AFTER DEATH OF GEORGE FLOYD, PUSH FOR STATE-LEVEL CHANGE INTENSIFIES

Proposals seek new police training, protocols and ways to prosecute misconduct cases

by Mitch Arvidson (marvidson@csg.org)

Eight minutes and 46 seconds. That’s how long Minneapolis police officer Derek Chauvin kneeled on George Floyd’s neck while three other officers stood by and watched as Floyd died.

Twenty rounds. That’s how many shots were fired by three Louisville, Ky., police officers into the home of Breonna Taylor as they executed a no-knock search warrant, killing her as she slept.

Twelve years old. That’s how old Tamir Rice was when he was shot and killed by a Cleveland police officer while holding a pellet gun in a public park.

This list can go on and on. According to The Washington Post, 5,424 people have been shot and killed by police since Jan. 1, 2015. (See page 7 for state-by-state data for the Midwest.) African Americans make up 24 percent of those shot and killed by police; in 353 of these 1,298 incidents, the individual possessed neither a gun nor a knife. (African Americans make up 13.4 percent of the U.S. population.)

Following the death of George Floyd in late May, protesters took to the streets in all 50 states and in more than 60 countries. Their calls for change have included a push for new state laws — for example, bans on chokeholds and certain other restraints, greater civilian oversight of police, and mandatory de-escalation training.

In New York, one of the first U.S. states to act following Floyd’s death, legislators repealed statutory language that had shielded police officer’s disciplinary records from public view.

“The death of Eric Garner [was] one of the many incidents that drove the reform,” says Weihua Li of The Marshall Project, a nonprofit, nonprofit news organization that covers the U.S. criminal justice system. After Garner’s officer-involved death in 2014, Li says, “It was impossible for his family to obtain disciplinary records of the officer who killed him — until those records were leaked.” That will change as the result of New York’s new law.

In the Midwest, legislation has been introduced in many state capitols since the May 25 death of George Floyd. In one of those states, Iowa, a comprehensive police-reform measure already had been passed and signed into law by mid-June.

IOWA REFORMS ADOPTED SOON AFTER FLOYD’S DEATH

Going as far back as the Civil War, House Majority Leader Matt Winders’ says, Iowa has been a national leader in the fight for racial parity and justice. (His home state, for example, sent more citizens to fight in the Civil War, on a per capita basis, than any other state.)

“The times we are in now should be treated no differently,” he adds, “when we see injustices happening that should never happen in a civilized and equal society.”

This year’s response in Iowa was the passage of HF 2647. The new law bans chokeholds by law enforcement, unless the officer “reasonably believes” that a
Wisconsin schools’ use of physical restraint, seclusion will get more state scrutiny under new law

by Tim Anderson (tanderson@csg.org)

A

lready one of the seven Midwestern states that limit schools’ non-emergency use of physical restraints and seclusion on students, Wisconsin has a new law that further restricts these techniques and also strengthening the rules on training, data collection and parental notification.

SB 527 was signed by Gov. Tony Evers in March.

“This is a pretty tough issue, and every time we take it on it takes a long time and many redrafts of the legislation,” says Wisconsin Sen. Luther Olsen, primary sponsor of SB 527, as well as the state’s original sponsor for 2021 on physical restraint and seclusion.

“You have people coming from very different sides — advocates for students and children with disabilities, and advocates for schools. You want to get to a place where you’re protecting everybody.”

With the new law in place, the use of prone restraints (when the student is placed face down on a surface and physical pressure is then applied) is explicitly prohibited.

In her 2019 national study of state laws, attorney Jessica Butler (the mother of a child with autism) found that 16 states already had explicit bans on prone restraint or techniques that impair breathing. That list of states includes Iowa, Kansas, Michigan, Minnesota and Ohio.

And Wisconsin is not the only state in the Midwest with new policies since the release of Butler’s study.

Illinois is aiming to phase out the use of prone restraint by next July, and the state Board of Education also has issued new rules and restrictions on when schools can physically restrain students in any way or put them in isolated seclusion.

That state’s actions came after a high-profile investigation last year by the Chicago Tribune and ProPublica. It documented more than 20,000 incidents of isolated seclusion over the past 15 months. Under existing state law, that practice is only permitted if a student poses a severe threat. But according to the investigation, in many cases, students were getting “isolated timeouts” for disobedience or refusing to do schoolwork.

There also was a push this year in Illinois to get new legislation passed. HB 3975 and SB 2315 would have outright banned the use of seclusion, and some lawmakers wanted an immediate end to the use of prone restraint. These measures did not pass.

Compared to their peers, students with disabilities are much more likely to be physically restrained or secluded by schools, according to a February 2019 report of the U.S. Government Accountability Office. For example, nationwide, more than 75 percent of the students physically restrained during the 2013-14 school year had a disability of some kind.

Disability rights groups in Wisconsin advocated for the recent changes in that state.

In addition to the new ban on prone restraint, Wisconsin will require its schools to report data on the use of restraint and seclusion to the state Department of Public Instruction.

In addition, schools must convey a written report of a restraint/seclusion incident to parents, and a school’s principal must meet with staff members to discuss ways to prevent future incidents.

“The real big thing is training on how to de-escalate,” Olsen says, “and that’s hard, because every student and every situation is different.”

Under the new law, Wisconsin is modifying its training requirements. School staff must receive “evidence-based instruction” on positive behavior supports and interventions, as well as techniques that prevent or reduce the use of physical restraint.

Olsen says the key to legislative passage was giving the two sides on the issue (advocates for schools and disability rights groups) time to work through their differences.

“Let them have ownership and don’t try to jam anything through,” he says. “SB 527 ultimately had widespread, bipartisan support.”

“It is critical that all students feel safe coming to school,” says Sen. LaTonya Johnson, another legislative sponsor of the measure.

Wisconsin Sen. Luther Olsen

Legal fight continues over operation of 67-year-old pipeline that carries oil, gas across Straits of Mackinac

by Tim Anderson (tanderson@csg.org)

D

espite an agreement reached in late 2018 between the state of Michigan and the owner of a pipeline that carries light crude oil and liquid gas across the Straits of Mackinac, a legal fight between the two sides is showing no signs of ending.

Line 5 runs 645 miles from Superior, Wis., to Sarnia, Ontario. That includes a four-mile stretch of dual pipelines that cross the Straits (which connects Lakes Michigan and Huron) on top of the lakebed.

Built in 1953, Line 5 moves 400,000 barrels of natural gas liquids every day; 65 percent of the homes in Michigan’s Upper Peninsula are heated by the propane carried by Line 5, according to Enbridge, the Canadian company that owns and operates the pipeline.

But there has long been opposition to and concerns raised about Line 5 — about its age, its location in the water of the Great Lakes, as well as reports that the pipeline has spilled at least 1.1 million gallons of oil since 1968.

The agreement from 2018 seeks to address those concerns through an infrastructure upgrade. Construct a tunnel in the Straits of Mackinac starting in 2021, complete the project by 2024, and then relocate the Line 5 pipeline inside the new tunnel. (Enbridge would pay for the project.)

This agreement is the result of a measure passed by the Michigan Legislature, as well as subsequent deals reached between Enbridge and then-Gov. Rick Snyder.

Only a few weeks after that law was passed, though, Gov. Gretchen Whitmer and Attorney General Dana Nessel took office; both have said they want the line shut down.

Whitmer demanded just that in June, after Enbridge alerted the state that an anchor support on one of the dual pipelines had incurred significant damage.

In a letter to Enbridge, Whitmer requested that operations only resume once a third party assessed the damage and the company implement preventative measures.

Nessel then sought a temporary restraining order in state court requiring Enbridge to cease all transport operations. In early July, the court issued a ruling that stopped operations on one part of the dual pipeline, the east leg where the structural damage had been reported.

The court, though, allowed for use of the west line.

“With the continued operation of this pipeline, the risk of severe and lasting environmental damage to Michigan’s most important natural resource continues to grow every day,” Nessel said, adding that “work must continue toward complete removal of Line 5 from our waters.”

Since taking office, Nessel has initiated two lawsuits involving Enbridge and Line 5. The first challenge whether the 2018 law had been properly enacted; two lower courts in Michigan said the legislative actions were constitutional.

The second lawsuit seeks to end Enbridge’s use of the existing dual pipelines. The attorney general argues that continued operation violates the public trust doctrine, is a public nuisance, and violates the Michigan Environmental Protection Act because it is likely to cause pollution, impairment and destruction of water and other natural resources.

CSG Midwest provides staff support to the Great Lakes-St. Lawrence Legislative Caucus. This nonpartisan, binational group is led by two officers: Indiana Sen. Ed Charbonneau, chair; and Illinois Rep. Robyn Gabel, vice chair.

Great Lakes

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Educatio

WSI 2020 ISSUE BRIEFS

Wisconsin schools’ use of physical restraint, seclusion will get more state scrutiny under new law

Laws, regulations restricting schools’ physical restraint or seclusion of children to emergencies only

Restrain and seclusion of all children are limited to immediate threats of physical danger

Restrain and seclusion of children with disabilities are limited to immediate threats of physical danger

Great Lakes

Legal fight continues over operation of 67-year-old pipeline that carries oil, gas across Straits of Mackinac

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**HEALTH & HUMAN SERVICES**

States provide limited immunity for health care workers, facilities, other companies in COVID-19 pandemic

by Jon Davis (jdavis@csg.org)

As the Midwest's policymakers have wrestled this year with the COVID-19 pandemic's health and economic impacts, many have given health care (and other) businesses limited immunity from civil lawsuits, as long as they have made good-faith efforts to comply with public health guidelines during the crisis.

Governors using executive orders initially provided such immunity in Illinois, Iowa, Kansas and Michigan, according to the American Tort Reform Association. But legislators in Iowa, Kansas and Wisconsin opted to enshrine that protection in state law.

Iowa's SF 2338, signed in mid-June, provides a "safe harbor" from civil liability for people and businesses if they were acting in "substantial compliance" with state and federal health guidance at the time of alleged exposure or potential exposure to COVID-19.

"It’s protection for businesses that are following prescribed practices to the best of their ability given the myriad of protections being advised," says Iowa Rep. Gary Carlson, chair of the House Commerce Committee, who served as House manager for HF 2338. "Our feeling was, companies that are doing their best to meet a national need shouldn't be subject to some kind of liability because of that." "As a whole country," he adds, "we're learning as we go."

As part of Kansas' recently enacted HB 2016, adult care facilities "shall have an affirmative defense to liability" in COVID-19-related civil actions against them if they are in compliance with "public health directives" and state statutes.

Likewise, legislators strengthened immunity for all health care providers — for example, deciding that these providers make to alter, delay or withhold services "as a direct response to any (declared) state of disaster emergency" (The law notes, however, that these new protections do not cover negligent or reckless decisions by providers.)

Similarly, Wisconsin's AB 1038 (signed in mid-April) gave health care professionals and providers (as well as "their employees, agents or contractors") immunity from civil liability for "certain actions or omissions committed during, or within, 60 days" after Gov. Tony Evers' March 12 declaration of a state of emergency. Executive order from Illinois Gov. J.B. Pritzker and Michigan Gov. Gretchen Whitmer cited existing laws to give civil-liability immunity for the duration of the emergency to health care workers and facilities, except in cases of wanton, willful misconduct or reckless conduct.

» Pritzker's order references two existing laws: 1) the Illinois Emergency Management Act, which gives immunity to people and companies working "under the direction of the state, or any political subdivision of the state," or rendering "assistance or advice at the request of the state." 2) The state's Good Samaritan Act, which gives immunity to health care workers "who volunteer their time and talent to help others."

» Whitmer's order cites Michigan's Emergency Management Act to confer licensed health care professionals or designated health care facilities providing medical services in support of the state's response to the COVID-19 pandemic, unless the injury or death was caused by the health care professionals' or facility's gross negligence.


**AGRICULTURE & NATURAL RESOURCES**

South Dakota amends its siting laws to try untangling varying county special, conditional use zoning rules

by Carolyn Orr (cor@strawbridgefarm.us)

n a series of roundtables that South Dakota Gov. Kristi Noem held with agriculture and energy groups, one issue that came up repeatedly was the need for consistency in the state's widely variable county special and conditional permitting processes.

Before SB 157 became law in March, county zoning rules in South Dakota varied from none to very restrictive.

Noem told a Senate State Affairs Committee hearing in February that it revises county planning and zoning laws in ways that will keep permitting "fair, open and honest" by creating "a more predictable process for businesses and families that want to create or expand agriculture or energy infrastructure."

Since most livestock feeding operations in South Dakota are family owned and operated, streamlining the permitting process was one way her administration could help create a more welcoming environment for young people to get involved in agriculture, Noem said.

But the new rules also apply to a wider range of industries like wind farms, she adds. Opponents said it reduces local control.

The law clarifies that counties can establish a "special permitted use" to simplify the process that allows an area to grant zoning permits for some uses based on a checklist of requirements, without holding public meetings — like cenotaphs, small livestock facilities and greenhouses, for example.

It also states that a "conditional use" is any use that is not expressly permitted in a district and which needs county approval and a public hearing, and is subject to requirements that may differ from those imposed for uses permitted by right; projects like larger livestock, confinement facilities or wind turbines, for example.

The law also changes the vote to allow a conditional use permit from two-thirds to a simple majority of commissioners at present at the meeting.

South Dakota Sen. Gary Cammack says the new law "is not out taking local control," but adding state-enforced conformity to the process.

The law also tightens the appeals process by restricting appeals to those who are "aggravated persons," defined as "someone directly interested in the outcome [who] suffered or would suffer an actual injury and limits those appeals to a 21-day window. Appeals must be reviewed by a county's board of adjustment, which must hold at least one public meeting on the appeal. A two-thirds vote is now required to reverse the original zoning decision. The new law also allows a court to award attorney's fees, costs, and even compensatory damages against appellants who lose their appeal.

In 2002, Iowa adopted the first matrix scoring system to be used by counties in evaluating the construction of livestock confined feeding operations of more than 1,000 animal units (1,000 cattle, 2,500 hogs, or 125,000 broilers). Counties must decide annually whether to adopt the matrix, and score any applications for facilities. If a facility does not pass the county review, then the Iowa Department of Natural Resources makes the final determination.

In 2017, the state approved additional legislation that allows for an affirmative defense and limits compensatory damages when an animal feeding operation is alleged to be a nuisance in a lawsuit. Wisconsin's siting law form 2004 says that if local political decisions opt to require livestock farms to apply for a conditional use permit, they must have a common application and approval process. State standards provide oversight on local regulations regarding such items as the location of livestock facilities, odor and emission standards, water management and manure waste storage facilities. In 2016, Nebraska developed a voluntary matrix through LB 106 (of 2015), which states the matrix "may be used by county officials to determine whether to approve or disapprove" applications.

**OTHER STATES' DESIGNS**

Proposed legislation on livestock feeding is not new, and few issues have taken up as much time in Midwestern legislative agriculture committees over the last two decades as the siting of livestock facilities. This has resulted in different approaches to the permitting process. In 2020, Iowa adopted the first matrix scoring system to be used by counties in evaluating the construction of livestock confined feeding operations of more than 1,000 animal units (1,000 cattle, 2,500 hogs, or 125,000 broilers). Counties must decide annually whether to adopt the matrix, and score any applications for facilities. If a facility does not pass the county review, then the Iowa Department of Natural Resources makes the final determination.

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As they grapple with public health crisis, state leaders have limited budget-balancing options

According to Kerns, most governors were asking state agencies to plan for cuts of 4 percent, 10 percent or 15 percent in FY 2021. Projected declines in revenue for the fiscal year have ranged widely in different states, anywhere from 4 percent to 40 percent — a sign of how uncertain this fiscal period is. Also unclear is the extent to which states will get help from Washington, D.C; during the Great Recession, federal aid helped offset many state budget cuts. “To date, that aid has been more focused on helping with increased expenditures from the public health crisis and not on assisting states with revenue loss,” Kerns said.

When the pandemic hit, state rainy day funds (both nationally and in some Midwestern states) were at an all-time high. Tapping into these funds will be one budget-balancing strategy for FY 2021. However, rainy day funds alone won’t be enough to fill the large shortfalls in FY 2021, and Kerns added that it’s best not to deplete these savings in a single year.

What about raising taxes? Kansas Sen. Carolyn McGinn said that option is out of the question in her home state due to concerns about the economic effects. “We have small businesses that are just trying to survive,” she told fellow legislators on the webinar.

As of May, state revenues in FY 2020 were 5.4 percent below the same period in FY 2019. One indicator of the impact of COVID-19: Prior to the pandemic, forecasters expected $50 million in revenue in May from casino/racino activity; instead, Indiana got $0.

In 2020, and beyond, far outweighed the knowns. More federal assistance be made available to help close budget shortfalls? How big will those shortfalls be? Will the economic effects of the COVID-19 pandemic be felt the entire fiscal year? “It’s been very hard for states to forecast given the uncertainty of the public health emergency,” Shelby Kerns, executive director of the National Association of State Budget Officers, said during a July webinar of The Council of State Governments’ Midwestern Legislative Conference.

But she told legislators of one unmistakable fiscal reality: “States will be grappling with the impact of COVID-19 for years to come.”

The options to fix out-of-balance budgets fall into three broad categories: cut spending, raise more revenue or tap into savings. But some of the specific strategies traditionally used by legislators may not be available this time around.

“Who’s different about this fiscal crisis is the public health emergency, which can limit or change some of the options,” Kerns said. “In addition to increased spending being required to respond to the pandemic, some cuts may be impossible, or least unfunded.”

During the Great Recession, many states cut reimbursement rates for Medicaid providers and reduced aid to local governments, which employ many first-responders and other frontline workers. Would such cuts be wise, or even possible, now?

Similarly, Kerns noted that during the two fiscal years of the Great Recession, state spending on K-12 education fell by nearly 8 percent. Some kind of cuts in this area would seem likely in FY 2021, simply because the funding of elementary and secondary schools takes up such a large portion of spending (more than one-third of state general funds). Of spending (more than one-third of school expenditures in state general funds).

In early May, a budget deficit of $2.4 billion was being projected for the current biennium, which ends June 30, 2021. In July, Minnesota did report general fund revenue for FY 2020 as being slightly higher (0.8 percent) than that May forecast.

In April, revenue estimates for FY 2020 and FY 2021 were decreased by a combined $1.3 billion (-10.8 percent and -5.8 percent in 2020 and 2021, respectively). For this calendar year, Kansas forecasters were predicting a 4.7 percent drop in gross state product.

In May, state forecasters revised their estimates for fiscal years 2020 and 2021 — both in a downward direction. They were still predicting higher year-over-year revenues between FY 2019 and 2020 (1.0 percent), but an actual drop between FY 2020 and 2021 (-0.8 percent).

The province closed the fiscal year in 2020 with a budget deficit of $41 million, the result of a steep revenue decline related to the COVID-19 pandemic. In the final three months of the fiscal year, Saskatchewan’s revenue declined by $496 million.

General fund revenue was down 24 percent in May compared to previous projections for that month. However, actual collections for the current biennium were still outpacing (by 2 percent) the numbers that legislators used last year in crafting North Dakota’s budget.

General fund collections in May were 19.1 percent below what was projected. The province closed the fiscal year in 2020 with a budget deficit of $2.4 billion, which was either balanced or had only a small shortfall.

In June, revenue collections for the state general fund were $370 million lower (-21.6 percent) than those in June 2019. State fiscal analysts cite two reasons why: the impact of the COVID-19 pandemic and the delayed filing date for income and franchise tax payments.

Revenue collections for FY 2020 were $7.1 billion below last year’s levels. And for FY 2021, budget forecasters in May revised revenue estimates for the state general fund downward by a total of $4.2 billion — a drop of 10-4 percent compared to March estimates.

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‘RIGHT TO LITERACY?’ CASES CHALLENGE STATE SCHOOL SYSTEMS ON THESE GROUNDS

by Tim Anderson (tanderson@csog.org)

In their federal lawsuit against the state of Michigan, seven students of Detroit’s public schools told of buildings that were unsafe and of classrooms that were unfit for learning. The smell of “dead vermin and black mold in hallways”

Teachers absent as many as 50 days a year.

Classes run by substitute teachers, paraprofessionals or even the students themselves.

Out-of-date textbooks having to be shared by multiple students.

Classroom temperatures exceeding 90 degrees, or freezing cold other times of the year.

“The basic thesis of the case was that these were schools in name only, and they were not capable of delivering even basic literacy instruction,” says Mark Rosenbaum, director of Public Counsel, the largest pro bono law firm in the nation and an attorney for the student-plaintiffs.

“The result, the students were not being put in a position where they could better their circumstances or where they could be meaningful participants in a democracy.”

The evidence in this case: A vast majority of students in these schools fell below proficiency on reading and math assessments.

The legal argument. These students were being deprived of access to foundational literacy, a constitutional right under the Fourteenth Amendment. Earlier this year, a U.S. Court of Appeals agreed, overturning a decision at the district level that had sided with the state of Michigan.

“The role of basic literacy education within our broader constitutional framework suggests it is essential to the exercise of other fundamental rights,” the U.S. Court of Appeals wrote in April in its 2-1 decision.

“Most significantly, every meaningful interaction between a citizen and the state is predicated on a minimum level of literacy, meaning that access to literacy is necessary to access our political process.”

Soon after the Court of Appeals ruling, Michigan Gov. Gretchen Whitmer reached a settlement with the plaintiffs (against the wishes of the state Legislature), agreeing to take the following actions:

• Propose legislation during her first term that provides $94.4 million in literacy-related programs and initiatives for the Detroit Public School Community District

• Provide $280,000 for the student-plaintiffs to further their education or access a high-quality literacy program.

• Bolster the advisory role of the state Department of Education in helping school districts implement evidence-based literacy strategies, with a focus on reducing class, racial and ethnic disparities.

• Establish a Detroit Literacy Equity Task Force that will conduct yearly evaluations on literacy and provide state-level policy recommendations.

According to Rosenbaum, conditions in Detroit made it a clear choice to make the literacy-based challenges to substandard schools — the state had taken over the school system for an extended period of time, for example, and Detroit had the lowest literacy rate of any major U.S. school district.

But he adds that “you could throw a dart at the map, and you’ll find in any state a school district where you have enrollment with mostly students of color and low-income families having to address the same challenges.”

Earlier this year, California settled a lawsuit brought by students, parents and advocacy groups. Unlike the lawsuit in Michigan, the California case centered on students’ rights to access to literacy under the state Constitution.

As part of the settlement, California agreed to spend $50 million on evidence-based literacy instruction at the state’s 75 lowest-performing elementary schools. It also will create a new statewide position to lead California’s work on literacy instruction.

The Michigan and California lawsuits were the first right-to-literacy cases of their kind, Rosenbaum said, but won’t be the last: “There are more of these cases coming.”

This year’s Midwest Legislative Conference Chairman’s Initiative of Michigan Sen. Ken Horn is focusing on policies related to literacy. StateLine Midwest is featuring a series of articles on this subject throughout the year.

% of LOW-INCOME EIGHTH-GRADERS WHO SCORED AT OR ABOVE PROFICIENT IN READING, 2019

<table>
<thead>
<tr>
<th>State</th>
<th>% of Students Reading at or Above Proficient</th>
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<tr>
<td>Iowa</td>
<td>16.0%</td>
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<tr>
<td>Michigan</td>
<td>17.0%</td>
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<tr>
<td>Minnesota</td>
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<td>Wisconsin</td>
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<td>South Dakota</td>
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% of VOTING BY MAIL IN MIDWEST STATES IN THE 2010 GENERAL ELECTION

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<tr>
<th>State</th>
<th>% of Voters Voting by Mail</th>
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<td>Iowa</td>
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<tr>
<td>Michigan</td>
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<td>Minnesota</td>
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<td>North Dakota</td>
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<td>Ohio</td>
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Entering this year, 29 states — including all Midwestern states but Indiana — already allowed vote-by-mail or “no excuse” absentee voting, meaning a voter can request an absentee ballot without having to meet set criteria, according to the U.S. Election Assistance Commission.

But there has never been an election year quite like 2020. Due to the COVID-19 pandemic, absentee ballot applications were mailed to all registered voters in advance of primary elections in states such as Indiana (which also temporarily waived its “excuses” requirement), Iowa, Nebraska, North Dakota and South Dakota.

Under a recently enacted law in Illinois (SB 1863), every person who has voted in the past two years will be sent an application in advance of this November’s general election. Registered voters in states such as Michigan, Ohio and Wisconsin also will be receiving absentee-ballot applications for the general election.

As a result of many states’ primaries being held during the COVID-19 pandemic, there already has been a historic rise in the number of people voting by mail in the June 2 primary election, for example, more than 411,000 people voted absentees, dwarfing the previous mark of 38,000 from the 2016 primary. In North Dakota, all 53 counties opted for voting by mail in that state’s June 9 primary; 193,521 of the 196,000 ballots sent were returned by voters.

Due to this increase, vote-by-mail policies are being reviewed and scrutinized. Here are results of a recent CSG Midwest survey about policies in three key areas: the use of secrecy sleeves/envelopes, whether postage is prepaid for voters, and whether voters must provide a witness signature with their returned ballot.

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<td>Ohio</td>
<td>25.3%</td>
</tr>
</tbody>
</table>

Lightly hatched squares represent states that have no witness signature requirement. Bold and lightly hatched squares represent states that have a witness signature requirement.

The legal argument: These students were deprived of access to foundational literacy, a constitutional right under the Fourteenth Amendment. Earlier this year, a U.S. Court of Appeals agreed, overturning a decision at the district level that had sided with the state of Michigan.

“The role of basic literacy education within our broader constitutional framework suggests it is essential to the exercise of other fundamental rights,” the U.S. Court of Appeals wrote in April in its 2-1 decision.

“Most significantly, every meaningful interaction between a citizen and the state is predicated on a minimum level of literacy, meaning that access to literacy is necessary to access our political process.”

STATELINE MIDWEST | JULY 2020
suspect will use deadly force and can’t be apprehended in another way. HF 2647 also authorizes the Iowa attorney general to prosecute officer-involved death cases; previously, the local county prosecutor had to request to appoint the attorney general’s participation.

Lastly, under this new Iowa law, police departments will not hire individuals previously convicted of a felony, and officers will receive annual training on de-escalation techniques and implicit bias.

Taken together, the bill’s sponsors say these statutory revisions will help provide for meaningful change in policing. How did the Iowa Legislature act so quickly, and in such a bipartisan fashion?

Windschitl credits communication, early and often, between the state’s legislative leaders.

“The first meeting the speaker of the House [Pat Grassley] and I had upon the Legislature reconvening was with the minority leader [Todd Pritchard] and Rep. Ako Abdul-Samad, who is a leader in the African American community in our capital city,” he says.

“That meeting led to many subsequent meetings with leaders from both chambers and both parties, including Gov. [Kim] Reynolds, to come together and craft the justice-reform legislation.”

Much more work remains to be done, on policing and overall disparities in Iowa’s criminal justice system. As of 2017, Black lowows were being incarcerated at a rate 9.5 times higher than White lowows, the second-highest rate of disparity in the Midwest. Statistic like those led Gov. Reynolds to form a special statewide committee on criminal justice reform.

Its recommendations, released in 2019, focused on how to reduce rates of recidivism by expanding services to individuals while in prison (behavioral health, treatment, education, etc.) and strengthening re-entry programs (transportation and workforce development, for example).

“The conversations are ongoing and will take time to properly identify what the next steps are moving forward,” Windschitl says.

“Many times the best solutions can be found in our communities, and the way we look at and treat one another.”

MICHIGAN HOUSE, SENATE MOVE BILLS ON POLICE TRAINING

Three days after the death of George Floyd, Michigan Sen. Jeff Irwin introduced SB 945, which would require all incoming police officers to complete training on implicit bias, de-escalation techniques, and the use of procedural justice in interactions with the public.

Additionally, the bill would require officers to complete 12 hours of continuing education annually. SB 945 passed the Michigan Senate in just one week. A near-identical measure, HB 5837, was passed by the House in June.

According to Irwin, the language of SB 945 had been circulating since last year, but after Floyd’s death and the public outrage that followed, many senators were clamoring for action. That led to the legislation’s quick introduction and quick passage.

But even if this measure on police training becomes law, Irwin says, it’s only a start.

“The four main categories I focus on are citizen oversight, independent investigations of police misconduct, demilitarization of police forces, and better training and accountability around officers licenses and certification,” Irwin says.

Policing in the United States is quite fangled, with several hundred city police departments and county sheriff offices in every state.

Still, Irwin says, state governments can help drive many of the necessary reforms.

“We have a tremendous role when it comes to certification and licensing,” he says. “I also think the state has a role in modeling best practices to our local governments.”

In Minnesota, for example in his home state, he points to the addition of public members to the Michigan Commission on Law Enforcement Standards as a best-practice model for increasing citizen oversight and police accountability. (This state commission licenses the licensing, and license revocation, of officers.)

Within days after the death of George Floyd, Minnesota Gov. Tim Walz asked another statewide, constitutional officer to lead prosecution of the case. Attorney General Keith Ellison agreed to take on this new responsibility, and soon after, he filed formal charges against the four Minneapolis police officers involved in Floyd’s death.

In a June interview with CSG Midwest, Ellison discussed his leadership role in this historic case, and moment in U.S. history. Here are excerpts.

Why are you leading prosecution of the case, rather than the local county prosecutor (Hennepin County Attorney Mike Freeman)?

Well, the first thing that happened was Mike Freeman asked us to partner with him on the case, and Hennepin County is still very involved. We’re working together. The governor wanted us in publicly, and that was important to him.

The way that the Minnesota attorney general can get into a criminal case is if we’re referred to by a county and invited in, or if we’re assigned by the governor. In this situation, both happened.

For state legislators across the Midwest and country, what are some state-level policies that you would single out as ways to prevent deadly-force encounters among police and civilians?

I think it is a good idea to reduce the civil burdens to hold police accountable. Getting rid of, or modifying, qualified immunity is a very appropriate thing to do.

I think that it’s critical to have independent investigation and accountability by creating units within (government) to make sure the investigation and prosecution are viewed to be independent and not based on any prior relationships that might lead people to believe there are some folks who are above the law. People need to know that the outcome is based on the facts and the law.

What are some of those ‘civil burdens’ that you view as an obstacle to accountability?

With collective bargaining agreements, which are basically a labor contract between the city and the police union, if there is a dispute around misconduct, it goes to an arbitrator. That shouldn’t be.

I don’t have a problem with things like pay and pension and working conditions being bargained collectively, because I believe in unions. But when it comes to an officer engaging in misconduct, that should not be subject to arbitration. Those provisions should simply be void in the public interest. So that the chief can fire people and there can be a city council or a mayoral appeals process, but that you don’t go to a nameless, faceless arbitrator who just puts the person back on the force.

What you have is a situation where somebody beats up a citizen, they’ve been in trouble for it before. Meanwhile, the arbitrator just puts them right back on, in defiance of the chief.

Months prior to the death of George Floyd, you helped lead a working group in Minnesota that released 28 recommendations on how to reduce deadly-force encounters. Which of those strike you as particularly relevant right now?

All 28 of them! The bottom line is, we need to do a whole range of things that make the system of safety and security more responsive and interactive with the community, and more accountable to the community. This starts with changing the POST [Peace Officer Standards and Training] Board conditions. People need to know about and engage with the POST Board.

It means that police departments need to engage in trauma-informed training. It means that mayors and city councils really need to adopt systems on what to do in the tragedy of an officer-involved shooting or death. Families lack information. They might have a loved one die, and nobody knows, and they never get any answers.

We do need to change our system of standards for uses of force. We do need a system that really says we have sanctity of life at the core of our policy, and that an officer might need to back off of someone if that person is not posing an immediate threat to others. Even if they may have a weapon or a knife doesn’t mean you go shoot them. Maybe it means you close the door of the room that they’re in, and call mental health people to say we’ve got somebody in a mental health crisis.

We need to use things like body cameras in a non-disciplinary way, meaning we need to use it to do training and assimilation and review.

I know that the public thinks that this is a finger snap, but this system has developed over the course of 150 years. This system of law enforcement has developed over long periods of time. It won’t just be fixed with officer training, and it won’t just be fixed with changes in legal accountability, or body cameras. We need all of this stuff — plus more.
VALUE OF INDEPENDENT INVESTIGATIONS, PROSECUTIONS

*continued from page 6*

Months before George Floyd’s death, an 18-member working group in Minnesota (including two members of the Legislature) released 28 recommendations aimed at reducing deadly-force encounters with law enforcement. Among the ideas:
- Adopt use-of-force standards that make sanctity of life a core organizational value and that include requirements for de-escalation;
- Improve training and develop new models of response to de-escalate incidents involving individuals in a mental health crisis; and
- Create a specialized, independent unit within state government to investigate all officer-involved shootings and uses of force that result in death or severe bodily injury.

Minnesotan Attorney General Keith Ellison, a co-chair of that working group, says Floyd’s death “tragically highlights the importance” of adopting those 28 recommendations.

“What happened to George Floyd is of course tragic for him and our community, but the reason that it was so massively explosive is that it has become a common occurrence, an appallingly common occurrence that we see all too often,” he says.

“The murder of Philando Castile [in Falcon Heights, a suburb of St. Paul] is fresh in my memory, Jamar Clark [in Minneapolis] as well, and many others,” Ellison will be leading the prosecution of the officers involved in the Floyd case, at the invitation of Hennepin County Attorney Mike Freeman and at the request of Gov. Tim Walz.

“The only way to get compliance is to enforce the law; it is an indispensable part of the overall move to reform policing,” Ellison says.

“Yet it’s not sufficient,” he wants to see quick legislative action.

“It is time to get some of this stuff into policy and not dawdle around anymore,” he says of recommendations such as those proposed by the 18-member working group.

The Legislature’s first chance to act after Floyd’s death came during a special session held in late June.

A House measure, dubbed the Minnesota Policy Accountability Act (HF 93), would have banned chokeholds and warrior-style training, as well as required changes to how officer-involved deaths are prosecuted (power given to the state attorney general), how use-of-force cases are investigated.

The Minnesota Senate passed bills banning chokeholds and neck restraints, establishing a duty to intervene and report if an officer sees excessive use of force, and requiring officers to consider the sanctity of life before using deadly force. Both chambers also included more mandatory police training.

No final agreement between the Democrat-led House and Republican-led Senate was reached before the end of the June special session.

Unlike most years when the Minnesota Legislature would have already adjourned for the year, though, lawmakers may come back to St. Paul multiple times in order to approve, or deny, Gov. Walz’s pandemic emergency declaration related to COVID-19.

Ellison says he remains hopeful for meaningful legislative action this year. He suggests that legislators look at reducing the scope of qualified immunity (the doctrine that grants government officials, including police officers, immunity from civil lawsuits as long as they did not violate “clearly established” law) and establishing independent investigations for use-of-force cases involving police.

For example, one of the Minnesota working group’s recommendations is to create an independent, specialized unit within the state’s Bureau of Criminal Apprehension. This unit would investigate all officer-involved shootings and uses of force that result in death or severe bodily injury.

“Make sure the investigation and prosecution are viewed to be independent and not based on any prior relationship that might lead people to believe there are some folks who are above the law,” Ellison says.

ILLINOIS: TRIO OF BILLS IN COMMITTEE

Soon after the death of George Floyd, the sponsors of three bills in Illinois renewed their push for passage of their reform measures: take away the pensions for any police officer convicted of a felony (HB 4999); require a special prosecutor to be assigned to all death cases involving a law enforcement officer (HB 3926); and require local governments to provide mental and behavioral health professionals, instead of the police, to individuals who call 911 in mental or emotional distress (SB 3449).

IOWA: LAW CHANGES POLICE PROSECUTIONS

HF 2647, signed into law in June, gives the state attorney general the power to prosecute cases involving the death of a civilian by a police officer, “regardless of whether the county attorney requests the assistance.” In addition, the use of chokeholds by law enforcement is not allowed, except in cases when an officer “reasonably believes” that an individual will use deadly force and cannot be apprehended in any other way. (This is the same standard under Iowa law for use of deadly force by police.)

KANSAS: RESOLUTION ‘CONDEMNING BRUTALITY’

On June 3, HCR 5002 was introduced to condemn “all acts of police brutality, racial profiling and the use of excessive and militarized force throughout the country.” The resolution died in committee when the Legislature adjourned the next day.

MICHIGAN: FOCUS ON DE-ESCALATION, TRAINING

Under separate bills passed by the Michigan House and Senate (HB 5837 and SB 945), the state would require all incoming officers to complete training on implicit bias, de-escalation techniques, and procedural justice. Procedural justice is described in these bills as prioritizing “legitimacy over deterrence in obtaining citizen compliance” and emphasizing “its fair process and respectful two-way communication.” As part of their training, too, incoming officers would receive information on mental health resources available to them. Lastly, these bills mandate that officers complete 12 hours of continuing education every year.

MINNESOTA: MANY BILLS, NO FINAL AGREEMENT

Under the House-passed Minnesota Policy Accountability Act (HF 93), the state would ban chokeholds and warrior-style training. It also would change how officer-involved deaths are prosecuted (power given to the state attorney general) and use-of-force cases are investigated (by an independent unit of state government).

The Minnesota Senate passed bills banning chokeholds and neck restraints, establishing a duty to intervene and report if an officer sees excessive use of force, and requiring officers to consider the sanctity of life before using deadly force. Both chambers also included more mandatory police training.

Unfortunately, none of these bills passed during the special legislative session in June.

OHIO: REVIEW BILLS’ IMPACT ON RACIAL GROUPS

Two Ohio resolutions introduced in June (SCR 14 and HCR 31) would declare racism a public health crisis and request the formation of a working group to promote racial equity. HB 690, meanwhile, would require that human impact statements be completed by Ohio’s Legislative Service Commission on all criminal justice bills. The purpose: Determine if these measures would have a disparate impact on a racial or ethnic group. Finally, HB 703 would impose mandatory psychological testing of police officers and create a disciplinary database.

SASKATCHEWAN: IMPROVE POLICE OVERSIGHT

The Government of Saskatchewan introduced legislation in June to improve police oversight. One key provision: When someone suffers a serious injury or death while in police custody, or as a result of the actions of an officer, turn over the investigation to the province’s Public Complaints Commission — a five-member, non-police body.

WISCONSIN: GOVERNOR UNVEILS NINE BILLS

Gov. Tony Evers and Lt. Gov. Mandela Barnes released drafts of nine bills that, among other provisions, would ban chokeholds, establish statewide use-of-force standards, require de-escalation training by police, and prohibit no-knock warrants. Evers declined to convene a special session, so consideration of these bills must wait until 2021.

*As of the end of June, the Indiana, Nebraska, North Dakota, South Dakota and Wisconsin legislatures had not met in session since the death of George Floyd. The Nebraska Legislature is meeting in regular session this summer.

# OF PEOPLE SHOT AND KILLED BY POLICE:
JAN. 1, 2015, TO JULY 1, 2020

<table>
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<th>% of people shot and killed by police who were Black or Hispanic</th>
<th>% of state’s total population that is Black or Hispanic</th>
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<td>68.3%</td>
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<tr>
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<tr>
<td>Wisconsin</td>
<td>91</td>
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<td>13.6%</td>
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</tbody>
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Source: The Washington Post and U.S. Census Bureau
Kansas native shares his views on legislative leadership, the importance of communication, and the effects of the COVID-19 pandemic on his home state

by Laura Kliewer (kliewer@csg.org)

Blaine Finch has always been up for taking on a policy challenge. In fact, it’s one of the parts of the job of state legislator that he likes the most. “That feeling when a bill passes, it gets to the governor’s desk and you know that it is going to make a difference in the lives of people who are affected by it,” he says. He refers to it as striving for the “bests” for Kansans — in the area of juvenile justice, for example, he helped lead an overhaul of the system that has since led to dramatic reductions in incarceration rates, saved money, and allowed for greater investments in education.

Today, though, Finch and other policy leaders are having to make the best of an especially challenging period in state government. “In Kansas, we had built up $1 billion surplus, and overnight saw it turn into a $300 million deficit,” he says. “No one yet knows how long the recovery will be, whether we’ve seen the bottom of the trough and we’ll bounce back, or whether there is more to come.”

Amid all of this uncertainty, though, Finch is sure of one thing — his desire to be one of the Kansas leaders helping its state through the COVID-19 pandemic and its impacts.

His interest in government dates back as far as he can remember, and by the time he was 19 years old, Finch was serving on the City Commission in his hometown of Ottawa. A year later, he was the mayor. Finch was elected to the Kansas House in 2013 and is now the chamber’s speaker pro tem.

In a recent interview with CSG Midwest, Rep. Finch discussed legislative leadership, his leadership style, and his perspective on the economic and policy challenges ahead for the state of Kansas. Here are excerpts from that conversation.

Q: From an institutional perspective, what do you view as some of the biggest challenges for the Legislature, its leaders and its members?
A: I think one of the biggest challenges is communication. I see a lot more occasions where people come together and try to find the best way forward for the state, but what gets covered (in the media) are the people on either extreme who are willing to be loud or put out a message that is negative or put out a message that is extreme who are willing to be loud.

Q: How would you describe your leadership style?
A: To be a good leader, you have to be a good listener. You try to take in as much input from as many different people as you can. You try to collaborate. And then I try to take all that input, synthesize it down, and put some kind of proposal together. I try to take those differing inputs from people and say, “OK, where do we agree? What kind of legislation can we move forward with?” So that is probably my leadership style, a mix of being collaborative and also decisive at some point.

Q: How do you adjust it so that people have access to the care they need.
A: We have three committees to do that — one is focused on the Emergency Management Act itself, another on the Kansas Emergency Management Act. Those are not permanent. I would expect that we are not very different from a lot of citizen legislatures in that it is going to make a difference in the lives of people who are affected by it.

Q: So was a statute adopted this year to address some of those uncertainties with the state’s legal framework?
A: Yes. When we had our special session (this spring) and passed HB 2016, we did make some changes to our Kansas Emergency Management Act. Those are not permanent. I would expect that we are not very different from a lot of citizen legislatures in the state. We are going to be calling on our interim committees to do a lot of work. We have three committees to do that — one is focused on the Emergency Management Act itself, another on the economic recovery for the state, and the third we have focused on mental health services because these times are trying for everyone, and we want to make sure people have access to the care they need.

Q: You’ve also talked about the pandemic’s immense fiscal impact. Above and beyond that, what do you see as some of the lasting effects?
A: I think the notion of public health and how we do that (in terms of public policy). I know that many states are trying to figure out what the right balance is — to give public health officers power to keep people safe but not so much power that we lose our way of life or our ability to continue to function, to thrive economically.

I think we’re going to face myriad challenges. Despite every good effort to do virtual education, it’s not the same as being there in the classroom. So, what lasting academic impacts will we have when kids return to school, if they can return to school, in the fall? We’re going to be wrestling with the lasting impacts of this pandemic for a long time to come.... All of that being said, I do think Kansans, and Midwesterners overall, are some of the most resilient people in the country, and we will find a way to get through it, to make whatever adjustments we need to make and come out of this better and stronger, and able to do the work we need to do.
leadership development and CSG’s national Henry Toll Fellowship Program, previously served as a city commissioner and as mayor for the town of Ottawa. Previously served as House Judiciary Committee chair.

Bio-sketch: Graduate of CSG Midwest’s Bowhay Institute for Legislative Leadership.

owns and operates Harris Kelsey law firm.

Representative Blaine Finch.

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SUBMISSIONS WELCOME

This page is designed to be a forum for legislators and constitutional officers. The opinions expressed on this page do not reflect those of The Council of State Governments or the organization. Responses to any First Person article are welcome, as are pieces written on other topics. For more information, contact Tim Anderson at tanderon@csg.org.

First Person: We Must Meet the Challenge, and Need, for High-Speed Internet Across State

Package of bills seeks to improve access, empower Wisconsin’s rural residents

“I want to enable municipalities to establish their own internet service in order to serve their citizens.”

by Wisconsin Rep. Don Vruwink

Electricity lines spread across rural Wisconsin between 1930 and 1940, and most farms were electrified by the early 1950s, thanks to the Rural Electrification Administration. Established in 1935, the REA gave incentives to private utilities, cooperatives and local governments to provide electricity to rural customers. These investments were necessary to keep our rural communities vibrant and on par with our cities.

Today’s challenge in rural America is to extend high-speed internet to every household, farm and business. High-speed internet enhances quality of life and economic opportunities. It connects people in their homes with doctors and other health care professionals. It allows people to conduct business, work from home and take online classes. Students at all grade levels are at a disadvantage without reliable high-speed internet service. Businesses of all size—from mom-and-pop operations to large manufacturers—are at a competitive disadvantage compared to their urban and suburban counterparts.

Government is increasingly requiring people to conduct business via the internet, including applications for unemployment compensation; registering a deer during the Wisconsin deer hunt; registering for college courses; and applying for health care assistance. The importance of broadband in Wisconsin has taken on a greater importance than ever before.

For example, the COVID-19 pandemic has compelled schools to rely on learning via the internet. Throughout the state, school districts are grappling with how to provide devices and internet access to students without them. These children live in both cities and rural areas. They are disproportionately low-income and students of color.

Some of my constituents tell me that when they are working from home, they are competing for internet access with their children who are doing online classes. When parents lose their jobs and are trying to cut expenses, internet service may be on the chopping block.

A Role for Government

I believe government’s role is to nudge internet service providers to expand their infrastructure so every household and business has access to reliable, high-speed service. I support partnerships between private internet providers and municipalities.

If a private provider declines to act, I want to enable municipalities to establish their own internet service in order to serve their citizens.

During the past legislative session, my colleagues and I introduced six bills aimed at improving the broadband infrastructure.

One bill, SB 836, would remove current statutory barriers that prevent municipalities from constructing and operating their own broadband infrastructure. Under our legislative proposal, if a municipality decides to embark on such a project, it could apply for a broadband expansion grant from the state to fund up to 50 percent of the cost of hiring a broadband director.

We dubbed our second proposal “Fiber to Farms” (AB 655); it would prioritize Wisconsin’s broadband expansion grants to farms. (Current law gives priority to projects that satisfy various requirements, but does not prioritize farms.) I disagree with the idea that family farms need to “get big or get out.” Family farms don’t need to get bigger; they need access to markets suitable for small farms and access to precision agriculture practices. And for that, they need access to reliable, high-speed internet service.

Our third measure is SB 835, dubbed “Dig Once” because it would allow municipalities, counties and the state Department of Transportation to require contractors to install empty conduit lines on right-of-way highway projects and sidewalk projects. The empty conduit lines would then be available for future fiber optics expansion. In addition, if the owner of a structure within 300 feet of a right-of-way project requests it, an internet service provider must offer service to the structure.

Under SB 838, the Broadband Grant Integrity Act, provisions would be added to state law requiring that grant recipients live up to the promises they make in grant applications. For example, grant recipients must guarantee specific minimum download and upload speeds. If those or other conditions are not met, the state would recoup the grant dollars.

In addition, our Legislative Audit Bureau would conduct performance evaluations to ensure compliance.

The Broadband Truth in Advertising bill (SB 837) would make it easier for consumers to compare broadband services by requiring providers to use standardized labeling (similar to food labeling). SB 837 also defines broadband as a minimum of 25 Megabits per second while downloading and three Megabits while uploading, or the federal definition of broadband, whichever is greater.

The final bill, AB 959, would improve mapping of our infrastructure. It requires electrical utilities to survey their residential and business customers to identify what internet service is available to them. Electric utilities would be reimbursed for the surveys.

The information gleaned from this mapping will give us a better understanding of gaps in our broadband infrastructure. The bill also would increase grant funding by $100 million for one fiscal year.

The Legislature didn’t act on any of these bills. One measure did pass the Assembly: AB 344, which repeals a property tax on infrastructure that is used to provide internet service in rural and underserved areas. Reducing the cost of the physical infrastructure will provide an incentive to cooperatives and other small providers who want to expand rural coverage but are priced out of doing so.

As ranking member of the Assembly’s Rural Development Committee, I led my Democratic colleagues in giving unanimous approval to this bill, which was signed into law earlier this year.

My colleagues and I will continue to try to advance the other bills in the upcoming session.

Wisconsin Rep. Don Vruwink is the ranking member on the Assembly’s Committee on Rural Development. He was first elected to the Legislature in 2016.

% of rural population without access to broadband service (December 2018)*

- 11.9%
- 22.7%
- 19.7%
- 10.5%
- 18.5%
- 12.6%
- 23.8%

* High-speed broadband is defined as fixed terrestrial internet service with download/upload speeds of 25/3 megabits per second or better.

Source: Federal Communications Commission, 2020

Broadband Deployment Report, Appendix 1
Although the COVID-19 pandemic forced cancellations of the usual, in-person version of the Great Lakes-St. Lawrence Legislative Caucus’s Annual Meeting, but this event for the region’s state and provincial legislators will still go — in a virtual setting.

The Caucus’s Annual Meeting is being transitioned to a series of four shorter sessions, which will be held at 9 a.m. Central Time on Sept. 11 and 21 and Oct. 2 and 9. Each of these virtual meetings will focus on a specific policy related to the Great Lakes and/or water quality. Caucus business — including the consideration of policy resolutions and election of a new GLLC leadership team — also will be conducted.

Registration for the meeting is available at greatlakeslegislators.org.

SEPTEMBER SESSIONS: SAFE DRINKING WATER AND NUTRIENT POLLUTION

The Sept. 11 session will feature Dr. Mona Hanna-Attisha and Elin Betanzo speaking on “Assuring Access to Safe, Affordable Drinking Water” it also will include a report from the caucus’s Task Force on Lead. This group of state and provincial legislators has led development of an action plan and model policy to help the state supply of drinking water safe from lead contamination.

The topic of the Sept. 21 session is “Improving the Management of Nutrients in the Region.” It will include a discussion of binational efforts to reduce nutrient runoff. Wisconsin Sen. André Jacque also will brief participants on the work of the caucus’s intergovernmental task force.

COMMISSION SUPPORTS NEW ON-TIME PERFORMANCE RULE TO IMPROVE PASSENGER RAIL

At the beginning of June, MIPRC filed formal comments with the Federal Railroad Administration in support of an on-time performance rule in the FRA’s proposed “Metrics and Minimum Standards for Intercity Passenger Rail Service.”

This rule would set a minimum for on-time performance: trains averaging at least 80 percent on-time arrival at stations covering these topics:

- legislative oversight of the governor and legislature; and
- preparing for the fall 2020 elections and the 2021 legislative session.

The six-part “Looking Beyond the Pandemic” series features expert- and legislator-led events covering these topics:

- preparing for the fall 2020 elections and beyond;
- shifting state legislatures on holding “virtual” legislative sessions and committee meetings;
- legislative oversight of the governor and executive during extraordinary, and ordinary, times;
- the fiscal impact of the COVID-19 pandemic on state and provincial budgets;
- preparing for future public health emergencies; and
- assessing the economic reopening strategies of states.

Over the past several months, the MLC also has held a webinar for legislators on effective virtual communications with constituents and a six-part series on immediate responses to the COVID-19 pandemic. This first series was organized by the MLC’s binational, interstate policy committees: Agriculture & Natural Resources, Criminal Justice & Public Safety, Economic Development, Education, Health & Human Services, and Midwest-Canada Relations.

Recordings are available at csgmidwest.org.

CSG also continues to offer a one-stop COVID-19 site (web.csg.org/COVID19) that includes state-by-state information on topics such as the mandatory closure of schools; details on governors’ emergency orders; an updated listing on the number of COVID-19 cases; and changes in state legislative sessions.

The Council of State Governments was founded in 1933 as a national, nonpartisan organization to assist and advance state government. The headquarters office, in Lexington, Ky., is responsible for a variety of national programs and services, including research, reference publications, innovations transfer, suggested state legislation and interstate consulting services. The Midwestern Office supports several groups of state officials, including the Midwestern Legislative Conference, an association of all legislators representing 11 states (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin) and the Canadian province of Saskatchewan. The provinces of Alberta, Manitoba and Ontario are MLC affiliate members.
Q & A WITH BILLD ALUMS: WHAT HAS THE COVID-19 PANDEMIC TAUGHT YOU, OR REINFORCED TO YOU, ABOUT YOUR ROLE AND WORK AS A STATE LEGISLATOR?

“First, especially in times of crisis, people look to elected leaders for clear direction. When it comes to keeping people safe, it is important to listen to facts, not political rhetoric or games.

“Second, we must have a continuity-of-government plan in place, to the fullest extent possible. We must implement remote participation to ensure the government can do the people’s work even during times of crisis.

“Finally, the pandemic exposed significant gaps in both economic and social areas that require swift legislative action to address immediate needs and to ensure we are better equipped to meet similar needs in the future.”

“The past few months have furthered my belief that state and local governments truly have significant influence over the day-to-day lives of the people we represent, more so than even the federal government. As state legislators, we have direct input on policies and programs that people have relied on to deal with and survive during COVID, while also forming close partnerships with the locals who provide the services to citizens.”

“Two things that the COVID-19 pandemic has reinforced to me about the role and work of a state legislator are the importance of being adaptable and being willing to compromise.

“My biggest long-term concern is to try and not overreact to the pandemic so that we can make the best policy decisions that will address present concerns while keeping an eye on the future.”

“The pandemic has reinforced my belief that constituent service is just as important as legislative work. Certainly at the beginning of the pandemic, and even now, many constituents didn’t know who to approach for assistance.

“It’s our role as state legislators to help our constituents navigate the complex layers of government and identify services available to them. Constituents might not remember the bills you authored or sponsored, but they do remember who helped them when they needed it the most.”
CSG EVENTS

CSG Midwestern Legislative Conference Webinars for Region’s Legislators
Visit csgmidwest.org to find dates of upcoming webinars and view recordings of past webinars on public policy, professional development and leadership training.

MIPRC Annual Meeting
November 9-11, 2020 | Detroit, Michigan
Contact: Laura Kliewer ~ lkliewer@miprc.org
630.925.1922 | miprc.org

Great Lakes-St. Lawrence Legislative Caucus Annual Meeting (Virtual Sessions)
September 11 and 21, 2020, and October 2 and 9, 2020
Contact: Lisa Janairo ~ ljanairo@csg.org
630.925.1922 | greatlakeslegislators.org

CSG National Conference
December 2-5, 2020 | Santa Fe, New Mexico
Contact: Kelley Arnold ~ karnold@csg.org
800.800.1910 | csg.org

Midwestern Legislative Conference Annual Meeting
July 11-14, 2021 | Rapid City, South Dakota
Contact: Cindy Andrews ~ candrews@csg.org
630.925.1922 | csgmidwest.org

Bowhay Institute for Legislative Leadership Development
July 30-August 3, 2021 | Minneapolis, Minnesota
Contact: Laura Tomaka ~ ltomaka@csg.org
630.925.1922 | csgmidwest.org

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