislation that withstands judicial scrutiny; and
- negotiate and build consensus in order to achieve legislative goals.

This year’s program also will feature policy sessions on the economy and workforce challenges; health care management and cost containment; Midwest-Canada relations; and cybersecurity in state government.

As the ranks of graduates of the Bowhay Institute for Legislative Leadership Development have grown, so too have the roles that BILLD alumni play in The Council of State Governments. At the CSG national level, Wisconsin Rep. Joan Ballweg (class of 2007) is the current chair elect and will serve as national CSG chair in 2020. Ballweg will join four other BILLD alumni who have held this top position.

Since 1995, 14 BILLD graduates have served as chair of CSG’s Midwestern Legislative Conference, including the current MLC chair, Illinois Sen. Elgie Sims Jr. (class of 2014). Two other BILLD alumni are among this year’s MLC officers: Michigan Sen. Ken Horn (class of 2007), first vice chair; and Indiana Sen. Ed Charbonneau (class of 2008), immediate past chair. In addition, a number of the MLC’s policy committees are being led by BILLD graduates during this biennium:

- Illinois Sen. Mattie Hunter (class of 2005) and North Dakota Rep. Shannon Roers Jones (class of 2017) are co-chairs of the MLC Criminal Justice & Public Safety Committee; Indiana Sen. Mike Crider (class of 2015) is the vice chair.
- Nebraska Sen. John McCollister (class of 2016) is a co-chair of the MLC Economic Development Committee; Indiana Rep. Karlee Macer (class of 2016) is the vice chair.
- South Dakota Sen. Jim Bolin (class of 2012) is a co-chair of the MLC Education Committee; Ohio Sen. Hearcel Craig (class of 2015) is the vice chair.
- Kansas Rep. Susan Concordon (class of 2014) and Iowa Rep. Shannon Lundgren (class of 2018) are co-chairs of the MLC Health & Human Services Committee.
- Manitoba Minister Kelvin Goertzen (class of 2008) is a co-chair of the MLC Midwest-Canada Relations Committee.

Please submit Alumni News to Laura Tomaka, CSG Midwest program manager for BILLD. She can be reached at ltomaka@csg.org.
With new law, Iowa has new system devoted to children’s mental health

Iowa legislators have created a first-of-its-kind system to better meet the mental health needs of children.

As part of HF 690, signed into law in May, an appointed state board will be created to oversee this new comprehensive, coordinated system. Members of the board will include a mix of state executive branch leaders (in health and education), experts in child welfare and mental health, local school leaders, pediatricians and law enforcement. Legislators will serve on the board as non-voting members.

Iowa’s new law also spells out the types of “core services” that the system must deliver to children. That list of services includes: early intervention, medication management, outpatient therapy, access to a 24-hour crisis helpline, mobile response teams, and the availability of community-based and residential services to stabilize behavioral health crises in children.

Finding a sustainable, adequate supply of funding to provide these services remains the biggest legislative challenge ahead, mental-health advocates told the Sioux City Journal. Iowa Gov. Kim Reynolds initially called for state spending of $3 million on this new children’s mental health system, but legislators ultimately included a $2.1 million appropriation.

Minnesota legislators remove ‘marital rape exemption’ from statute

As part of a national movement that has states re-examining their laws on rape and marriage, Minnesota legislators have removed statutory language that allowed for a “pre-existing relationship defense” in cases of criminal sexual assault.

HF 15 was signed into law in early May by Minnesota Gov. Tim Walz. Prior to the bill’s passage, Minnesota law stated that “a person does not commit criminal sexual conduct ... if the actor and complainant were adults cohabitating in an ongoing voluntary sexual relationship at the time of the alleged offense.”

The problem with this “marital rape exemption” was underscored by Jenny Tervon, who, in testimony this year to Minnesota legislators, recounted how she had discovered video footage of her then-husband drugging and raping her.

According to the Chicago Tribune, every state has a law making forcible marital rape a crime. However, citing research from the nonprofit organization AEquitas, the newspaper lists three states in the Midwest — Iowa, Michigan and Iowa — as among 17 nationwide that have some form of an exemption for spouses who rape partners when these partners are drugged or otherwise incapacitated.

North Dakota wants more workers, will offer more aid to students

The U.S. state with the nation’s lowest unemployment rate (2.3 percent as of March) will try to attract more skilled workers with $6 million worth of new scholarships and loan repayments.

North Dakota’s HB 1171 seeks to address what many policymakers have said is the state’s No. 1 economic issue — workforce shortages.

Under the new law, a student could receive a loan repayment of up to $17,000 if he or she is employed in a “high demand” occupation (based on an annual state analysis of workforce trends and needs). The Skilled Workforce Scholarship Fund, meanwhile, will award individual students up to $17,000. To be eligible, students must be pursuing credentials in a high-demand profession, maintain a certain grade-point average, and, upon graduation, work in the state for a minimum of three years.

Money for these new programs in North Dakota will come from a mix of state dollars and private-sector fundraising.

Along with North Dakota, four other Midwestern states had jobless rates in March of below 3 percent: Iowa, Nebraska, South Dakota and Wisconsin.

Sports betting comes to the Midwest; first law signed in Indiana

Indiana Gov. Eric Holcomb signed a sweeping gambling expansion into law in May, legalizing sports betting at the state’s casinos and “racinos” (racetracks with casino games), as well as on mobile devices.

HB 1015 imposes a 9.5 percent sports wagering tax on gross receipts. It also lets the owner of a riverboat casino in Gary, Ind., relocate inland by paying a $20 million fee and opens the possibility of a new casino being built in Vigo County (in southwest Indiana).

The signing of HB 1015 made Indiana the first state in the Midwest to legalize sports betting. As of early May, Iowa’s SF 617 was awaiting action by Gov. Kim Reynolds. According to The Des Moines Register, that bill would allow individuals to wager on sports at any of Iowa’s 19 casinos, as well as online. Legislators set the tax rate at 6.75 percent.

As of early May, bills to legalize sports betting remained under consideration in states such as Illinois (HB 1260), Michigan (HB 4311 and SB 186), Minnesota (HF 1274 and SF 1894), and Ohio (HB 194 and SB 111). This flurry of legislative activity is the result of a 2018 U.S. Supreme Court decision that overturned a federal ban on sports betting in most states.