

Submissions for any SSL docket should be sent to CSG at least eight weeks in advance of any scheduled SSL meeting in order to be considered for the docket of that meeting. Submissions received after this will typically be held for a later meeting. Anyone desiring an exception to this policy must contact the SSL committee leadership and will be responsible for preparing and distributing to the SSL committee any materials that are related to the docket submission in question. The status of any item on this docket is listed as reported by the submitting state's legislative Internet Web site or by telephone from state legislative service agencies and legislative libraries. **Abstracts of the legislation on SSL dockets and in SSL volumes are usually compiled from bill digests and legislative staff analysis.**

CSG COMMITTEE ON
SUGGESTED STATE LEGISLATION

2010 CYCLE
DOCKET BOOK A
Final Version

This docket and referenced legislation can be downloaded from www.csg.org.

CSG AND TRENDS

State officials face unprecedented, turbulent times in which to govern. Recent megatrends and trends that are beginning to affect the states, such as an aging population, generate issues that will profoundly impact states in the future.

A **megatrend** is a large, social, economic, political, environmental or technological change that is slow to form. Once in place, megatrends influence a wide range of activities, processes and perceptions, both in government and in society, possibly for decades. These are the underlying forces that drive trends. (*e.g., aging population*).

A **trend** is an emerging pattern of change likely to impact state government and require a response. (*e.g., adult children taking care of parents*). Discerning trends and state responses to trends affecting states involves these questions:

- Does the megatrend/trend impact the states?
- Is it significant? Is it broad-based? Is it national or regional in scope?
- Is it short-term or long-term?
- Is it measurable/trackable/observable?
- Is it actionable? Is there an innovative response to address new circumstances?

An **issue** is a controversial, debatable or “hot” topic or an innovative state action. (*e.g., changes to Medicare*).

TRENDS AND SUGGESTED STATE LEGISLATION

CSG's national trends mission helps state officials address the near- and long-term by providing the critical foresight capabilities they need to make proactive policy decisions about issues that arise from trends. Accordingly, CSG's Suggested State Legislation Program (SSL) seeks to identify recent, innovative state bills which address issues arising from:

1. Demographic Shifts - Demographic shifts refer to changes in various aspects of population statistics, such as size, racial and ethnic makeup, birth and mortality rates, geographic distribution, age and income.

- Megatrend: Aging population
- *Trends*: buying habits, elder care, health care, workforce gaps when baby boomers retire
- Megatrend: Immigration/diversity
- *Trends*: government service provision, capacity to fill gaps in workforce
- Megatrend: Population growth
- *Trends*: demands and effects on land, climate, water, government resources, schools
- Megatrend: Suburbanization/sprawl
- *Trends*: demands and effects on land, climate, water supply, small business, entrepreneurship, government resources

2. Changes in Political Conditions - Changes in political conditions refer to dynamics related to the process of electing officials as well as process of formulating and implementing public policy and programs.

- Megatrend: Election issues
- *Trends*: campaign finance reform, redistricting, term limits
- Megatrend: Federalism
- *Trends*: distribution of authority from one presidency and Congress to another, impact of federal policies on state governments (including international trade agreements)
- Megatrend: Participatory democracy
- *Trends*: voting systems (including e-voting), lobbying, initiatives, referendums
- Megatrend: Privatization/outsourcing
- *Trends*: private companies providing public services, sending jobs overseas

3. Science and Technology Developments - Science and technology developments are advancements in both scientific research and applications of that research.

- Megatrend: Bioengineering
- *Trends*: DNA, stem cell research, cloning, genetic engineering
- Megatrend: Energy sources
- *Trends*: development of alternative energy sources

- Megatrend: Privacy and security issues
- *Trends*: wireless tracking, identity theft, cyberterrorism
- Megatrend: Electronic delivery of goods/services
- *Trends*: e-commerce, e-government

4. Economic Dynamics - Economic dynamics are changes in the production and exchange of goods and services both within and between nations as well as movements in the overall economy such as prices, output, unemployment, banking, capital and wealth.

- Megatrend: Globalization of trade
- *Trends*: outsourcing, offshoring, free trade agreements, prescription drug reimportation
- Megatrend: Energy supply
- *Trends*: price increases, availability
- Megatrend: Intellectual property
- *Trends*: standardization of local, state, national and international regulations
- Megatrend: Retirement issues
- *Trends*: move away from defined benefit plans, pension shortfall, Social Security

5. Social and Cultural Shifts - Social and cultural shifts are changes in core values, beliefs, ethics and moral standards that direct peoples' behavior and can influence their participation in the formulation of public policy.

- Megatrend: Government involvement in social policy
- *Trends*: gay marriage, abortion, separation of church and state issues
- Megatrend: Redefinition of family and role of family
- *Trends*: single-headed households, unmarried couples, home schooling
- Megatrend: Redefinition of morality
- *Trends*: re-evaluating definition of indecency, censorship issues
- Megatrend: Spirituality
- *Trends*: homeopathic medicine, spiritual beliefs may be different than religious beliefs
- Megatrend: Assimilation
- *Trends*: shift from acculturation to maintaining ethnic identities

MEGATRENDS AND CHANGE DRIVERS

Megatrends are caused by or a reflection of slow-forming, large social, economic, political, environmental or technological driving forces. Once in place, these “change drivers” influence a wide range of activities, processes and perceptions, both in government and in society, possibly for decades. Knowledge of what they are, how they interact, and what potential impacts they may produce, is one of the most important tools policy-makers have to recognize. The understanding of these change drivers allows for identifying trends and issues that are cutting across traditional policy areas, and therefore determining all potential impacts and implications for public policy. As such, the Committee on Suggested State Legislation seeks innovative legislation that addresses the following important and far-reaching changes that will affect states and shape state policies for years to come.

1. Aging of the Population

The U.S. population is rapidly getting older. While the population age 65 and older is projected to more than double to nearly 82 million by 2050, the 85 and older population is projected to quadruple within the same timeframe.

An aging population and increasing number of retirees will be hard on all economic sectors, especially those that are already having trouble attracting younger workers, such as agriculture, education and government. The nursing shortage will be particularly hard to deal with as the demand for health care will also increase as the population gets older.

As the population ages, state tax collections will be affected. The older population tends to spend money in non-taxed areas such as health care services. In addition, while many elderly will continue to work, the majority of their income will likely come from sources, such as pensions and Social Security that are not taxed as heavily as salaries and wages. And state government pensions will be hit hard by the wave of retiring baby boomers.

There may also be intergenerational conflicts among different groups. Older and younger voters may want different things from government. Younger voters, for instance, may be willing to pay higher taxes to finance public schools while older citizens may vote against any tax increase.

The aging of the population will also encourage smart growth. As baby boomers get older, there will be an increased demand for communities that are more pedestrian-friendly with residential and commercial areas in closer proximity to one another in order to decrease the need for driving.

With a growing number of seniors on the horizon, state policy-makers will undoubtedly focus more attention on work force shortages and health care. More specifically, planning for replacing retiring workers, training and retaining an existing work force, as well as helping the elderly pay for prescription drugs and dealing with long-term care will be the issues on most policy-makers’ radar screens.

2. Immigration

During the last decade, the foreign-born population grew by almost 60 percent as compared with a 9.3 percent increase in the native population. This growth can primarily be attributed to migration from Latin America and Asia. By 2030 one-quarter of all Americans will be either Hispanic or Asian. And the Hispanic and Asian populations are expected to triple by 2050.

Immigrants provide skilled and unskilled labor needed to keep the U.S. economy going. Immigrants account for 14 percent of the total work force and 20 percent of the low-wage work force. Immigrants are especially important in certain sectors, such as health care. Because of immigration restrictions since Sept. 11, some areas of the United States are experiencing doctor shortages, especially many rural areas that rely heavily on foreign-born care workers.

Immigration is the driving force behind increases in elementary and high school enrollment. There are gaps, however, in educational achievement between natives and immigrants at the elementary and secondary levels that need to be addressed. Children with limited English skills are more expensive to educate.

The nation's health care system must adapt to a number of changing conditions because of the impact of immigration. Racial and ethnic health disparities may influence health care research and costs. Cultural competency and health literacy can affect the quality of health care. Many immigrants are uninsured.

Immigration will also impact public safety and justice. U.S. laws and the American legal system, and language barriers can intensify the problems. States are grappling with issue of drivers' licenses and identification cards for illegal immigrants. And state facilities house inmates awaiting deportation with little or no reimbursement from the federal government.

States are already experiencing a need for bilingual teachers, law enforcement officers and public health workers. The need for bilingual government employees will only grow in the coming years. Finding the best way to educate immigrants and their children will also grow in importance, especially as immigrants move to states that are not traditional immigrant magnets, and therefore less equipped to respond to the demands and needs of the growing immigrant population.

3. Population Growth Patterns

The population of the South and West are growing. A major factor in the accelerated growth in these two regions is domestic migration, but they are also hot spots for immigration as well. In addition to these regional shifts, the United States is becoming more and more a suburban nation. The percentage of the population living in metropolitan areas is expected to increase over the next two decades, leaving fewer than 18 percent of the population in non-metropolitan areas by 2020.

Regional shifts in population will accentuate water shortage problems in these areas. Growing regions will also have to address the increasing demand for infrastructure and government services. Because of population increases, the South and West will gain in

political power at the national level. The influx of people into these areas may also change the political makeup of these areas, depending on the demographics of the new arrivals.

Bedroom communities are thriving, but more remote rural areas and urban centers are losing population. This will lead to shifts in political power to the suburbs, so the needs of the rest of the population may not be addressed. This growing suburbanization leads to urban sprawl, with its related loss of farmland, environmental concerns, infrastructure demands and quality of life issues.

Regional population shifts and suburbanization will increase the attention to urban sprawl issues. As development occurs farther and farther away from city cores, state and local governments may need to address the efficiency of land use patterns and make sure that people are receiving the government services they need and demand.

4. Globalization

While capitalism is the driving force behind globalization, the end result is that people, businesses and governments around the world are more interrelated than ever before. It's difficult to talk about economics without talking about politics, technology and culture. What happens in China may be as important as what happens in Washington, D.C. in a few years. All these factors have a profound impact on the states.

International trade agreements are an important element of globalization. These agreements, which are decided at the federal level, may limit states' ability to exercise regulatory and legislative powers. States may be inadvertently violating trade agreements that were passed without their input.

State officials also have to deal with the impacts of offshoring jobs to other countries. Potential job losses can affect state economies profoundly. When jobs are lost states may need to pay for retraining workers, especially an issue now that higher-skilled jobs are being offshored. There is a potential downward pressure on U.S. wages to compete with workers in other countries, on the one hand, but offshoring also opens new markets for U.S. products by increasing wages and standards of living for people in other parts of the world.

Education about our global society is an unmet need that policy-makers should be aware of. Our current and future work forces may not have the knowledge of globalization that is needed to understand what is happening both economically and politically. In addition, policy-makers will need to realize what their state's strengths are so their work forces can more effectively compete in the global economy.

5. New Economy

At the same time that globalization has occurred, the U.S. economy has evolved from a manufacturing-based economy centered on natural resources and standardized products to a service-based economy focused on knowledge and ideas. The skills needed to succeed in the New Economy are vastly different than those needed in the Old Economy. Today, people need to have critical thinking skills, be able to convert information into knowledge, and use and understand emerging technologies.

Because states' sales taxes are mostly levied on durable goods rather than services, the sales tax base is eroding over time. As evidence of this, sales taxes currently account for a smaller portion of state revenues than they did in the 1970s. Services account for more than half of personal consumption, so it is a substantial potential revenue source.

E-commerce has been growing rapidly in the last few years. States and local communities are losing \$16.4 billion a year in sales and use tax revenue because of online and catalog sales. According to some economists, this number could rise to \$45 billion in 2006 and \$66 billion in 2011. Because of a federal moratorium, however, states currently cannot collect taxes on electronic transactions.

Entrepreneurship is extremely important in the New Economy. Rapidly growing new firms are a major source of job creation, so entrepreneurs are one of the driving forces for the economy. Because of its economic importance, policy-makers need to do what they can to foster an entrepreneurial culture in their states. At the same time, the focus of many state officials' activities will be on modernizing the tax structure, to better reflect a new nature of economy.

6. Information Dissemination

Information now flows at a dizzying pace. You can have instant access to almost any type of information you need or want. Today, businesses rely on this instant information to compete in the global economy, but there are some less positive impacts of almost unlimited access to information as well.

With cell phones and Blackberries, people are rarely unreachable. Somewhat ironically, however, the technological advances that make us constantly available can also be very isolating. Some people are choosing this technological interaction over face-to-face communications, which can affect social skills. A constant pressure of being reachable and available can also be very stressful. It may potentially disrupt daily routines and affect family life of technologically advanced workers.

Another interesting concept in information dissemination is the ability for people to only hear what they want to hear. Because there are some many sources of information available today, people do not have to rely on their local newspapers or the evening news. They can go to Web sites, participate in blogs and chat rooms, and only get information that they want to get. They do not have to listen to the other side of the story.

With all these changes in information dissemination, politicians and other state officials will have to change the way they communicate with their constituents if they want to get their messages across. In addition, this ability to filter information that you don't want to hear increases the importance of good education. The education system should emphasize critical thinking skills, so that students will have the ability to process information responsibly and intelligently.

7. Privacy and Security

As the amount of readily available information increases so do concerns about individual and governmental privacy and security. The more information that is available, the more potential there is for misuse of this information.

One growing concern is identity theft. Criminals can use a variety of methods, ranging from rummaging through your trash to find pre-approved credit offers to hacking into your company's computer system to find Social Security numbers, to obtain personal information to commit fraud or theft. Identity theft is on the rise and will continue to be a major issue because of the relatively easy access to information.

Nanotechnology is an emerging tool to change the molecular structure of products that are cleaner, stronger, lighter, and more precise. While this technology has many potential positive uses, it does bring up privacy issues as well. With the ability to make common devices such as cameras smaller and smaller, there is also the ability to invade people's privacy.

Security issues have come to the forefront since Sept. 11 and continue to be in the minds of citizens and state officials alike. State and federal officials will continue to look at ways to regulate access to certain places in order to protect public security. Biometrics is an emerging technology that can be used to increase security but raises privacy concerns as well. Biometrics refers to the automated methods of recognizing a person based on physiological or behavioral characteristics. Biometric technologies are becoming the foundation of an extensive array of highly secure identification and personal verification solutions. A person's face, fingerprints, hand geometry, handwriting, iris and voice can all be measured. The convergence of information technologies, scientific know-how, financial benefit and identified security need make the development and mainstream use of biometrics and biometric identifiers a potential reality.

State officials, while supporting the development of these very promising technologies and implementation of rules and regulations, will also have to carefully evaluate their impact on privacy and security, and therefore public perception and reaction.

8. Natural Resource Use and Protection

The growing population in this country and around the world will increase the demands on the environment. The responsible use of natural resources and the protection of environmental quality will continue to drive many social, political and economic decisions.

The growing trend of urban sprawl can put stress on our natural resources. Urban sprawl increases driving time and the use of petroleum fuels. In some cases, ecologically valuable wetlands are being developed, and prime farmland is being converted to residential and commercial use.

Experts project that the world could reach its peak oil production capacity within the next 10 to 40 years. After that, the supply of oil may not keep up with demand. With this in mind, some states are leading the way in promoting energy efficiency and conservation. California, for instance, has built a "green" government building, and New York renovated one of its government office buildings to be more environmentally friendly. And many states have

incentive programs aimed at encouraging the purchase of alternative fuel vehicles, the conversion of vehicles to run on biofuels and the installation and operation of fueling facilities to serve these vehicles.

Policy-makers will have to focus on longer-term policies, programs and commitments in order to ensure balanced approaches to the use of natural resources and development of “greener” and “cleaner” technologies. Air quality as well as water quality and availability will remain on the agendas of many state officials.

9. Polarization of Society

The United States is starting to realize a growing polarization of society. Some experts argue that the driving forces behind this phenomenon are increasingly polarized elected officials. This political polarization is, according to some experts, the result of gerrymandering to create “safe” districts. Because these districts are safely Republican or safely Democratic, there is an opportunity for Democrats who are more liberal than the average American and Republicans more conservative than the average to win office. This leads to increased difficulty in finding political compromises among elected officials.

Some experts, however, argue that it’s not just politicians who are becoming polarized. It is the American public. These experts believe that issues such as gay marriage and abortion have created rifts among the general public that make compromise on these and other issues difficult if not impossible. This polarization is reinforced by trends in information dissemination that allow people to only hear the viewpoints they want to hear.

There is growing economic polarization as well. According to the U.S. Census Bureau, the country has experience a long-term trend of a widening income gap. In other words, there is increasing income inequality between the “haves” and the “have nots.” This trend many create more pressures on government services on one hand, and impact taxation policies on the other.

The growing economic, cultural and political differences in this country are leading to a call for more civility among citizens and among their elected officials. There is an increased need for statesmanship and respect for differences in opinion, beliefs and economic status so that state leaders can do their jobs effectively.

10. Role of Government

The role of government in American society has shifted many times during our country’s history. The pendulum swings between strongly centralized and decentralized relationships between the federal government and states. Government’s assertiveness has ranged from reacting to certain events to implementing proactive policies to influence other events. The level of government involved in certain areas has changed over time. The social contract between government and citizens has shifted as well. Trust in government has declined over the years, and the public’s willingness to pay for government services has decreased as evidenced by a growing anti-tax sentiment.

The changing level of government involvement is illustrated by changes in state economic development policy over the years. A few decades ago, states were almost totally reliant on industrial recruitment as an economic strategy. Some states then developed services for entrepreneurs and small businesses. This evolved into states serving as a broker between entrepreneurs and the private and nonprofit sources of business assistance they need.

Several states have experienced the conflict between what the public wants and what they're willing to pay. Citizen ballot initiatives have, in certain instances, created costly programs without providing revenue sources for them. When combined with a growing anti-tax sentiment, states will be hard pressed to adequately fund programs, which may lead them to carefully examine what they want to focus on.

Federalism issues have been and will always be a major impact on state government. As state policy-makers and administrators know, state budgets are greatly affected by federal mandates, as well as state and federal court decisions. Because of the relative inflexibility of federal programs and policies, states have to reorganize their priorities to adhere to mandates. The same is true for court decisions. This reprioritization adds uncertainty to budget forecasting, making it more difficult to predict future expenditures.

The voice of state government must be heard in this dynamic political environment. State leaders should be active in state membership organizations. This is one avenue for leaders to express their concerns and to learn from other states that may have dealt with those same concerns. State leaders must also build good relationships with their congressional delegations to make sure that federal decision-makers understand the needs of the states and how federal policy can affect the performance of state government.

ONGOING FORCES OF CHANGE – 2007 AND BEYOND

Demographics

The United States population, now at 300 million, is experiencing profound demographic shifts due to increased longevity, smaller family size, and the influx of immigrants with higher fertility rates than native-born residents. These changes, along with dramatic variations in regional growth, will have major impacts on state economies, the demand for public services, the use and management of natural resources, and voting patterns.

Chasing the American Dream

The income gap between the rich and the poor in the United States is now greater than in any other advanced nation, with the middle class confronting increased financial pressures. Widening social and economic disparities will affect states' ability to finance and facilitate access to public services, employment opportunities, technology, health care and affordable housing. State officials also will be challenged to address the differing needs and perspectives of culturally diverse populations and demographic differences in levels of civic participation and awareness.

Environmental Gluttony

A growing population, increased pollution, and global climate change are threatening our natural environment, economy, and way of living. As water supplies dwindle, states will face tough management, stewardship, and water rights decisions. The Energy Information Administration expects an upward price trend for energy to continue indefinitely. Thus, states will have to find creative ways to promote renewable energy and conserve energy resources. The environmental consequences of energy choices also will need to be addressed.

Health Care: Paying More, Getting Less

U.S. health care costs are skyrocketing, with the cost of health insurance projected to rise 6.4% per year over the next decade. Although U.S. health spending is significantly higher than the average rate of other industrialized countries, we have higher rates of infant mortality, shorter “healthy life” expectancies, and more premature and preventable deaths. Growing numbers of elderly citizens and uninsured individuals will create tremendous pressures on public health insurance programs, fragmented health care delivery systems, and health workforces.

Tech Revolution

Technology is upgrading so rapidly that, for every computer put on the market, one existing computer will become obsolete. Although increasing numbers of states are providing fully executable services online, the digital divide continues to widen along economic, racial, and generational lines. With the volume of e-waste increasing by 3% - 5% each year, states will be challenged to find hazard-free recycling and disposal options.

Economic Transformation

Now that the shift from a manufacturing-based economy to a service-based, global economy is well underway, many economic transformation issues are emerging. At their current pace, India and China are set to economically surpass Japan and the United States in the next 30 years. The emergence of new economic powers, along with increasing economic, social and political interdependence among countries, will have significant impacts on state economies, labor migration patterns, knowledge and product development, and the ownership and distribution of natural resources. A fundamental challenge for state policymakers will be to balance public issues and private sector concerns with the need to remain globally competitive.

Educating for Outcomes

The need to maintain a competitive edge in a global economy has accentuated concerns about the lower academic performance of U.S. students relative to other industrialized nations and persisting racial/ethnic and income-based disparities in academic achievement. Issues of access, instructional quality, learning outcomes, and preparedness for the “new economy” workforce will have important implications for states’ economic and social wellbeing.

Critical Infrastructure: Cracks in the Foundation

Critical infrastructure is becoming increasingly outmoded, as evidenced by the nation's crumbling water distribution systems, transportation systems, and an overextended power grid. The need to address these problems and to keep pace with rapid changes in telecommunications and other infrastructure technology will have significant financial and regulatory implications for states.

Balance of Power

New technologies and globalization are intensifying pressures to centralize rather than share federal power with state and local governments. Over the past three years, Congress has shifted an estimated \$75 billion in costs to the states. Unfunded mandates, along with federal preemption of state and local laws and restrictions on state taxation, will have a major impact on future federal-state-local relationships.

America the Safe and Secure?

The United States faces myriad threats to public safety, domestic security, and immigration enforcement. After a two-decade drop, violent crimes are on the rise. National Guard troops are increasingly being used as quasi-active duty units – both within and outside the United States. States also are expected to play an increasing role in arresting and detaining illegal immigrants – duties that they historically have not performed. A major challenge will be to find ways of addressing diverse domestic and international threats while protecting personal privacy.

Disposable Society

A 2006 report published by the Center for Environment and Population characterizes the United States as a “super-size” nation, with lifestyles reflected in super-sized appetites for food, houses, land and resource consumption. The marketing and consumption of fast foods and disposable products, coupled with a growing population, will strain states' waste management capacity and place citizens at increased risk for poor physical and financial health.

Changing Global Climate

What was once scientific conjecture is now scientific certainty: human activity—especially the combustion of fossil fuels—directly contributes to global climate change. Major shifts in climate patterns are likely to have significant agricultural, economic, health and environmental impacts on states.

SSL PROCESS

The Committee on Suggested State Legislation guides the SSL Program. SSL Committee members represent all regions of the country and many areas of state government. Members include legislators, legislative staff and other state government officials.

SSL Committee members meet several times a year to consider legislation. The items chosen by the SSL Committee are published online at www.csg.org after every meeting and then compiled into annual Suggested State Legislation volumes. The volumes are usually published in December.

SSL Committee members, other state officials, and their staff, CSG Associates and CSG staff can submit legislation directly to the SSL Program. The committee also considers legislation from other sources, but only when that legislation is submitted through a state official. Other sources include public interest groups and members of the corporate community who are not CSG Associates.

It takes many bills or laws to fill the dockets of one year-long SSL cycle. Items should be submitted to CSG at least eight weeks in advance to be considered for placement on the docket of a scheduled SSL meeting. Items submitted after that are typically held for a later meeting.

Committee members prefer to consider legislation that has been enacted into law by at least one state. Legislation that addresses a single, specific topic is preferable to omnibus legislation that addresses a general topic or references many disparate parts of a state code. Occasionally, committee members will consider and adopt uniform or proposed “model” legislation from an organization, or an interstate compact. In this case, the committee strongly prefers to examine state legislation that enacts the uniform or model law, or compact.

In order to facilitate the selection and review process on any submitted legislation, it is particularly helpful to include information on the status of the legislation, an enumeration of other states with similar provisions, and any summaries or analyses of the legislation.

SSL CRITERIA

- Does the issue have national or regional significance?
- Are fresh and innovative approaches available to address the issue?
- Is the issue of sufficient complexity that a bill drafter would benefit from having a comprehensive draft available?
- Does the bill or Act represent a practical approach to the problem?
- Does the bill or Act represent a comprehensive approach to the problem or is it tied to a narrow approach that may have limited relevance for many states?
- Is the structure of the bill or Act logically consistent?
- Is the language and style of the bill or Act clear and unambiguous?

The word “Act” as used herein refers to both proposed and enacted legislation. Attempts are made to ensure that items presented to committee members are the most recent versions. However, interested parties should contact the originating state for the ultimate disposition in the state of any docket entry in question, including substitute bills and amendments. Furthermore, the Committee on Suggested State Legislation does not guarantee that entries presented on its dockets or in a *Suggested State Legislation* volume represent the exact versions of those items as enacted into law, if applicable.

PRESENTATION OF DOCKET ENTRIES

Docket ID#

Title

State/source

Bill/Act

Summary: [These are typically excerpted from bill digests, committee summaries, and related materials which are contained in or accompany the legislation.]

Status: [Action taken on item in source state.]

Comment: [Contains references to other bills or information about the entry and issues the members should consider in referring the entry for publication in SSL. Space may also be used to note reaction to an item, instructions to staff, etc.]

Disposition of Entry: [Action taken on item by the taskforce(s) and committee(s).]

CSG policy task force recommendations to The Committee on Suggested State Legislation:

(A)(B)

Include in Volume

Defer consideration to next task force meeting

Reject

No action (The task force did not make a recommendation about this item.)

Comments/Note to staff:

SSL Committee Meeting: (A)(B)(C)

Include in Volume

Defer consideration:

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

*Item was deferred from the previous SSL cycle

SSL DOCKET CATEGORIES - 2004A and later

(*) Indicates item is carried over from previous SSL cycle.

- (01) Conservation and the Environment
- (02) Hazardous Materials/Waste
- (03) Energy
- (04) Science and Technology
- (05) Public, Occupational and Consumer Health and Safety
- (06) Property, Land and Housing/Infrastructure, Development/Protection
- (07) Growth Management
- (08) Economic Development/Global Dynamics/Development
- (09) Business Regulation and Commercial Law
- (10) Public Finance and Taxation
- (11) Labor/Workforce Recruitment, Relations and Development
- (12) Public Utilities and Public Works
- (13) State and Local Government/Interstate Cooperation and Legal Development
- (14) Transportation
- (15) Communications/Telecommunications
- (16) Elections/Political Conditions
- (17) Criminal Justice, the Courts and Corrections/Public Safety and Justice
- (18) Public Assistance/Human Services
- (19) Domestic Relations/Demographic Shifts/Social and Cultural Shifts
- (20) Education
- (21) Health Care
- (22) Culture, the Arts and Recreation
- (23) Privacy
- (24) Agriculture
- (25) Consumer Protection
- (26) Miscellaneous

ITEM NO., TITLE OF ITEM UNDER CONSIDERATION SOURCE ACTION
 (*) Indicates item is carried over from previous SSL cycle.

(01) CONSERVATION AND THE ENVIRONMENT

01-30A-01 Environmental Management Systems IA
 01-30A-02A Climate Change/Global Warming CT
 01-30A-02B Climate Change/Global Warming MA
 01-30A-02C Climate Change/Global Warming PA
 01-30A-03 Motor Vehicle Global Warming Stickers RI

(02) HAZARDOUS MATERIALS/WASTE

(03) ENERGY

03-30A-01 Biofuels PA
 03-30A-02A Waste Heat and Carbon Emissions Reduction CA
 03-30A-02B Waste Heat and Carbon Emissions Reduction CA
 03-30A-03 Wind Farms IL
 03-30A-04 Clean Energy Technology Center MA
 03-30A-05 Outdoor Wood-Fired Hydronic Heaters NH
 03-30A-06 Promoting Energy Efficiency KY

(04) SCIENCE AND TECHNOLOGY

04-30A-01 State GIS Officer/GIS Data Exchange IN

(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY

*05-29B-01 Model State Missing Persons Act NIJ DEFER SSL
 (29B-a) Request staff bring additional enacted legislation to Omaha.
 05-30A-01A Missing Persons NJ
 05-30A-01B Missing Persons OR
 05-30A-01C Missing Persons IN
 05-30A-02 Inmate Fraud IN
 05-30A-03 Construction Crane Safety WA
 05-30A-04A Food Facilities: Trans Fats CA
 05-30A-04B Food Facilities: Nutritional Information CA
 05-30A-05 Mobile Camps for Railroad Employees IN
 05-30A-06 Disaster Preparedness FL

(06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION

06-30A-01 Timeshare Foreclosure CO
 06-30A-02 Community Infrastructure Districts ID
 06-30A-03 Transit-Oriented Development MD
 06-30A-04 Residential Mortgage Loans: Foreclosure Procedures CA
 06-30A-05 Mobilehome Parks: Disabled Accommodations and Caregivers CA

06-30A-06 Home Improvement Fraud	LA	
(07) GROWTH MANAGEMENT		
07-30A-01 Transportation Planning/Sustainable Cities	CA	
(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/ DEVELOPMENT		
08-30A-01 Business Resource Centers	UT	
08-30A-02 Development Subsidy Job Goals Accountability	RI	
08-30A-03A Uniform Limited Cooperative Association Act Statement	UT	
08-30A-03B Uniform Limited Cooperative Association Act (ULCAA) Statement	MODEL	
(09) BUSINESS REGULATION AND COMMERCIAL LAW		
*09-29B-04 Predatory Towing	NJ	DEFER SSL
(29B-b) Get VA bill packet on this topic for Omaha.		
09-30A-01 Towing and Recovery Operator Law	VA	
09-30A-02 Investigating and Reporting about Impact of Proposed Merger of Insurance Companies	CO	
09-30A-03 Insurance Homeowners' Bill of Rights Statement	FL	
09-30A-04 Health Care Coverage: Underwriting Practices	CA	
09-30A-05 Motorcycle and Off-Road Vehicle Dealer Fairness	TN	
(10) PUBLIC FINANCE AND TAXATION		
(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT		
11-30A-01 Career Readiness Certificate	VA	
(12) PUBLIC UTILITIES AND PUBLIC WORKS		
12-30A-01 Broadband Institute	MA	
(13) STATE AND LOCAL GOVERNMENT/INTERSTATE COOPERATION AND LEGAL DEVELOPMENT		
13-30A-01 Minority Impact Statement	IA	
13-30A-02 County Service Area Law	CA	
13-30A-03 Public Employment Related Crime and Public Pensions	GA	
13-30A-04 Retirement Medical Benefits Account	IN	
(14) TRANSPORTATION		
14-30A-01 International Driver Licenses	GA	
14-30A-02A Idling Requirements for Motor Vehicles	ME	
14-30A-02B Idling Requirements for Motor Vehicles	MODEL	

(15) COMMUNICATIONS/TELECOMMUNICATIONS		
15-30A-01 Telecommunication Services Competitive Classification	WA	
15-30A-02 Telephone Services: Change in Telephone Service Provider	CA	
15-30A-03 Communications Sales and Use Tax	VA	
(16) ELECTIONS/POLITICAL CONDITIONS		
16-30A-01A National Popular Vote	HI	
16-30A-01B National Popular Vote	MD	
16-30A-02 Robocalls	NE	
(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE		
17-30A-01 Reporting Inmate Citizenship	VA	
17-30A-02 Victims of Wrongful Incarceration Compensation	FL	
17-30A-03 Possession -- Use of Conducted Energy Device	ID	
17-30A-04 Harassment by Impersonation	HI	
17-30A-05 Uniform Interstate Depositions and Discovery Act	MD	
17-30A-06 Pursuing and Controlling Child Predators	MODEL	
17-30A-07A GPS Tracking of Domestic Violent Offenders	MA	
17-30B-07B GPS Tracking of Domestic Violent Offenders	MI	
(18) PUBLIC ASSISTANCE/HUMAN SERVICES		
18-30A-01 Children's Zone	FL	
(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS		
19-30A-01A Military Family Leave	IN	
19-30A-01B Military Family Leave	RI	
19-30A-02 Custody and Parent-Time for Non-Parents	UT	
(20) EDUCATION		
*20-29B-04 Diabetes Management in Schools	OK	DEFER Ed/Health TFs
20-30A-01 Innovation Schools	CO	
20-30A-02 Early Kindergarten Gifted Children	CO	
20-30A-03 School District Virtual Instruction Programs	FL	
20-30A-04 Digital Learning Academy	ID	
20-30A-05 School District Accountability	MA	
20-30A-06 Grants for Grads Program	LA	
20-30A-07 Virtual Charter Schools	WI	
20-30A-08 Textbook Transparency	MO	
20-30A-09 School Support Organization Financial Accountability	TN	

(21) HEALTH CARE

*21-29B-07 Outside the Hospital Do-Not-Resuscitate Order	MO	DEFER HealthTF
*21-29B-08A Confidentiality of Prescription Drug Information (29B-c) Request staff check on legal status, e.g., NH, VT.	ME	DEFER SSL
*21-29B-09 Prescription Drug Academic Detailing Program	ME	DEFER Health TF
*21-29B-11 Third Party Rights and Responsibilities Under Health Care Contracts	IN	DEFER Health TF
21-30A-01 Medicaid Nursing Home Bed License Buyout	UT	
21-30A-02 Cancer Incidence Map	NY	
21-30A-03 Long-Term Care Insurers: Genetic Tests, Genetic Information	MD	
21-30A-04 Standardized Health Plan Card	CO	
21-30A-05 Health Access Program Statement	FL	
21-30A-06 Prescription Drug Marketing Code of Conduct	NV	
21-30A-07 Volunteer Health Insurance	CO	
21-30A-08 Hospital Assessment	ID	
21-30A-09 Health Partnership	CT	
21-30A-10 Health Information Exchange	RI	
21-30A-11 Remote Dispensing Pharmacy	HI	
21-30A-12 Internet Prescription Sales	AR	
21-30A-13A Pharmacy Benefit Managers – Registration	MD	
21-30A-13B Pharmacy Benefit Managers – Disclosures	MD	
21-30A-13C Pharmacy Benefit Managers – Pharmacy and Therapeutics Committees	MD	
21-30A-13D Pharmacy Benefit Managers – Therapeutic Interchanges	MD	
21-30A-13E Pharmacy Benefit Managers – Contracts with Pharmacies	MD	
21-30A-14 Health Care Cost Containment and Transparency	MA	

(22) CULTURE, THE ARTS AND RECREATION

(23) PRIVACY

23-30A-01 Fallen Soldier Privacy	MD	
23-30A-02 Military Recruiters: Student Contact Information Opt Out	MD	

(24) AGRICULTURE

24-30A-01 Nonimmigrant Agricultural Seasonal Worker Pilot Program	CO	
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(25) CONSUMER PROTECTION

(26) MISCELLANEOUS

The Act creates a process for designating solid waste planning areas as environmental management systems and creates a council to oversee the process. The council is established within the state department of natural resources. The director of that department appoints the members of the council. The council members, in general, must be members of the solid waste community.

The Act encourages solid waste planning areas to engage in responsible environmental management by providing incentives for environmentally appropriate solid waste management. Solid waste planning areas meeting certain requirements may be designated as environmental management systems and, if designated, qualify for an exemption from certain sanitary landfill goals, reduced tonnage fees, and funding assistance from the council.

The Act establishes a process for the designation of environmental management systems. To be designated an environmental management system, a solid waste planning area must actively pursue the operation of a yard waste management program; the disposal of hazardous household waste at a regional collection center; water quality improvements within the area served by the solid waste disposal project; reduced greenhouse gas emissions through a variety of methods; a recycling program; and public education programs.

The Act also redirects moneys from tonnage fees. Under current law, moneys collected from tonnage fees are used for funding alternatives to landfills. The Act provides that a portion of the moneys collected from these tonnage fees be allocated to environmental management systems in order to assist solid waste planning areas in developing plans that meet the requirements for designation as an environmental management system.

Finally, the Act establishes a Comprehensive Recycling Planning Task Force. The task force must study and make recommendations for the planning and implementation of comprehensive statewide recycling programs, including an evaluation of the current beverage container control law commonly referred to as the bottle bill. The task force must also study and make recommendations for reducing the amount of recyclable materials contained in the waste stream and for reducing litter.

Submitted as:

Iowa

[HF 2570](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A

Include in Volume

Defer consideration to next task force
meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act:

- mandates reductions in state greenhouse gas (GHG) emissions by 2020 and 2050 and makes changes designed to help the state achieve these reductions;
- requires certain state agencies to identify activities and facility improvements to meet state energy saving goals and policies and to develop regulations to help meet the emission limits;
- requires the Department of Environmental Protection (DEP) commissioner, with the help of a regional nonprofit air quality and climate organization, to publish a baseline inventory of GHG emissions and recommend strategies, regulatory actions, and policies to achieve the necessary emission reductions;
- requires a Governor's Steering Committee on Climate Change to create a subcommittee to assess the impact of climate change on the state and recommend to the governor and legislature ways the state can adapt to, and mitigate, harmful impacts;
- requires the department of transportation to continue to investigate, within available appropriations, the potential for improving the state transportation system in ways to reduce GHG emissions;
- requires DEP to keep abreast of low carbon fuel standards elsewhere; and
- authorizes DEP to work with other states and Canadian provinces to develop market-based compliance mechanisms to achieve the GHG limits.

Submitted as:

Connecticut

[Public Act No. 08-98](#)

Status: Enacted into law in 2008.

Comment: According to Connecticut legislative staff, "Connecticut joins California, New Jersey, Hawaii, and Washington in adopting mandatory state caps."

This Act requires the reduction of greenhouse gas emissions by 80 percent from 1990 levels by 2050, with a reduction of up to 25 percent by 2020. Gradual reduction of emissions levels will spur innovation and entrepreneurship in clean energy technologies across the economy.

The law establishes a statewide and regional registry of greenhouse gas emissions. The state Department of Environmental Protection (MassDEP) will determine the baseline emissions level of 1990 and calculate the expected 2020 emissions levels if no new controls were imposed after January 1, 2009 (the "business as usual" level). The Secretary of Energy and Environmental Affairs will set a 2020 emissions limit between 10 percent and 25 percent below 1990 levels and adopt a plan for meeting that limit by January 1, 2011. The Secretary will also set 2030 and 2040 limits, leading up to the required 80 percent reduction by 2050.

Submitted as:
Massachusetts
[Chapter 298, Acts of 2008](#)
Status: Enacted into law in 2008.

Comment:

DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

August 13, 2008 - For immediate release:
Governor Patrick Signs Bills To Reduce Emissions And Boost Green Jobs

Global Warming Solutions Act And Green Jobs Act Set Nation-Leading Limits On
Greenhouse Gases, Spur Growth Of Clean Energy Industry

BOSTON – Wednesday, August 13, 2008 – Governor Deval Patrick has signed two important bills further positioning Massachusetts as a leader in clean energy and environmental stewardship: the Green Jobs Act, which will support development of the clean energy technology industry that will move Massachusetts toward the green economy of the future, and the Global Warming Solutions Act, which will make Massachusetts a national leader in climate protection.

“This legislation builds on the energy, oceans, and biofuels bills passed this session – all positioning Massachusetts as the clear national leader in creating a clean energy economy,” said Governor Patrick. “Massachusetts will lead the way in reducing the emissions that threaten the planet with climate change, and at the same time stimulate development of the technologies and the companies that will move us into the clean energy age of the future.”

The Green Jobs Act will provide support for the growth of a clean energy technology industry, helping Massachusetts to meet goals for reducing greenhouse gas emissions. Backed by \$68 million in funding over five years (\$43 million from the FY07 surplus and \$5 million per year from the Massachusetts Renewable Energy Trust), this legislation gives initial authorization for \$5 million in RET funding next year as well as \$1 million each in for seed grants to companies, universities, and nonprofits; workforce development grants to state higher ed, vocational schools, and nonprofits; and low-income job training (Pathways Out of Poverty); plus \$100,000 for a study of the clean energy sector.

“Massachusetts is leading the way in comprehensive energy reform and all of this session's accomplishments – from Green Communities and advanced biofuels standards to global warming solutions and now green jobs incentives – make us the envy of the nation,” said House Speaker Salvatore DiMasi, who sponsored the bill. “This law will help us create good-paying jobs in an already-thriving clean energy industry that can double or triple in size in the coming years because of our hard work.”

“These initiatives show that Massachusetts is serious about the future of our environment and our economy,” said Senate President Therese Murray. “Promoting our

emerging clean-energy sector will create jobs and boost an industry that will work to reach the goals of the Global Warming Solutions Act. By focusing on these green-collar jobs, as well as the reduction of greenhouse gases and carbon dioxide emissions, we will help to ensure a healthier future for Massachusetts.”

The Global Warming law requires the reduction of greenhouse gas emissions by 80 percent from 1990 levels by 2050, with a reduction of up to 25 percent by 2020. Gradual reduction of emissions levels will spur innovation and entrepreneurship in clean energy technologies across the economy. To facilitate the innovation and economic development necessary to meet those mandates, the Green Jobs Act will support research-and-development, entrepreneurship, and workforce development in the clean-energy technology industry of the future.

“With passage of the most progressive global warming bill in the nation, Massachusetts has positioned itself as a leader in the clean and renewable energy sector, and secured its position in the emerging green economy,” said Senator Marc Pacheco, chairman of the Senate Committee on Global Warming and Climate Change. “The Legislature’s approval of the Global Warming Solutions Act was an historic moment that will revolutionize the Commonwealth’s future economy by spurring job growth, sparking innovation, and protecting our environment for future generations. I’m extremely pleased that we were able to take swift action now. The cost of inaction was just too great.”

The law will establish a statewide and regional registry of greenhouse gas emissions. The Department of Environmental Protection (MassDEP) will determine the baseline emissions level of 1990 and calculate the expected 2020 emissions levels if no new controls were imposed after January 1, 2009 (the “business as usual” level). The Secretary of Energy and Environmental Affairs will set a 2020 emissions limit between 10 percent and 25 percent below 1990 levels and adopt a plan for meeting that limit by January 1, 2011. The Secretary will also set 2030 and 2040 limits, leading up to the required 80 percent reduction by 2050.

These bills follow three other major pieces of legislation signed by Governor Patrick to move Massachusetts toward a clean energy future:

The Green Communities Act remakes the electricity marketplace in Massachusetts to favor efficiency over additional power generation, saving energy and money for consumers, and to support the development and use of renewable energy by residents, businesses, and municipalities.

The Oceans Act, which requires the development of a first-in-the-nation comprehensive management plan for Massachusetts’s state waters, allows for the development of wind, wave, and tidal power as part of a plan that balances new and traditional uses with preservation of natural resources.

The Clean Energy Biofuels Act gives preferential tax treatment to non-corn-based alternatives to ethanol, requires biofuel content in all the diesel and home heating fuel sold in the state, and proposes a new fuel standard for the region that will encourage a range of emissions-reducing technologies for cars and trucks.

“I congratulate Governor Patrick, Senate President Murray, and Speaker DiMasi on launching the most comprehensive and forward-thinking set of clean-energy policies in the nation,” said Hemant Taneja, co-chairman of the New England Clean Energy Council. “The legislation passed this year not only serves as an example to the nation that the United States must take a leadership position in addressing climate change, it will also serve to spur the

early development of a low-carbon energy technology industry in Massachusetts, setting it on a path to becoming a global leader in this rapidly growing multibillion-dollar industry.”

01-30A-02C Climate Change/Global Warming

PA

This Act:

- directs the state environment department to prepare a report about the potential impact of climate change on the state;
- describes certain criteria which must be covered by the report, including scientific predictions about changes in temperature and precipitation patterns;
- directs the department to work with local and federal agencies to compile data for the report;
- requires the department to conduct a yearly inventory of all the greenhouse gases emitted in the state by all sources in the state and to use that data to identify greenhouse gas emission trends and to establish a baseline to predict future emissions in the state if the government does not intervene to control such emissions;
- establishes a Climate Change Advisory Committee; and
- establishes a Voluntary Greenhouse Gas Registry.

Submitted as:

Pennsylvania

[SB 266](#)

Status: Enacted into law in 2008.

Comment:

Disposition: 01-30A-02A

CSG policy task force recommendations to
The Committee on Suggested State

Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Disposition: 01-30A-02B

CSG policy task force recommendations to
The Committee on Suggested State

Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Disposition: 01-30A-02C

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act directs that no model year 2010 or subsequent model year motor vehicle shall be sold or leased in the state unless there is securely and conspicuously affixed in a clearly visible location, a label on which the manufacturer shall endorse clearly, distinctly, and legibly true and correct entries disclosing information concerning the emissions of global warming gases. The label must include a global warming index that contains quantitative information presented in a continuous, easy-to-read scale that compares the emissions of global warming gases from the vehicle with the average projected emissions of global warming gases from all vehicles of the same model year. For reference purposes, the index shall also identify the emissions of global warming gases from the vehicle model of that same model year that has the lowest emissions of global warming gases.

Submitted as:

Rhode Island

[Chapter 218 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act mandates the amount of biofuels that must be blended with traditional diesel or gasoline sold in the state, but seems to make these amounts conditioned upon whether or not the infrastructure is in place to provide the quantity of biofuels necessary to meet the law's requirements and the costs to consumers for this type of fuel.

Submitted as:

Pennsylvania

[HB 1202](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

According to California legislative staff, the California Global Warming Solutions Act of 2006, requires the State Air Resources Board (state board) to adopt regulations to require the reporting and verification of statewide greenhouse gas emissions and to monitor and enforce compliance with the reporting and verification program, as specified, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions levels in 1990 to be achieved by 2020. The Act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective reduction in emissions of greenhouse gases and authorizes the state board to adopt market-based compliance mechanisms, as defined, meeting specified requirements. Existing law requires the PUC, by February 1, 2007, through a rulemaking proceeding and in consultation with the Energy Commission and the state board, to establish a greenhouse gases emission performance standard for all baseload generation of load-serving entities.

This Act requires that a combined heat and power system comply with the greenhouse gases emission performance standard established by the PUC. It requires the state board to report to the Governor and the Legislature by December 31, 2011, on the reduction in emissions of greenhouse gases resulting from the increase of new electrical generation that utilizes excess waste heat through combined heat and power systems and recommend policies that further the goals of the bill.

The Act states that it is the intent of the Legislature:

- to dramatically advance the efficiency of the state's use of natural gas by capturing unused waste heat;
- reduce wasteful consumption of energy through improved residential, commercial, institutional, industrial, and manufacturer utilization of waste heat whenever it is cost effective, technologically feasible, and environmentally beneficial, particularly when this reduces emissions of carbon dioxide and other carbon-based greenhouse gases, and
- to support and facilitate both customer- and utility-owned combined heat and power systems.

This Act authorizes the PUC to require an electrical corporation to purchase excess electricity, as defined, delivered by a combined heat and power system, as defined, that complies with certain sizing, energy efficiency, and air pollution control requirements, but would authorize the PUC to establish a maximum kilowatt-hours limitation on the amount of excess electricity that an electrical corporation is required to purchase if the PUC finds that the anticipated excess electricity generated has an adverse effect on long-term resource planning or the reliable operation of the grid.

The bill requires the PUC to establish, in consultation with the Independent System Operator, tariff provisions that facilitate the provisions of the Act and the reliable operation of the grid. The bill requires every electrical corporation to file a standard tariff with the PUC for the purchase of excess electricity from an eligible customer-generator, as defined, would require the electrical corporation to make the tariff available to eligible customer-generators within the service territory of the electrical corporation upon request, and would authorize the electrical corporation to make the terms of the tariff available in the form of a standard contract. The bill requires that the costs and benefits associated with any tariff or contract be allocated to benefiting customers.

The Act requires the PUC to establish for each electrical corporation, a pay-as-you-save pilot program, meeting certain goals, for eligible customers, as defined, to finance all of the upfront costs for the purchase and installation of combined heat and power systems. The bill requires the PUC, in approving an electrical corporation's procurement plan, to require the plan to assess the reliability of incorporating combined heat and power solutions to the maximum degree that is cost effective compared to other competing forms of wholesale generation, technologically feasible, and environmentally beneficial, particularly as it pertains to reducing emissions of carbon dioxide and other greenhouse gases. The bill authorizes the PUC to modify or adjust the requirements of the act for any electrical corporation with less than 100,000 service connections, as individual circumstances merit.

This Act requires a local publicly owned electric utility serving retail end-use customers to establish a program that allows retail end-use customers to utilize combined heat and power systems that reduce emissions of greenhouse gases by achieving improved efficiencies utilizing heat that would otherwise be wasted in separate energy applications and that provides a market for the purchase of excess electricity generated by a combined heat and power system, at a just and reasonable rate, to be determined by the governing body of the utility.

This Act requires the Energy Commission, by January 1, 2010, to adopt guidelines that require combined heat and power systems be designed to reduce waste energy, be sized to meet the eligible customer-generator's thermal load, operate continuously in a manner that meets the expected thermal load and optimizes the efficient use of waste heat, and are cost effective, technologically feasible, and environmentally beneficial. The bill authorizes the Energy Commission to adopt temporary guidelines for combined heat and power systems prior to January 1, 2010. The bill requires an eligible customer-generator's combined heat and power system to meet certain efficiency and emissions requirements. The bill requires an eligible customer-generator to adequately maintain and service the combined heat and power system so that during operation, the system continues to meet or exceed the efficiency and emissions requirements.

Submitted as:

California

[Chapter 713 of 2007](#)

Status: Enacted into law in 2007.

Comment:

03-30A-02B Waste Heat and Carbon Emissions Reduction

CA

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, as defined. Existing law authorizes the PUC to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. The existing Waste Heat and Carbon Emissions Reduction Act authorizes the PUC to require an electrical corporation to purchase excess electricity from any customer of the electrical corporation that is delivered by a combined heat and power system that complies with the sizing, energy efficiency, and air pollution control requirements of that Act.

The Act requires every electrical corporation to file a standard tariff with the PUC for the purchase of excess electricity from an eligible customer-generator, as defined, requires the electrical corporation to make the tariff available to eligible customer-generators within the service territory of the electrical corporation upon request, and authorizes the electrical corporation to make the terms of the tariff available in the form of a standard contract. The existing definition of an eligible customer requires that the customer of an electrical corporation use a combined heat and power system with a generating capacity of not more than 20 megawatts that is in compliance with the act's requirements and be a nonprofit organization that is exempt from taxation pursuant to a specified provision of federal law.

This Act defines an eligible customer to require that the customer of the electrical corporation use a combined heat and power system with a generating capacity of not more than 20 megawatts that is in compliance with the Act's requirements and that the customer either be a nonprofit organization that is exempt from taxation or be a federal, state, or local government facility.

The bill provides that an approval made by the Department of Finance for a state agency to purchase, lease, or otherwise acquire a combined heat and power facility financed through the pay-as-you-save program may not be made sooner than after a specified time written notification is provided to certain members of the legislature.

Submitted as:

California

[Chapter 253 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

Disposition: 03-30A-02A

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Disposition: 03-30A-02B

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act provides that a county, municipality, school district, or community college district may own and operate a wind generation turbine farm either individually or jointly with another unit of local government, school district, or community college district that is authorized to own and operate a wind generation turbine farm. Under the Act, a county, municipality, school district, or community college district may ask for the assistance of the state power agency in obtaining financing options to build a wind generation turbine farm.

Submitted as:

Illinois

[Public Act 095-0805](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act establishes a Clean Energy Technology Center and provides funding to various private and nonprofit entities to train people to work in the clean energy industry.

Submitted as:

Massachusetts

[Chapter 307 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act establishes requirements for the sale, installation, and use of outdoor wood-fired hydronic heaters.

Submitted as:

New Hampshire

[Chapter 362 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Indiana Law Blog

Friday, August 15, 2008

Environment - New Hampshire's new law regulating outdoor wood boilers goes into effect

As the ILB wrote in this Feb. 12th entry:

The ILB has posted a large number of entries on the possible regulation of outdoor wood-fired boilers or stoves used to heat homes. This entry from Nov. 24, 2007 gives some good background. Because IDEM and US EPA have both failed to act, a number of local entities have explored the possibility of writing their own ordinances.

Today New Hampshire's *Foster's Daily Democrat* reports in a story that begins: CONCORD — A new law applying to outdoor wood boilers (also known as outdoor wood-fired hydronic heaters) has gone into effect, the state Department of Environmental Services has announced.

Those who already own an outdoor wood boiler or are thinking about purchasing one should know about HB 1405 (Chapter 362, Laws of N.H. 2007) of which certain provisions went into effect on Sunday. The law establishes requirements for the sale, installation and use of the devices.

As of Sunday, clean wood and wood boilers that are purchased and installed after that day and before next Jan. 1, and do not meet certain particulate emission standards as certified by the U. S. EPA, must meet two conditions. First, they must be installed no closer than 200 feet from abutting residence. Second, they must have a permanent attached stack that is at least two feet higher than the peak of the roof of a residence or place of business (not served by the unit) located within 300 feet of the outdoor wood boiler.

Also, all distributors and sellers of outdoor wood boilers are required to provide prospective buyers with a copy of the new law.

Owners of existing outdoor wood boilers that are deemed a nuisance or injurious to public health by either the municipality or the Department of Health and Human Services will now be required to take corrective action. DES will provide technical assistance to the municipality and the Department of Health and Human Services if this situation arises.

Posted by Marcia Oddi on August 15, 2008 10:13 AM

Posted to Environment

Disposition: 03-30A-05

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act:

- establishes high-performance buildings standards and timeframes for state-funded construction and requires that by 2018, state-leased buildings meet those same standards;
- appoints a High-performance Buildings Advisory Committee;
- provides Residential Energy Efficiency Income Tax Credits for a percentage of installed costs of upgraded insulation, energy-efficient windows and doors, geo thermal technology and heating and cooling systems;
- provides Commercial Property Energy Efficiency State Income Tax Credits for a percentage of installed costs of energy-efficiency interior lighting systems and HVAC systems;
- provides Energy Star Home and Manufactured Home Credits for purchasers and owner-builders of ENERGY STAR homes.
- helps boards of education conserve more of their funding for instructional and other purposes by requiring enrollment in a state Energy Efficiency Program offered by a public university in the state;
- directs the state public service commission to consider next-generation residential utility meters when reviewing utility demand management plans.
- creates incentives for renewable energy by producing energy for sale and/or use from wind, hydro or solar power covering residential, commercial and institutional (including state income tax credits for a percentage of installed costs of active and passive solar space heating systems, solar water heating systems, wind turbines, and solar photovoltaics systems); and
- calls on the Governor’s Office of Energy Policy to develop a report and recommendations on adoption of a requirement for a renewable and energy efficiency portfolio standard from regulated electric utilities in the state.

Such portfolio standards provide targets for utilities to diversify their portfolio of energy strategies.

Submitted as:

Kentucky

[HB 2 \(enrolled version\)](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to
 The Committee on Suggested State
 Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
 meeting
 Reject
 No action

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Comments/Note to staff:

This Act creates the position of state Geographic Information Systems (GIS) officer to be appointed by the governor. The Act:

- requires the state GIS officer to adopt or veto the GIS data standards and a statewide data integration plan;
- provides that the state data center of the state library shall be the state's depository for GIS data;
- assigns duties to the state GIS officer and the state data center in implementing and enforcing the state GIS data standards;
- provides that a political subdivision maintains the right to control the sale, exchange, and distribution of any GIS data or framework data provided by the political subdivision to the state;
- provides that the state GIS officer may require, as a condition of a data exchange agreement, that a political subdivision follow the GIS data standards and the statewide data integration plan when the political subdivision makes use of the GIS data or framework data provided by the state;
- prohibits the state GIS officer or the state data center from recommending or restricting standards for GIS hardware or software that a proprietary vendor provides to a political subdivision; and
- provides that in-state buying preferences shall be observed in all procurement decisions related to the state GIS data standards.

Submitted as:

Indiana

[Senate Enrolled Act No. 461](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

According to NCSL, this model state legislation by the National Institute of Justice:

- requires all law enforcement agencies to accept any report of a missing person and to share it within the state and region;
- requires law enforcement officers to notify the family about how the case will be handled;
- suggests ways to improve the collection of information about missing persons and prioritize high-risk cases;
- ensures prompt dissemination of critical information to other law enforcement agencies and the public that can improve the likelihood of a safe return;
- lays out an approach for collecting data that can later be used to help identify human remains;
- suggests ways to improve death scene investigations and ensure the delivery of human remains to the proper examining entity; and
- ensures the timely reporting of identifying information to national databases.

Submitted as:

[NIJ Model legislation](#)

Status: see “Comment”

Comment: Per Comment 29B-a, this item was deferred to the Omaha SSL Meeting in December, 2008. The Committee asked staff to get similar, additional legislation for Docket 30A.

According to the National Institute of Justice, five states, California, Kansas, Nevada, New Mexico, and Texas, have laws that focus on locating missing persons and identifying human remains. In 2005, NIJ brought together Federal, State, and local law enforcement officials, forensic scientists, victims advocates, legislators, and families of missing persons to draft model state legislation on the prompt collection, analysis, and dissemination of evidence to help solve these cases. Alabama, Arizona, Hawaii, Illinois, Maryland, Ohio, and Washington and the District of Columbia introduced bills that use the proposed legislation as guidance.”

The National Clearinghouse for Science, Technology and Law reports “Lastly, a model state policy for implementing missing person identification programs was published by the National Institute of Justice in 2005. Several states, Texas, California, Kansas, Nevada, New Mexico, have written laws implementing identification programs, while numerous other states, Alabama, Arizona, Hawaii, Illinois, Maryland, Ohio, Washington, were inspired by the model policy to draft bills proposing procedures for solving human identification cases.”

According to *ProjectJason*, “Campaign for the Missing is a grassroots effort to pass legislation in each state that will serve to improve the law enforcement community's ability to locate and ensure a safe return of missing persons. It will address the national problems of missing persons and the identification of human remains and provide the framework for improving law enforcement's response. It will also improve the collection of critical information about missing persons, prioritize high-risk missing persons cases, and ensure prompt dissemination of critical information to other law enforcement agencies and the public that can improve the likelihood of a safe return.

The Department of Justice, working with Federal, State, and local law enforcement; coroners and medical examiners; victim advocates; forensic scientists; key policymakers; and family members who have lived through this tragic experience, developed the model to be presented in each state's legislature.

The only states right now that have passed with the entire bill intact is NJ and OR.

Other states that have passed due to the work of Campaign volunteers are CT, FL, and IN. All three states need to add the DNA and unidentified remains section of the legislation. States which passed similar legislation before the Campaign was in full swing: TX, CA, WA, DC, and CO. These states still need work, such as adding the 2 Project Jason Amendments.”

Disposition: 05-29B-01

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This law enacts the model missing persons legislation proposed by the National Institute of Justice, the research, development and evaluation agency of the United States Department of Justice.

The purpose of this bill is to improve the ability of law enforcement to locate and return missing persons, to improve the identification of human remains and to improve timely information and notification to the family members of missing persons.

The bill outlines the best practices and protocols law enforcement should adopt and utilize in missing person cases, in identifying human remains, and in providing timely information to the families of missing persons to keep them fully apprised and aware of the actions being taken and the progress of an investigation.

Submitted as:

New Jersey

[P.L. 2007, Chapter 279](#)

Status: Enacted into law in 2008.

Comment:

This Act requires law enforcement agencies to have written policies regarding missing persons and to have specific procedures for investigating missing persons. It allows the agency receiving the report to request such information concerning the missing person as:

- the person's name and any alternative names;
- the person's date of birth;
- the person's physical description;
- the person's blood type;
- the person's driver license number;
- the person's social security number;
- the person's recent photograph;
- a description of the person's clothing; and
- the person's telephone numbers and e-mail addresses.

The Act requires certain agencies to forward a DNA sample obtained in missing persons' cases to the state police. It requires the medical examiner to make reasonable efforts to promptly identify human remains following procedures consistent with standards of the National Association of Medical Examiners. It excludes from the term "unidentified human remains" human remains that are part of an archaeological site or suspected of being Native American.

The Act allows a person or their estate to request the destruction of the person's remains or the decedent's DNA. It changes the name of the clearinghouse to missing children and adults clearinghouse. The Act requires a law enforcement agency to accept a missing person's DNA if a person who has been reported missing has not been located within thirty days.

Submitted as:
Oregon
[Enrolled SB351](#)
Status: Enacted into law in 2007.

Comment:

05-30A-01C Missing Persons

IN

This Act requires a law enforcement agency that receives a report of a missing person to take certain steps to locate the missing person. It also requires a coroner having custody of unidentified human remains take certain steps to attempt to identify the remains.

Submitted as:
Indiana
[House Enrolled Act No. 1306](#)
Status: Enacted into law in 2007.

Comment:

Disposition: 05-30A-01A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action
Comments/Note to staff:

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Disposition: 05-30A-01B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action
Comments/Note to staff:

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Disposition: 05-30A-01C

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This bill permits the state department of correction to freeze all or a portion of an inmate’s account while investigating whether the inmate has committed inmate fraud or while a criminal case involving inmate fraud is pending against the inmate. It requires the department to return money in the inmate’s account to the rightful owner if the inmate is convicted, and specifies that the money will be deposited in a Violent Crime Victims’ Compensation Fund if the rightful owner cannot be located.

The Act also provides that inmate fraud, a Class C felony, is committed by an inmate who, with the intent of obtaining money or other property from a person who is not an inmate, knowingly or intentionally makes a misrepresentation to a person who is not an inmate and obtains or attempts to obtain money or other property from the person who is not an inmate or obtains or attempts to obtain money or other property from the person who is not an inmate through a misrepresentation made by another person.

Submitted as:

Indiana

[Senate Enrolled Act No. 10](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act directs a state department to establish a crane certification program for cranes used in construction. In establishing rules, the department shall consult nationally recognized crane standards. The crane certification program must include certification requirements for crane inspectors, including an experience requirement, an education requirement, a training requirement, and other necessary requirements determined by the department.

The Act directs the department to establish a process for certified crane inspectors to issue temporary certificates of operation for a crane and the department to issue a final certificate of operation for a crane after a certified crane inspector determines that the crane meets safety or health standards, including meeting or exceeding national periodic inspection requirements recognized by the department.

Crane owners must ensure that cranes are inspected and load proof tested by a certified crane inspector at least annually and after any significant modification or significant repairs of structural parts. If the use of weights for a unit proof load test is not possible or reasonable, other recording test equipment may be used. In adopting rules implementing this requirement, the department may consider similar standards and practices used by the federal government.

Tower cranes and tower crane assembly parts must be inspected by a certified crane inspector both prior to assembly and following erection of a tower crane. Before installation of a nonstandard tower crane base, the engineering design of the nonstandard base must be reviewed and acknowledged as acceptable by an independent professional engineer.

A certified crane inspector must notify the department and the crane owner if, after inspection, the certified crane inspector finds that the crane does not meet safety or health standards. A certified crane inspector shall not attest that a crane meets safety or health standards until any deficiencies are corrected and the correction is verified by the certified crane inspector.

The Act directs that inspection reports including all information and documentation obtained from a crane inspection shall be made available or provided to the department by a certified crane inspector upon request.

The Act directs that any crane operated in the state must have a valid temporary or final certificate of operation issued by the certified crane inspector or department posted in the operator's cab or station.

Submitted as:

Washington

[Chapter 27, Laws of 2007](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act requires every food facility, except a public school cafeteria, to maintain on the premises the label required for any food or food additive that is, or includes, any fat, oil, or shortening, for as long as this food or food additive is stored, distributed, or served by, or used in the preparation of food within, the food facility.

Commencing January 1, 2010, this Act prohibits oil, shortening, or margarine containing specified trans fats for specified purposes, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility. It also, commencing January 1, 2011, prohibits any food containing artificial trans fat, from being stored, distributed, or served by, or used in the preparation of any food within, a food facility.

The bill exempts from these prohibitions, specified public school cafeterias and food sold or served in a manufacturer's original, sealed package.

Submitted as:

California

[Chapter 207 of 2008](#)

Status: Enacted into law in 2008.

Comment:

The California Trans Fats bill in the 2009 *SSL* volume regulates trans fats and pupil nutrition in schools. This Act governs restaurant use of trans fats.

California Bans Trans Fats In Restaurants

Gov. Schwarzenegger signs bill making state the first to adopt such a law

The Associated Press

updated 5:17 p.m. ET, Fri., July 25, 2008

SACRAMENTO, Calif. - California on Friday became the first state to prohibit restaurants from using artery-clogging trans fats in preparing their food.

Gov. Arnold Schwarzenegger signed legislation that will ban restaurants and other retail food establishments from using oil, margarine and shortening containing trans fats.

In a statement, Schwarzenegger noted that consuming trans fat is linked to coronary heart disease. "Today we are taking a strong step toward creating a healthier future for California," he said.

Violations could result in fines of \$25 to \$1,000. Food items sold in their manufacturers' sealed packaging would be exempt.

New York City, Philadelphia, Seattle and Montgomery County, Md., have ordinances banning trans fats, but California is the first state to adopt such a law covering restaurants, said Amy Wintefeld, a health policy analyst for the National Conference of State Legislatures.

California and Oregon already had laws banning trans fats in meals served at schools, she added.

The legislation signed by Schwarzenegger will take effect Jan. 1, 2010, for oil, shortening and margarine used in spreads or for frying. Restaurants could continue using

trans fats to deep-fry yeast dough and in cake batter until Jan. 1, 2011. Trans fats occur naturally in small amounts in meat and dairy products. Most trans fats are created when vegetable oil is treated with hydrogen to create baked and fried goods with a longer shelf life.

Stephen Joseph, a Tiburon attorney who was a consultant to New York City in developing its ban, said trans fat is a larger health risk than saturated fat because it reduces so-called good cholesterol.

The California Restaurant Association opposed the bill. Spokesman Daniel Conway said the federal Food and Drug Administration rather than individual states should be developing regulations on trans fat use.

He said, however, that the association has no plans to challenge the law, in part because restaurants already are phasing out trans fats to satisfy customers. Several major fast-food chains have announced that they have eliminated trans fats from their menus or intend to do so in the near future.

“We’re confident that California restaurants can meet the mandates of the bill,” Conway said.

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URL: <http://www.msnbc.msn.com/id/25853307/>

05-30A-04B Food Facilities: Nutritional Information

CA

Generally, this Act requires by January 1, 2011, every food facility in the state that operates under common ownership or control, with at least 19 other food facilities with the same name, that sell substantially the same menu items, or operates as a franchised outlet of a parent company with at least 19 other franchises, with the same name, that sell substantially the same menu items, disclose to consumers specified nutritional information for all standard menu items.

Specifically, the bill:

- excludes from the requirements of this bill certified farmers’ markets, commissaries, grocery stores, including convenience stores, licensed health care facilities, mobile support units, public and private school cafeterias, restricted food service facilities, retail stores in which a majority of sales are from a pharmacy, and vending machines;
- defines “calorie content information,” “drive-through,” “menu board,” “point of sale,” “reasonable basis,” “appetizer,” and “dessert” for purposes of this bill;
- specifies that “nutritional information” includes, but is not limited to, all of the following, per standard menu item, as that item is usually prepared and offered for sale:
 - A. total number of calories;
 - B. total number of grams of carbohydrates;
 - C. total number of grams of saturated fat; and,
 - D. total number of milligrams of sodium.
- defines “standard menu item” as a food or beverage item offered for sale by a food facility through a menu, menu board, or display tag at least 180 days per calendar year, with specified exceptions;
- requires, for the period of July 1, 2009, to December 31, 2010, every food facility to do the following:

A. disclose nutritional information, as defined, in a clear and conspicuous manner on a brochure made available at the point of sale, if it does not provide sit-down service;

B. disclose nutritional information in a clear and conspicuous size and typeface using at least one method, as specified, if it does provide sit-down service; and

C. disclose calorie content information for a standard menu item next to the item on the menu in a clear and conspicuous size and typeface, if it provides a menu.

- requires a food facility that has a drive-through and uses a menu board with standard menu items at the point of sale, to, for purposes of the drive-through only, clearly and conspicuously disclose in a brochure and conspicuously display a notice at the point of sale indicating that nutrition information is available upon request or other similar statement disclosing the availability of nutrition information upon request;

- requires, by January 1, 2011, every food facility that provides a menu, uses an indoor menu board, or uses a display tag as an alternative to a menu or menu board, to clearly and conspicuously disclose calorie content information next to every standard menu item;

- requires, by January 1, 2011, every food facility that has a drive-through and uses a menu board with standard menu items at the point of sale, to, for purposes of the drive-through only, clearly and conspicuously disclose the nutritional information for each standard menu item in a brochure and conspicuously display a notice at the point of sale indicating that nutrition information is available upon request or other similar statement disclosing the availability of nutrition information upon request;

- requires the disclosure of calorie content information on a menu or menu board next to a standard menu item, that is a combination of at least two standard menu items, to be based upon all possible combinations for that standard menu item, including both the minimum and maximum amount of calories for the calorie count information;

- requires, if there is only one possible total amount of calories, the total amount to be disclosed;

- requires the disclosure of calorie content information on a menu or menu board next to a standard menu item that is not an appetizer or dessert, but is intended to serve more than one individual, to include specified information relating to individual servings and calorie content per individual serving;

- requires the nutritional information and calorie content information required by this bill to be determined on a reasonable basis and only once per standard menu item, as specified;

- requires every brochure provided pursuant to this bill to include the following statement: "Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium;"

- permits menus and menu boards to include a disclaimer relating to nutritional content variations;

- prohibits this bill from being construed to create or enhance any claim, right of action, or civil liability that did not previously exist under state law or limit any claim, right of action, or civil liability that otherwise exists under state law;

- clarifies that the only enforcement mechanism of this bill is the local enforcement agency;

- prohibits this bill from being construed to preclude any food facility from voluntarily providing nutritional information in addition to the requirements of this bill;
- states that, to the extent consistent with federal law, this bill occupies the whole field of regulation regarding the disclosure of nutrition information by a food facility and preempts any local government ordinance or regulation that regulates the dissemination of nutrition information;
- makes a violation of this bill an infraction punishable by a maximum fine of \$500 for each violation that may be assessed by a local enforcement agency, commencing July 1, 2009; and
- prohibits making a violation of this bill a misdemeanor.

Submitted as:

California

[Senate Bill No. 1420 \(enrolled version\) / Chapter 600, Statutes of 2008](#)

Status: Enacted into law in 2008.

Comment:

According to a California legislative analysis –

“Studies have shown that eating out more frequently is associated with obesity, higher body fat or higher body mass index (BMI), and that eating more fast-food meals is linked to eating more calories, more saturated fat, fewer fruits and vegetables, and less milk. According to a report issued by the Center for Science in the Public Interest (CSPI) in 2003, Americans spent about 46 percent of their food dollars at restaurants (source: National Restaurant Association), compared with 26 percent in 1970. According to the United States Department of Agriculture (USDA), calories consumed at restaurants (or away-from-home foods) as a part of the diet had doubled from 18 percent to 34 percent by 1995.

Obesity has reached epidemic proportions in the United States, affecting one-third of all adults, 27 percent of children, and 21 percent of adolescents. Former Surgeon General David Satcher has stated that, “Overweight and obesity may soon cause as much preventable disease and death as cigarette smoking.”

A recent RAND study (March, 2002) reported that, “The health risks of obesity [are] worse than smoking, drinking or poverty.” The study reports that obesity is linked to higher medical costs and very high rates of chronic illnesses, higher than living in poverty, and much higher than smoking or drinking.

In some school districts in California, 50 percent of the students are overweight. Overweight youth face increased risks of many serious health problems that, traditionally, have not commonly occurred during childhood, including type 2 diabetes, high blood pressure, arthritis, and osteoporosis. More than 80 percent of obese adolescents remain obese as adults, with even more severe consequences, including higher risks of heart disease and cancer.

In September 2006, the Department of Health Services released the California Obesity Prevention Plan to serve as a guide for each sector of society to take part in creating the shift to healthy eating and active living. The plan identifies recommendations for action for all sectors to ake sustainable changes in physical activity and food environments. The plan

organized strategic actions around four goals, including “supporting local assistance grants and implementing multi-sectoral policy strategies to create healthy eating and active living community environments.”

Within the framework of this larger goal, the plan recommends posting calorie information per serving on all menus and menu boards at restaurants and encourages healthy food options on all menus.”

Disposition: 05-30A-04A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action
Comments/Note to staff:

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject
Comments/Note to staff:

Disposition: 05-30A-04B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action
Comments/Note to staff:

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject
Comments/Note to staff:

The Act requires the state department of health to adopt rules to protect the health, safety, and welfare of people living in mobile railroad camps.

Submitted as:

Indiana

[Senate Enrolled Act No. 371](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

According to Florida legislative staff, this Act directs the Department of Community Affairs (DCA) to conduct a feasibility study on incorporating into the state's emergency management plan the logistical supply and distribution of essential commodities by nongovernment agencies and private entities.

The bill requires each motor fuel dispensing facility that sells motor fuel to be capable of operating its distribution racks using an alternate generated power source for a minimum of 72 hours, no later than 36 hours after a major disaster. Certain motor fuel retail outlets in close proximity of interstate highways or evacuation routes must be pre-wired with an appropriate transfer switch capable of operating all required equipment using an alternate power source. Each entity owning 10 or more motor fuel retail outlets located within a single county must maintain an appropriate number of generators to service those outlets. The bill establishes a layered criterion of requirements for ownership of additional outlets.

The Act creates the Florida Disaster Motor Fuel Supplier Program within the DCA. The voluntary program allows motor fuel retail outlets doing business in the state to participate in a network of emergency responders to provide fuel supplies and services to government agencies, medical institutions and critical responders, as well as the general public within 24 hours following the disaster. Each county governing body that chooses to participate is authorized to administer the program within certain guidelines, including charging fees to cover actual program costs.

The bill limits the prohibition against price gouging during a Governor's declared state of emergency to 60 days and requires a specific renewal statement for this prohibition.

The bill requires all multi-family dwellings that are at least 75 feet high and contain a public elevator, to have at least one public elevator that is capable of operating on an alternate power source available to residents for a number of hours each day over a 5-day period following a disaster. Any entity that operates a residential dwelling is required to provide a local building inspection agency proof of a current contract for an alternate power source. The bill specifies a statewide public disaster awareness campaign. The bill appropriates \$67.5 million for improvements to emergency operation centers, increase storage capacity, improve technologies, maintain supplies, and fund a public awareness campaign.

Submitted as:

Florida

[Chapter 2006-71](#)

Status: Enacted into law in 2006.

Comment:

Friday, September 05, 2008

Gustav Draws Attention To Fla. Generator Law

By John Gramlich, Stateline.org Staff Writer

In Texas, residents return to their homes after Hurricane Gustav made landfall in Louisiana. Nearly two million people left Louisiana ahead of the storm, and their return has been complicated by fuel shortages caused in part by power outages.

Power outages caused by Hurricane Gustav have shut down gas stations throughout Louisiana this week, but Florida officials are hoping a little-known state law can help them avoid the same complication the next time a major storm reaches their shores — which could be this weekend.

The Sunshine State in 2006 approved a law — believed to be the only one of its kind — that requires nearly 1,000 gas stations along interstate highways and other major evacuation routes in the state to install wiring allowing them to use backup power sources to pump gas during emergencies.

The law, which also requires the stations to have generators on hand or available within 24 hours of an emergency, is meant to ensure that gas stations can stay open if hurricanes or other disasters knock out electricity, allowing residents to evacuate the state and return home more smoothly.

In Louisiana this week, Gov. Bobby Jindal (R) identified a lack of power at gas stations across much of the state as one of the fundamental problems awaiting an estimated 1.9 million residents who fled ahead of Gustav's landfall. The evacuation is being called the largest in state history.

On Thursday (Sept. 4), Jindal announced that the state would spend about \$20 million to purchase 400 generators to restore power at gas stations, grocery stores and pharmacies, as hundreds of thousands of evacuees return, including many from neighboring states.

Florida's law, signed by then-Gov. Jeb Bush (R) in the wake of a series of major hurricanes in 2004 and 2005, could face its first major test as early as Saturday (Sept. 6), when Tropical Storm Hanna could make landfall there. Forecasters have cautioned that Hanna could gain strength and turn into a hurricane before reaching land, and they note that two more named storms — Ike and Josephine — also are stirring over the Atlantic Ocean and threaten Florida in the coming days.

Of the 970 gas stations that Florida officials have identified as falling under the generator law, almost all have complied with its demands, said Terence McElroy, a spokesman with the Florida Department of Agriculture and Consumer Services, which inspected the stations. Gas stations that fail to comply could be shut down, and owners could face fines or even criminal charges.

“We found their compliance and cooperation very encouraging,” McElroy said of gas station owners and managers, noting that many in the business community agree that the law serves an important public-safety purpose.

But the law also carries significant costs for business owners, who have had to install “transfer switches” that are necessary for generators to power their gas stations — in addition to buying the generators themselves. More importantly, many owners complain, the law's success largely depends on other factors during emergencies.

David Whitaker, general manager of the Flying J Travel Plaza off Interstate 95 in Fort Pierce, Fla., said his company paid about \$400,000 for a generator and \$33,000 for the installation of a transfer switch to comply with the law. Even with those expenses, Whitaker said, there is no guarantee he will be able to open the travel plaza the next time a hurricane or other disaster hits the region.

“This is a giant truck stop, which means that it requires a minimum of 15 to 20 employees to run it,” Whitaker said in an interview with Stateline.org. The generator, he said, will be useless if he cannot find workers willing to stay behind during a storm, noting that the state cannot force him to keep his gas station open.

“It’s a wonderful idea as long as I have enough brave souls to operate the plaza,” he said.

Others have cautioned that fuel shortages during disasters are not caused simply by a lack of electricity at gas stations, but by an inability of suppliers to reach the stations to deliver the gas. Many gas stations in Louisiana this week have reported supply problems in addition to a lack of generators.

The law is not perfect, acknowledged Florida state Rep. Sandy Adams (R), chair of the House Domestic Security Committee, where the generator legislation originated two years ago. But she said lawmakers have learned from each storm that has hit Florida and continue to refine their approaches to make the state more prepared for the next emergency.

“It’s a lessons-learned approach,” she said.

McElroy, of the state Department of Agriculture and Consumer Services, predicted that the law will prove useful. He said that residents who returned to Florida after the hurricanes in 2004 and 2005 “found areas, days later, that were without power and they couldn’t fill their cars. I don’t think they’ll find that again.”

Contact John Gramlich at jgramlich@stateline.org.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act allows a plaintiff to commence a single judicial foreclosure action, joining as defendants multiple obligors with separate time share estates and the junior lienors thereto, under specified conditions. The action shall be deemed a single action, suit, or proceeding for purposes of payment of filing fees, so long as the plaintiff complies with the provisions of the bill. Each timeshare estate foreclosed shall be subject to a separate foreclosure sale, and any cure or redemption rights shall remain separate.

Submitted as:

Colorado

[HB 1365](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates a financial tool to allow new growth to more expediently pay for itself through the creation of Community Infrastructure Districts (CIDs). A CID allows the formation of a taxing district comprised by the boundaries of a new development. Taxes and assessments applied only to lands within the new development will secure bonds. Those bonds can be utilized to fund and construct regional community infrastructure, inside and outside the district. Only infrastructure that is impact fee-eligible, such as highways, roads, bridges, sewer, and water treatment facilities, and police, fire, and other public safety facilities may be funded with bond proceeds generated by a CID.

The legislation also creates a mechanism for the prepayment of development impact fees. Impact fees are typically collected at the time of building permit issuance. Those are generally paid in arrears or collected after the need for funding and infrastructure improvement has occurred. The prefunding of developmental impact fees will allow for the construction of adequate public facilities prior to developmental growth, and in advance of the need for increased facility capacities. A CID can only be formed within the boundaries of a city or within the boundaries of a city's comprehensive planning zone and with the city's consent.

Only infrastructure that is publicly owned by the state, county, or city and only impact fee-eligible projects may be constructed with the proceeds of a CID.

Submitted as:

Idaho

[HB 680](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act establishes that the realization of specified transit-oriented development (TOD) of specified property located near transit stations is a transportation purpose that is essential for the attainment of specified objectives.

This Act defines “transit-oriented development” as a mix of private or public parking facilities; commercial and residential structures; and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:

- is part of a deliberate development plan or strategy involving property that is located within one-half mile of the passenger boarding and alighting location of a planned or existing transit station;
- is planned to maximize the use of transit, walking, and bicycling by residents and employees; and
- is designated as a TOD by the state secretary of transportation in consultation with other specified state agencies and the local government or multicounty agency with land use and planning responsibility for the relevant area.

Submitted as:

Maryland

[Chapter 123 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- () Include in Volume
- () Defer consideration to next task force meeting
- () Reject
- () No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- () Include in Volume
- () Defer consideration
 - () next task force mtg.
 - () next SSL mtg.
 - () next SSL cycle
- () Reject

Comments/Note to staff:

06-30A-04 Residential Mortgage Loans: Foreclosure Procedures CA

This Act requires a mortgagee, trustee, beneficiary, or authorized agent to wait 30 days after contact is made with the borrower, or 30 days after satisfying due diligence requirements to contact the borrower, as specified, before filing a notice of default. The bill requires contact with the borrower order to assess the borrower's financial situation and explore options for the borrower to avoid foreclosure. The Act requires the mortgagee, beneficiary, or authorized agent to advise the borrower that he or she has the right to request a subsequent meeting within 14 days, and to provide the borrower the toll-free telephone number made available by the United States Department of Housing and Urban Development (HUD) to find a HUD-certified housing counseling agency.

This Act requires a notice of default to include a specified declaration from the mortgagee, beneficiary, or authorized agent regarding its contact with the borrower or that the borrower has surrendered the property. If a notice of default had already been filed prior to the enactment of this act, the bill instead requires the mortgagee, trustee, beneficiary, or authorized agent, as part of the notice of sale, to include a specified declaration regarding contact with the borrower. The bill authorizes a borrower to designate a HUD-certified housing counseling agency, attorney, or other advisor to discuss with the mortgagee, beneficiary, or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure. The contact and meeting requirements of these provisions would not apply if a borrower has surrendered the property or the borrower has contracted with an organization, as specified. The Act also requires specified mailings to the resident of a property that is the subject of a notice of sale, as specified. The legislation makes it a crime to tear down the notice of sale posted on a property within 72 hours of posting.

Until January 1, 2013, this Act requires a legal owner to maintain vacant residential property purchased at a foreclosure sale, or acquired by that owner through foreclosure under a mortgage or deed of trust. The bill authorizes a governmental entity to impose civil fines and penalties for failure to maintain that property of up to \$1,000 per day for a violation. The bill requires a governmental entity that seeks to impose those fines and penalties to give notice of the claimed violation and an opportunity to correct the violation at least 14 days prior to imposing the fines and penalties, and to allow a hearing for contesting those fines and penalties.

Until January 1, 2013, this bill gives a tenant or subtenant in possession of a rental housing unit at the time the property is sold in foreclosure, 60 days to remove himself or herself from the property.

Submitted as:

California

[Chapter 69 of 2008](#)

Status: Enacted into law in 2008.

Comment:

07/08/2008 GAAS:508:08 FOR IMMEDIATE RELEASE

Governor Schwarzenegger Signs Legislation to Help Protect Homeowners from Foreclosure

Governor Arnold Schwarzenegger today signed SB 1137 by Senate President Pro Tem Don Perata (D-Oakland) which requires lenders to contact homeowners and explore restructuring options before initiating the foreclosure process. It will also provide tenants with double the amount of time now afforded to them to move from a foreclosed property and prevent California's neighborhoods from becoming rundown by requiring owners to maintain foreclosed properties.

"Foreclosures not only devastate families they hurt neighborhoods and depress our economy and our budget," Governor Schwarzenegger said. "So, I am proud to announce today that we are giving Californians one more tool to help them stay in their homes - without government subsidies. And I am confident that with this legislation we will help even more Californians keep the American Dream of homeownership alive."

Last week, the Department of Corporations announced the number of loan modifications in California increased significantly in the months of April and May over January, meaning state action to work with lenders is helping Californians find more workable loans and keep their homes.

To help Californians hit hard by the mortgage crisis, the Governor has:

- Led efforts urging Congress and the Bush Administration to raise federal loan limits. Last fall, the Governor sent a letter calling on Congress to increase those limits and sent a similar letter again earlier this year. After Congress and the President approved a temporary increase, the Governor asked them to make the increase permanent. In February, the Governor met with the U.S. Department of Housing and Urban Development Secretary in Washington D.C. to reiterate the importance of a permanent loan limit increase.

- Announced \$69.5 million in permanent low-interest loans from the Proposition 1C housing bonds to jumpstart 14 affordable multi-family projects up and down the state, helping more than 1,000 California families and individuals realize the dream of an affordable rental home.

- Announced more than \$72 million in federal HOME Investment Partnerships Program funds to provide assistance to first-time homebuyers, reduce the number of bank-owned homes and increase the number of rental properties.

- Joined the OneCalifornia Foundation to announce a bridge loan fund for homeowners facing foreclosure in Oakland.

- Launched a \$1.2 million public awareness campaign to help educate homeowners about options that can help them avoid losing their homes to foreclosures.

- Announced an agreement with major loan servicers to streamline the loan modification process for subprime borrowers living in their homes.

- Signed legislation to increase protections for Californians who own or plan to purchase homes and to expand affordable housing opportunities.

- Issued new regulations to protect borrowers, which requires lenders to consider a borrower's ability to repay at the higher reset interest rate and mandates closer scrutiny of risk features such as interest only payments, reduced documentation and simultaneous second liens.

- Established the Interdepartmental Task Force on Non-traditional Mortgages to ensure a comprehensive and coordinated approach to the issues raised by subprime loans.

Disposition: 06-30A-04

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

06-30A-05 Mobilehome Parks: Disabled Accommodations and
Caregivers

CA

This Act requires mobilehome park management to allow a homeowner or resident to install accommodations for the disabled on their home or the site, lot, or space on which their home is located, as specified. This bill allows a mobilehome owner to share their home with a live-in caregiver who provides care pursuant to a written treatment plan without being charged a fee for that person.

Submitted as:

California

[Chapter 170 of 2008](#)

Status: Enacted into law in 2008.

Comment:

The bill's author notes: "Despite federal and state laws that require housing providers to make reasonable accommodations for disabled residents, some park managers do not permit residents to install disabled ramps or facilities on their homes or spaces in mobilehome parks. Mobilehome owners can file complaints with the Department of Fair Employment and Housing (DFEH) alleging discrimination or seek private legal action under federal or state law, but this process is often lengthy and legal costs are expensive. Inserting a specific provision to deal with this issue in the Mobilehome Residency Law (MRL) may help to provide a more expeditious remedy or avoid such disputes in the first place, as park rental agreements, rules and policies must be consistent with the MRL."

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates the crime of home improvement fraud. It provides for the following penalties: a fine of not more than \$1,000 or imprisonment for not more than six months, or both.

The Act provides that whoever commits the crime of home improvement fraud for a second or subsequent offense, or when the person with whom the contract for home improvements is entered into is a disabled person, or a person 60 years of age or older, shall be fined not more than \$10,000 or imprisoned, with or without hard labor, for not more than five years, or both. Lack of knowledge of the person's age or disability shall not be a defense. Restitution may be ordered at the discretion of the Court.

Submitted as:

Louisiana

[Act No. 292 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act generally requires metropolitan planning organizations to include sustainable communities strategies in their regional transportation plans for the purpose of reducing greenhouse gas emissions. The bill also aligns planning for transportation and housing, and creates incentives for the implementation of the strategies outlined in it.

The Act:

- requires the state transportation commission to maintain guidelines for travel demand models used in the development of regional transportation plans by metropolitan planning organizations;
- requires regional transportation plans adopt a sustainable communities strategy designed to achieve certain goals for the reduction of greenhouse gas emissions from automobiles and light trucks in the region;
- requires the State Air Resources Board, working in consultation with metropolitan planning organizations, to provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035 by September 30, 2010, to appoint a Regional Targets Advisory Committee to recommend factors and methodologies for setting those targets, and to update those targets every 8 years; and
- requires certain transportation planning and programming activities by metropolitan planning organizations to be consistent with the sustainable communities strategy contained in regional transportation plans.

To the extent a sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, the bill requires affected metropolitan planning organizations to prepare an alternative planning strategy to the sustainable communities strategy showing how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies.

The bill requires the State Air Resources Board to review each metropolitan planning organization's sustainable communities strategy and alternative planning strategy to determine whether the strategy would achieve the greenhouse gas emission reduction targets. It requires a strategy that is found to be insufficient by that state board to be revised by the metropolitan planning organization, with a minimum requirement that the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy would achieve the targets.

The Act requires city and counties planning and zoning plans include a housing element that identifies the existing and projected housing needs of all economic segments of the community, identifies actions to make sites available to accommodate various housing needs, including rezoning sites to accommodate 100% of the need for low-income housing, and sets a schedule to implement the plan. It generally requires rezoning certain sites to accommodate certain housing needs within specified times, with an opportunity for an extension time in certain cases, and would require the local government to hold a noticed public hearing within 30 days after the deadline for compliance expires. The bill, prohibits local governments that fail to complete a required rezoning within the timeframe required from disapproving a housing development project, as defined, or from taking various other actions that would render the project infeasible, and it allows project applicants or any interested person to bring an action to enforce these provisions.

The bill also allows a court to compel a local government to complete the rezoning within specified times and to impose sanctions on the local government if the court order or judgment is not carried out, and would provide that in certain cases the local government shall bear the burden of proof relative to actions brought to compel compliance with specified deadlines and requirements.

This Act requires local governments to review and revise its housing element as frequently as appropriate, but not less than every 8 years, if the local governments are located within a region covered by a metropolitan planning organization in a nonattainment region or by a metropolitan planning organization or regional transportation planning agency that meets certain requirements. The bill would also provide that, in certain cases, the time period would be reduced to 4 years or other periods, as specified.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill exempts from CEQA a transit priority project, as defined, that meets certain requirements and that is declared by the legislative body of a local jurisdiction to be a sustainable communities project. The transit priority project would need to be consistent with a metropolitan planning organization's sustainable communities strategy or an alternative planning strategy that has been determined by the State Air Resources Board to achieve the greenhouse gas emission reductions targets. The bill provides for limited CEQA review of various other transit priority projects.

The bill, with respect to other residential or mixed-use residential projects meeting certain requirements, exempts the environmental documents for those projects from being required to include certain information regarding growth inducing impacts or impacts from certain vehicle trips.

The bill also authorizes the legislative body of a local jurisdiction to adopt traffic mitigation measures for transit priority projects. It exempts a transit priority project seeking a land use approval from compliance with additional measures for traffic impacts, if the local jurisdiction has adopted those traffic mitigation measures.

Submitted as:

California

[Enrolled Senate Bill No. 375 of 2008 / Chapter 728](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act:

- creates a partnership between the Governor’s Office of Economic Development and state institutions of higher education to establish business resource centers;
- specifies that the primary functions of a business resource center are to coordinate economic development activities in a geographical area of the state and to measure economic impact;
- provides for the composition and administration of the business resource centers;
- provides duties and responsibilities for the centers; and
- creates a Business Resource Centers Advisory Board.

Submitted as:

Utah

[HB37 \(enrolled version\)](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act promotes greater public disclosure and transparencies regarding the issuance of certain tax credits and the filing of documentation in support of such tax credits. The Act also requires the director of the department of revenue to compile and print an annual report of such tax benefits not later than October 15 of each year.

Submitted as:

Rhode Island

[Chapter 08-165](#)

Status: Enacted into law in 2008.

Comment:

7/18/2008 New law requires more accountability from businesses receiving tax credits

STATE HOUSE –

Legislation approved by the General Assembly and signed into law by the governor will require businesses receiving tax credits or other financial incentives from the state to prove – through detailed reporting – that they are living up to their jobs-creation promises.

The new law is based on legislation sponsored in the Senate (2008 - S2261A) by Senate Majority Leader M. Teresa Paiva Weed (D-Dist. 13, Jamestown, Newport) and other members of Senate leadership, including Senate President Joseph A. Montalbano (D-Dist. 17, Lincoln, North Providence, Pawtucket) and Senate Minority Leader Dennis L. Algieri (R-Dist. 38, Westerly, Charlestown). Also signed by the governor was the House companion bill (2008 - H7953A), sponsored by Rep. Peter L. Lewiss (D-Dist. 37, Westerly) and co-sponsored by several members of the House Committee on Finance.

The new law sets various reporting requirements and verification processes for all the tax credit and incentive programs – whether provided through the Economic Development Corporations, the Distressed Areas Revitalization Act, the Jobs Development Act, the Mill Building the Economic Revitalization Act, or the Motion Picture Production Tax Credits program. (The Historic Structures program is exempted from the law because financing for that program has been changed as part of adoption of the supplemental budget earlier this year.)

The bills added new language to several sections of state law that establish tax credit and incentive programs. In each case, the state agency or corporations entering into the incentive agreement would be required, prior to finalizing the agreement, to prepare and publicly release an analysis of the impact the proposed investment might have on the state. That analysis will need to be supported by a number of different factors, including the financial exposure of the state under the plan; the approximate number of full-time, part-time, temporary, seasonal and/or permanent jobs projected to be created; the approximate wage rates for each category of identified jobs and the types of fringe benefits to be provided with the jobs, including health care insurance and retirement benefits. Also part of the analysis will be the projected fiscal impact on increased personal income taxes, the projected duration of identified construction jobs, identification of geographic sources of the staffing

for the jobs and a description of any plan or process intended to stimulate hiring from the host community, training of employees or potential employees and outreach to minority job applicants and minority businesses.

Under the new law, reports on the status of the program must be prepared for the previous fiscal year and presented to the Senate and House Finance Committees, the Senate and House fiscal advisors, the Department of Labor and Training and the Division of Taxation by August 15 of each year following the beginning of the tax incentive agreement. The material will be made available to the public.

The new law also provides that any entity entering into such an agreement with the state that is unable to continue the project or otherwise defaults on its obligations will be liable to the state for all the sales tax benefits, plus interest.

Finally, the law requires a unified economic development budget report on all of the various tax credits and performance of the entities receiving them. This report, to be compiled by the Department of Revenue, would be due by October 15 every year and published in print and electronic form. The director will also be required to provide to the General Assembly a comprehensive presentation of the costs of all such tax credits.

For more information, contact:

Randall T. Szyba, Publicist
State House Room 20
Providence, RI 02903
(401) 222-2457

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

08-30A-03A Uniform Limited Cooperative Association Act
Statement

UT

This bill enacts the Uniform Limited Cooperative Association Act. Specifically, this bill defines terms; addresses the nature, purpose, and duration of a limited cooperative association; and outlines the relationship of the Act to other law. In addition, the Act:

- provides for the adoption of various provisions governing a limited cooperative association;
- addresses voting within a limited cooperative association;
- details the nature of membership in a limited cooperative association;
- provides for meetings of a limited cooperative association;
- addresses marketing contracts between the limited cooperative association and another person;
- outlines the qualifications, election, service, and removal of a director;
- addresses liability and indemnification of a director;
- establishes requirements concerning contributions, allocations, and distributions to and by a limited cooperative association;
- provides for the dissociation of a member of a limited cooperative association;
- addresses dissolution of a limited cooperative association;
- allows a derivative action by a member of a limited cooperative association;
- provides for a foreign cooperative to do business in Utah;
- addresses the disposition of assets by a limited cooperative association;
- provides for the conversion to and from a limited cooperative association; and
- addresses the merger of a limited cooperative association and another entity.

Submitted as:

Utah

[SB 69](#)

Status: Enacted into law in 2008.

Comment:

08-30A-03B Uniform Limited Cooperative Association
Act (ULCAA) Statement

MODEL

According to a NCCUSL summary:

“The Uniform Limited Cooperative Association Act (ULCAA) is designed to promote rural development by creating the option of a statutorily-defined entity that combines traditional cooperative values with modern financing mechanisms. The Act will be equally useful in an urban setting, where the cooperative value of individuals getting together to democratically own, run, and share in the benefit of their business can be combined with modern financing techniques. The ULCAA builds on traditional law governing cooperatives, but recognizes a growing trend toward the “New Generation Cooperative” (NGC), which can include combinations of features not readily available under traditional law, such as legally

binding delivery contracts or the opportunity for outside equity investment. This Act creates a new form of business entity and is an alternative to other cooperative and unincorporated structures. It is more flexible than most current law, and provides a default template that encourages planners to utilize tested cooperative principles for a broad range of entities and purposes.

The cooperative industry includes many interests, including, but not limited to, farmers, consumers, financial groups, and insurance organizations. In the Act, a “cooperative” is defined as an unincorporated association (a “limited cooperative association”) of individuals or businesses that unite to meet their mutual interests by creating and using a jointly owned enterprise. The Act contemplates the formation of various types of limited cooperative associations, including marketing, advertising, bargaining, processing, purchasing, real estate, and worker owned cooperatives. A limited cooperative association under the Act can be organized to pursue any lawful purpose. For example, the Act would allow a group of wheat farmers to build a value-added pasta facility, keeping their business in a cooperative form while being able to attract and utilize investment capital. It might also be used by an urban food cooperative to attract investment capital to build facilities for the operation of the cooperative’s business.

Key highlights of the ULCAA include:

- Article 1 sets the operating definitions for the Act, and outlines the nature and powers of limited cooperative associations. Article 1 also deals with the effect of organic rules, required record retention, process service, and business dealings between members and the limited cooperative association.
- Article 2 outlines the form for records required to be filed with the state agency that regulates business entities, and the procedures for signing and filing of records with that appropriate agency. Article 2 also provides the form and content of the limited cooperative’s annual report to the responsible agency, and designates the appropriate state law governing filing fees.
- Article 3 governs the formation process for limited cooperative associations under the act, the required contents of articles of organization and bylaws, and the initial organizing directors. Article 14 of the Act governs amendments and restatements (and the requirements for such) to the organic rules of an association.
- Article 4 prescribes the qualifications for membership in a limited cooperative association, and the rights and powers that come with belonging to the organization. The article also addresses the required Annual Meeting of members and procedures for calling special members’ meetings. The article delineates the procedures for providing notices for member meetings, quorum and voting, the allocation of voting power among patron members, voting by investor members, and action taken without meetings.
- Article 5 states that patron and investor member interests are personal property, and consist of governance rights, financial rights, and the possible right or obligation to do business with the association. The Act defers to the organic rules on transferability of interests and (in some cases) security interests in members’ rights and set-offs, but in the event the rules are silent, does not allow transfer or security interests in non-financial rights. Article 5 also allows charging orders against debtor-members or – transferees.
- Article 6 authorizes marketing contracts between the limited cooperative association and third parties (not necessarily patron members). If a marketing contract is for

the sale of products, commodities, or goods to an association, then title transfers to the association absolutely upon delivery, or upon a specific time expressly provided for in the contract. The Act also authorizes the association to create an enforceable security interest in the products, commodities, or goods delivered, and to sell such, and pay the sales price on a pooled (or other) basis after deducting selling and processing costs, expenses, overhead, etc. Initially, marketing contracts cannot last longer than 10 years, but they may be made self-renewing for additional 5-year periods.

- Article 7 provides for the directors of the limited cooperative association, their qualifications, and their authority and powers. The article gives procedures for the election of directors and provides a default term of service in the event that the organic rules are silent on term length. In the event of a director's resignation, removal, or suspension from the board, or if a vacancy occurs otherwise, the article sets forth (at a minimum) default provisions on filling the vacancy while permitting a great deal of flexibility to the organic rules to tailor procedures to the association's needs. The article also details meeting and notice procedures for the board, and various rights and standards of conduct for directors, and gives authority for the appointment of association officers. Article 8 establishes the governing law for indemnification of other individuals who incur liability on behalf of the association and grants authority to the association to purchase insurance on these parties' behalf. Article 16 outlines member-approved and non-member-approved disposition of the association's assets.

- Article 9 states that (unless otherwise provided by the association's organic rules), member contributions to a limited cooperative association may consist of tangible or intangible personal property, or any other benefit to the association, including money, labor, services, promissory notes, agreements to contribute, and contracts to be performed. The board may determine the "value" of the contribution for purposes of determining whether a member has met its obligation to contribute. Unless an agreement to make a contribution varies the statutory requirements, Article 9 provides default provisions on contribution agreements and their obligation on members. Profits and losses must be allocated between patron members, unless the organic rules provide otherwise, and the patron membership cannot be allocated any less than 50% of profits even if investor members are allowed. Subject to the rules, before determining the amount of profits, the board may set aside a portion of the profits to create or accumulate: a capital reserve; reasonable reserves for specific purposes, such as expansion or replacement of capital assets, or education, training, and information. Distributions may be made in any form, including cash, capital credits, allocated patronage equities, etc. The interest of patron members in limited cooperative associations under the Act enjoy the same exemption from state securities laws that they would in similar cooperative associations under existing law.

- Articles 10 and 11 deal with the right of a member to dissociate and its effect, and dissolution of the limited cooperative association (judicial, voluntary, and administrative). Article 12 establishes the right of a member to maintain a derivative action to enforce an association's right where the association fails to will not enforce that right. Article 15 governs the requisite process and filings for conversion of a limited cooperative association to another entity (or vice versa), and the effect of conversion on the rights, duties, liabilities, immunities and debts of the converting entity

- Article 13 allows "foreign" cooperatives to apply for and receive a certificate of authority to transact business in the enacting jurisdiction.

The Uniform Limited Cooperative Association Act offers cooperatives and their members a statutory mechanism that embodies the traditional elements of cooperative associations, and recognizes the changing needs and trends that cooperatives face. It recognizes the varied purposes a cooperative can and should be used for, and provides flexibility in their organization and development. The Act provides an effective vehicle for cooperatives to organize, develop, and thrive, and the Act should be enacted by all states.”

Submitted as:

MODEL

[UNIFORM LAW](#)

Status: Enacted into law in 2008.

Comment: The Uniform Limited Cooperative Association Act has a total of three enactments, all of which occurred during the 2007-2008 legislative session. The three jurisdictions that enacted the Act were: Nebraska (LB 848), Oklahoma (SB 1708) and Utah (SB 69). This bill and Utah’s version are not in the docket bill packets because these are too long. But, CSG staff will have a copy to review at the meeting in Omaha.

Disposition: 08-30A-03A

Disposition: 08-30A-03B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Comments/Note to staff:

This Act regulates removing vehicles on private property without the owner's consent. This bill requires all tow truck operators register with the state division of consumer affairs and abide by guidelines as licensed operators. The operators must also provide a list of their fees and services to the director of the division of consumer affairs.

Submitted as:

New Jersey

[Chapter 193, Public Laws of 2007](#)

Status: Enacted into law in 2007.

Comment: Per Comment 29B-b, this item was deferred to the Omaha SSL Meeting in December, 2008. The Committee instructed staff to get Virginia legislation on this topic for Docket 30A.

Oct-24-07 Governor Signs Predatory Towing Prevention Act

GOVERNOR SIGNS PREDATORY TOWING PREVENTION ACT

FAIRLAWN - In order to create a coordinated and comprehensive framework to establish minimum standards for tow truck operators, Governor Jon S. Corzine today signed the Predatory Towing Prevention Act.

"This legislation will prevent rogue tow truck operators from taking advantage of vulnerable citizens and holding their vehicles hostage for exorbitant fees," Governor Corzine said. "In addition, legitimate tow truck operators can be confident that their profession will not be sullied by the unscrupulous actions of those who would take advantage of the very clients that they are trying to assist."

Under the new legislation, if a motor vehicle is to be towed from private property without the vehicle owner's consent, there must be conspicuous warning signs posted detailing parking rules and towing conditions. Vehicles parked in front of single-family homes or owner occupied multi-unit structures containing six units or less or blocking access to a driveway will be exempt from the bill's signage requirement. Property owners or their representative will be required to be present and give written authorization as well as confirmation of the violation if the non-consensual towing occurs during normal business hours.

Furthermore, vehicle storage facilities must be secure, well lit from dusk until dawn and open at least five days per week between 8 am and 6 pm. They must also provide reasonable accommodations for after-hours release of stored vehicles and are prohibited from charging an additional fee for releasing a vehicle after normal business hours.

"Some tow-truck operators had taken a Wild West mentality toward their work, engaging in overly aggressive practices that venture into the realm of price gouging and extortion," said Assemblyman Robert Gordon (D-Bergen). "More and more, motorists were finding their cars being held hostage, with ransoms totaling hundreds of dollars or more."

"It's time rogue towers were held to a uniform, higher level of accountability," said Assemblywoman Nilsa Cruz-Perez (D-Camden), chairwoman of the Assembly Consumer Affairs Committee. "New Jersey needs tough rules in place so unscrupulous tow truck operators won't continue to ply their trade as they see fit, to the detriment of motorists everywhere."

Towing companies will be required to submit an annual application for registration with the Division of Consumer Affairs, listing the address of the towing company's principal location and the address of any of its storage facilities as well as a list of the type of towing services the company will provide, insurance information, and any information related to the criminal history of individuals owning a substantial interest in the company. In addition, each company will be required to submit a list of prices and fees to the Division of Consumer Affairs and will be prohibited from charging fees in excess of 150 percent of the average towing fee in the county of the company's principal location.

Each tow truck must affix a decal stating that the truck is registered with the Division of Consumer Affairs, that the customer is entitled to a written schedule of the fees charged for towing and storage services before they are provided and a telephone number for the Division of Consumer Affairs that the customer could use to report an attempt to charge fees in excess of the schedule.

Finally, the bill will make it unlawful to give an advantage or preference to any person who provides information about vehicles parked for unauthorized purposes on privately owned property. The bill will require operators to release a vehicle subject to non-consensual towing if the vehicle had not yet been removed from the property. If this occurs, the towing company must charge no more than a "decoupling" fee. The bill also prohibits refusal to accept payment for towing services by debit or credit card, if the towing company regularly accepts these forms of payment.

The legislation (A-4053/S-2759) was sponsored in the Assembly by Robert M. Gordon (D-Bergen), Nilsa Cruz-Perez (D-Camden/ Gloucester), Joseph R. Malone (RBurlington/Mercer/Monmouth/Ocean), Gordon M. Johnson (D-Bergen), and Louis M. Manzo (D-Hudson).

Disposition: 09-29B-04

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Comments/Note to staff:

This Act:

- allows a mechanic’s lien for towing, storage, and recovery of vehicles;
- increases to seven days the time garage keepers have to notify owners of towed vehicles that their vehicle has been towed and is being held at their garage; and
- increases the fee for storing a towed vehicle.

The bill revises the procedures by which towing and storage companies may seek to recover their fees and charges for towing away and storing immobilized and abandoned vehicles and provides that, when stolen vehicles are recovered, owners of the recovered vehicles pay the towing and storage charges and can be reimbursed from the appropriation for criminal charges.

The bill establishes a new Board of Towing and Recovery Operators to license and regulate the towing and recovery industry and tow truck drivers. The legislation provides that local towing regulations can be no less restrictive than those imposed by the Board for Towing and Recovery Operators. The measure directs that if a vehicle is towed from one locality to be stored in another, the ordinances of the locality from which the vehicle was towed shall apply.

The bill allows local governments to prohibit storage charges for periods of time when owners cannot reclaim their vehicles because the towing and recovery business is closed and place caps on the charges that these businesses may impose. It requires any such limits be subject to “periodic and timely” adjustments.

The Act prohibits certain relationships between towing and recovery businesses and the agents of property owners from whose property trespassing vehicles are towed by the towing and recovery businesses.

Submitted as:

Virginia

[Chapter 891 of 2006](#)

Status: Enacted into law in 2006.

Comment: This Act was added to the docket per 29B-b. See also [Virginia’s New Towing and Recovery Operator Law: Is It a “Model” for Other States?](#) by the National Association of Mutual Insurance Companies.

Disposition:

- CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
- Include in Volume
 - Defer consideration to next task force meeting
 - Reject
 - No action

- SSL Committee Meeting: 2010A
- Include in Volume
 - Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
 - Reject

Comments/Note to staff:

Comments/Note to staff:

09-30A-02 Investigating and Reporting about Impact of Proposed Merger of Insurance Companies

CO

This Act requires the Commissioner of Insurance to conduct an independent investigation of mergers and acquisitions of health insurers that have sizable market shares to determine the impact of such mergers and acquisitions on competition. The commissioner is required to issue a public report and make available the source material used in the investigation and analysis. If an insurer claims any information to be proprietary, the insurer has the burden of proof to prevent the release of the information.

The investigation must include:

- an analysis of the probable effects of the merger on consumers and suppliers of services;
- a review of market conduct and financial examination reports;
- a review of consumer complaint information; and
- a review of information from any state or federal agency related to the applicant.

The commissioner must provide public notice of the filing of an application of merger or acquisition health insurers no later than 5 business days after receipt of the initial application and notify the public about to provide input about such a proposal. The commissioner must give due consideration to information submitted by parties to the acquisition and by members of the public. Failure to follow the procedures outlined in the bill allows aggrieved parties to seek judicial review.

Submitted as:

Colorado

[House Bill 08-1131](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

- CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
- Include in Volume
 - Defer consideration to next task force meeting
 - Reject
 - No action

- SSL Committee Meeting: 2010A
- Include in Volume
 - Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
 - Reject

Comments/Note to staff:

Comments/Note to staff:

This Act:

- provides for an appropriation of state funds in exchange for surplus notes issued by residential property insurers under the program;
- revises the conditions and requirements for providing funds to insurers under the program;
- requires a commitment by the insurer to meet minimum premium-to-surplus writing ratios for residential property insurance and for taking policies out of Citizens Property Insurance Corporation;
- requires insurers to commit to maintaining certain levels of surplus and reinsurance;
- authorizes the State Board of Administration to charge a fee for late payments;
- provides for payment of costs and fees incurred by the board in administering the program from funds appropriated to the program, subject to a specified limit;
- authorizes the Office of Insurance Regulation to require an insurer to file its claims handling practices and procedures as a public record based on findings of a market conduct examination;
- requires that an insurer planning to not renew more than a specified number of residential property insurance policies notify the Office of Insurance Regulation and obtain approval for such nonrenewals, specifying procedures for issuance of such notice;
- increases the maximum fines that may be imposed for nonwillful and willful violations of state law regarding unfair methods of competition and unfair or deceptive acts or practices related to insurance;
- specifies an additional unfair claims settlement practice;
- provides criteria for administrative hearings to determine whether an insurer's property insurance rates, rating manuals, premium credits, discount schedules, and surcharge schedules comply with the law;
- requires that an insurer seeking a rate for property insurance that is greater than the rate most recently approved by the Office of Insurance Regulation make a "file and use" filing for all such rate filings made after a specified date;
- revises the factors the office must consider in reviewing a rate filing;
- prohibits the Office of Insurance Regulation from disapproving as excessive a rate solely because the insurer obtained reinsurance covering a specified probably maximum loss;
- allows the office to disapprove a rate as excessive within 1 year after the rate has been approved under certain conditions related to nonrenewal of policies by the insurer;
- requires the Division of Administrative Hearings to expedite a hearing request by an insurer and for the administrative law judge to commence the hearing within a specified time; authorizing an insurer to request an expedited appellate review;
- expresses legislative intent for an expedited appellate review;
- revises provisions relating to the submission of a disputed rate filing, other than a rate filing for medical malpractice insurance, to an arbitration panel in lieu of an administrative hearing if the rate is filed before a specified date;
- deletes provisions relating to mandatory arbitration in lieu of certain hearings;

- provides legislative findings relating to final agency action for insurance ratemaking;
- requires the Financial Services Commission to consider and adopt findings relating to certain actuarial models, principles, standards, or models for certain maximum loss level calculations;
- requires that with respect to rate filings, insurers must use actuarial methods or models found to be accurate or reliable by the Florida Commission on Hurricane Loss Projection Methodology;
- deletes a requirement for the Office of Insurance Regulation and the Consumer Advocate to have access to all assumptions of a hurricane loss model in order for a model that has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology to be admissible in a rate proceeding;
- requires the Office of Insurance Regulation develop and make publicly available before a specified deadline a proposed method for insurers to establish windstorm mitigation premium discounts that correlate to the Uniform Home Rating Scale;
- requires the Financial Services Commission adopt rules before a specified deadline;
- requires insurers to make rate filings pursuant to such method;
- authorizes the commission to make changes by rule to the uniform home grading scale and specify by rule the minimum required discounts, credits, or other rate differentials;
- requires such rate differentials be consistent with generally accepted actuarial principles and wind loss mitigation studies;
- requires written disclosure of windstorm mitigation ratings for certain structures;
- revises threshold amounts of deficits incurred in a calendar year on which the decision to levy assessments and the types of such assessments are based;
- revises the formula used to calculate shares of assessments owed by certain assessable insureds;
- requires that the board of governors make certain determinations before levying emergency assessments;
- provides the board of governors with discretion to set the amount of an emergency assessment within specified limits;
- requires the board of governors to levy a Citizens Policyholder Surcharge under certain conditions;
- requires that funds collected from the levy of such surcharges be used for certain purposes;
- requires insurers to provide written notice of certain cancellations, nonrenewals, or terminations;
- requires a purchaser of residential property in wind-borne debris regions to be presented with the windstorm mitigation rating of the structure;
- authorizes the Financial Services Commission to adopt rules; requiring Citizens Property Insurance Corporation to transfer funds to the General Revenue Fund if the losses due to a hurricane do not exceed a specified amount;

- requires the board of governors of Citizens Property Insurance Corporation to make a reasonable estimate of such losses by a certain date; requiring the board to make quarterly transfers of funds to the corporation under certain circumstances;
- requires the corporation to credit certain accounts for funds removed to make certain transfers;
- requires the State Board of Administration to transfer to Citizens Property Insurance Corporation certain uncommitted or unreserved funds under certain circumstances;
- prohibits the Citizens Property Insurance Corporation from using certain statutory changes or authorized transfers of funds as justification or cause to seek any rate or assessment increase;
- provides for residential property insurers to have access to and use a public hurricane loss projection model, and requires the office to establish a fee schedule for such model access and use;
- expands the application of policyholder loss or expense-related premium discounts;
- creates a Citizens Property Insurance Corporation Mission Review Task Force;
- requires the Chief Financial Officer to provide a report on the economic impact on the state of certain hurricanes, and providing report requirements;
- provides requirements for transparency in rate regulation;
- provides for a website for public access to rate filing information, and providing requirements;
- provides for application of public meeting requirements; specifying nonapplication of attorney-client or work-product privileges to certain communications in certain administrative or judicial proceedings under certain circumstances, and specifying criteria;
- extends for an additional year the offer of reimbursement coverage for specified insurers;
- revises the qualifying criteria for such insurers; revising provisions to conform;
- deletes cross-references to conform to changes made by the Act; and
- requires insurers to provide notice to mortgageholders or lienholders of certain policies not providing wind coverage for certain structures.

Submitted as:

Florida

[Chapter 2008-66](#)

Status: Enacted into law in 2008.

Comment: The bill is not in the packet because it is 61 pages. CSG staff will have a copy for review in Omaha.

Disposition: 09-30A-03

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act prohibits the compensation of a person or entity employed by, or contracted with, a health care service plan or disability insurer from being based on, or related to, the number of health care service plan or health insurance contracts, policies, or certificates that the person has caused or recommended to be rescinded, canceled, or limited, or the resulting cost savings to the plan or insurer.

Submitted as:

California

[Chapter 188 of 2008](#)

Status: Enacted into law in 2008.

Comment:

07/22/2008 GAAS:567:08 FOR IMMEDIATE RELEASE Print Version | Email / Share
Governor Schwarzenegger Signs Health Care Protection Bill

Governor Arnold Schwarzenegger today signed AB 1150 by Assemblymember Ted Lieu (D-Torrance) which bans health insurance companies from rewarding their employees for canceling or limiting a patient's health insurance. While the Governor signed AB 1150 because of the urgent need to protect consumers from unfair health care rescissions, he continues to believe that health care reform must be comprehensive. To that end, he has proposed legislation that would be the building blocks of comprehensive health care reform and is working with the legislature on a joint solution that will protect consumers, control costs and promote prevention.

“Until we achieve comprehensive health care reform, stopping unfair health care rescissions is an urgently needed consumer protection,” Governor Schwarzenegger said. “This terrible practice further illustrates the erosion of our health care system and the need for comprehensive health care reform. Today we are standing up for consumers by putting an end to a deplorable practice, and I will continue working with my partners in the legislature to stop unfair health care rescissions once and for all.”

The Governor’s goal of comprehensive health care reform would make health care rescissions a problem of the past. The Governor’s AB x1 1, the Health Care Security and Reduction Act, would have required that all Californians take responsibility for their health coverage while guaranteeing that no Californian is turned away from buying insurance based on their age or medical history.

To increase consumer protections, the Governor’s legislative proposal on rescission includes stronger upfront requirements for health plans before they issue coverage to individuals, protects patients from being rescinded if their doctor never told them about a medical condition that affects their ability to obtain coverage and provides for an independent third-party review when a health plan seeks to rescind or cancel an enrollee’s coverage.

As part of the Governor’s commitment to covering Californians and stopping unfair health care rescissions, his Department of Managed Health Care (DMHC) has reached groundbreaking agreements with all of California’s major health plans over the last few

months where they've agreed to reinstate coverage to California consumers whose health care coverage had been rescinded. Last week, DMHC fined Anthem Blue Cross \$10 million, which is the largest fine ever reported to be collected against an individual health insurer in the nation.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act imposes certain requirements on retail agreements involving motorcycles and off-road vehicle suppliers and dealers. The Act prohibits suppliers from terminating, canceling, failing to renew or substantially changing the competitive circumstances of a retail agreement without good cause. A “retail agreement” is an agreement between two or more persons by which a person receives the right to sell or lease inventory or services at retail or wholesale or use a trade name, trademark, service mark, logotype, advertising, or other commercial symbol. The bill specifies what will be considered “good cause,” including the dealer being convicted of a felony or there being a closeout on the sale of a substantial part of the dealer’s assets.

The bill requires a supplier to provide a dealer with at least 90 days’ written notice of termination, cancellation or nonrenewal of the retail agreement and a 60-day right to cure the deficiency. If the deficiency is cured within the allotted time, the notice is void.

This bill provides that when any dealer enters into a retail agreement, evidenced by a written or oral contract, with a supplier wherein the dealer agrees to maintain an inventory of motorcycles, off-road vehicles, and attachments, inventory of parts and to provide service thereon, and the contract is terminated, then the supplier must repurchase the inventory. The dealer may keep the inventory if the dealer desires.

This bill prohibits suppliers from:

- coercing any dealer to accept delivery of inventory, parts or accessories which the dealer has not ordered voluntarily;
- conditioning the sale of additional inventory to a dealer upon a requirement that the dealer also purchase other goods or services;
- coercing a dealer into refusing to purchase inventory manufactured by another supplier; or
- terminating, canceling or failing to renew or substantially change the competitive circumstances of the retail agreement based on the results of a natural disaster, including a sustained drought or high unemployment in the dealership market area, labor dispute or other similar circumstances beyond the dealer’s control.

If any supplier fails or refuses to repurchase and pay the dealer for any inventory covered under the provisions of this bill within 60 days after shipment of such inventory, the supplier will be civilly liable for 100 percent of the current net price of the inventory, plus any freight charges paid by the dealer, the dealer’s attorney fees, court costs and interest on the current net price computed at the legal interest rate from the sixty-first day after date of shipment. A dealer may bring an action for civil damages in a court of competent jurisdiction against any supplier found violating any of the provisions of this bill, and may recover damages sustained as a consequence of the supplier's violations, together with all costs and attorneys’ fees. The dealer will be entitled to injunctive relief against unlawful termination, cancellation, nonrenewal or substantial change of competitive circumstances of the retail agreement. The remedies in this provision are in addition to any other remedies permitted by law.

In the event of the death of the dealer or the majority stockholder of a corporation operating as a dealer, the supplier must, at the option of the heir or heirs, repurchase the inventory from the heir or heirs of the dealer or majority stockholder as if the supplier had terminated the contract. The heir or heirs will have one year from the date of the death of the

dealer or majority stockholder to exercise their options under this provision. This provision does not require the repurchase of any inventory if the heir or heirs and the supplier enter into a new contract retail agreement to operate the retail dealership. In the event that a supplier and a dealer have previously executed an agreement concerning succession rights prior to the dealer's death and, if such agreement has not been revoked, such agreement will be observed even if it designates someone other than the surviving spouse or heirs of the decedent as the successor.

This bill requires the dealer and supplier to furnish representatives to inspect all parts and certify their acceptability when packed for shipment. Failure of the supplier to provide a representative within 60 days will result in automatic acceptance by the supplier of all returned items.

This Act applies to all contracts and to all retail agreements in effect that have no expiration date and are a continuing contract and to all other contracts entered into, amended, extended, ratified or renewed after January 1, 2007. The provisions of this bill may not be waived in any contract.

Franchise agreements are included in the definition of retail agreements in this bill. Where a relationship qualifies as a franchise under the present law provisions governing franchises, those provisions will apply to the franchises, and those franchise provisions of present law will not apply to the retail agreements contained in this bill unless such agreement constitutes a franchise. In the event a conflict with respect to franchises exists between the present law franchise provisions and this bill, the franchise provisions will control.

Submitted as:

Tennessee

[Public Chapter No. 188](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates a Career Readiness Certification Program to certify the workplace and college readiness skills of citizens, in order to better prepare them for continued education and workforce training, successful employment, and career advancement. The state Workforce Council, in consultation with the Secretary of Education, shall promulgate regulations necessary to implement and administer the Program.

Submitted as:

Virginia

[Chapter 679 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act establishes an institute to deploy affordable and ubiquitous broadband access across the state. Specific objectives of the institute shall include:

- assessing and improving broadband access conditions in communities that have no access or have limited or insufficient access to broadband;
- promoting robust broadband access for essential state and local governmental services including, without limitation, public safety, health and education;
- promoting increased availability of, and competition for, broadband access and related services; and
- creating conditions that will encourage economic competitiveness and growth.

The first priority of the institute shall be to assess and improve conditions in communities that have no broadband access.

Submitted as:

Massachusetts

[Chapter 231, Acts of 2008](#)

Status: Enacted into law in 2008.

Comment:

An August 04, 2008 press release from the governor's office states:

Governor Deval Patrick Signs Broadband Access Law

New Broadband Institute will create public-private partnerships to bring broadband to all unserved communities

GOSHEN—Monday, August 4, 2008 – Governor Deval Patrick today signed into law An Act Establishing and Funding the Massachusetts Broadband Institute – legislation that leverages public and private resources to make high-speed Internet available in the state's 32 communities that currently lack access to broadband. The new law calls for the expansion to be completed within the next three years.

“Broadband is an essential resource in today's world and economy. This new law is a resounding victory for the residents, students and businesses in communities that have gone without it for too long,” said Governor Deval Patrick. “Expanding access to broadband will create substantial opportunities for economic, academic and cultural growth.”

The new law will bridge the digital divide that persists predominantly in western Massachusetts by providing \$40 million in bonds from the new Broadband Incentive Fund to construct fiber, wireless towers and other critical and long-lived broadband infrastructure. Targeted state investments will attract and complement private sector investment, making it more cost-effective for private providers to deliver complete solutions for customers in regions without broadband coverage.

“High costs pose a significant entry barrier for the private sector and are a root cause of the broadband inequities we're experiencing now,” said Housing and Economic Development Secretary Daniel O'Connell. “Strategic investment by the state will bring

private companies to the table and ignite the competition that will make broadband accessible and affordable throughout the Commonwealth.”

Housed within the Massachusetts Technology Collaborative, the Massachusetts Broadband Institute will be led by a nine member governing board consisting of key state policymakers and industry experts appointed by the Governor. In addition to overseeing the Incentive Fund and selecting private firms to partner with through a competitive procurement process, the Institute will also be responsible for assessing existing service conditions across Massachusetts and developing a comprehensive plan to address deficiencies in the 63 additional towns with only partial broadband service.

“Going forward, the Institute will tailor a public-private model to close the state’s most acute broadband gaps in western Massachusetts and to meet the needs of other regions,” said Department of Telecommunications and Cable Commissioner Sharon E. Gillett. “A regional, long-term approach will enable every community to be active participants in and beneficiaries of our 21st century knowledge-based economy.”

In the 95 communities with either limited or no broadband availability whatsoever, over 220,000 households and over 25,000 businesses lack adequate broadband. Studies show that communities with broadband access experience measurable increases in jobs, business expansion and property values. Other broadband-enabled benefits include improvements in public safety and access to health care, educational opportunities and civic participation. Additionally, the new law will create efficiencies across municipal and state government. The Department of Revenue estimates that the Commonwealth will save \$300,000 annually once every town hall can conduct its business online.

“As someone who has worked on this issue for many years, I can say without reservation that the Governor’s leadership has had a profound effect on crystallizing this issue in the public and the Legislature,” said Senator Stanley C. Rosenberg (D-Amherst). “This is a significant step toward high speed internet access for all of the citizens of Western Massachusetts, access that will be critical to the future economic development, education, and communications in these underserved communities.”

“For far too long, residents of the communities I represent have been blocked from the on-ramp to the information superhighway,” said Senator Benjamin B. Downing (D-Pittsfield). “Today we see true progress, backed by a \$40 million state investment, to bring broadband to western Massachusetts. It has been a pleasure working with my colleagues in the delegation and the Patrick Administration to secure swift passage of this legislation, and I look forward to continuing our collaborations to achieve of our collective goal: universal broadband access in all of Massachusetts.”

“With the signing of this legislation, a world of business, educational, and cultural opportunities will open up for thousands of people all across the Commonwealth,” said Daniel E. Bosley (D-North Adams). “This is a remarkable step forward for the entire state.”

“Without question, broadband availability enhances the overall quality of life in any given community, especially towns like those in my district,” said Representative Steven Kulik (D-Worthington). “With this legislation, this region will finally have access to those opportunities, and the return on this state investment will be significant in terms of jobs, education and regional economic development.”

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act requires new legislation that creates or changes a public offense include a statement about how that legislation impacts minorities. The bill also directs any application for a grant from a state agency to include a minority impact statement that contains the following information:

- any disproportionate or unique impact of proposed policies or programs on minorities in the state;
- a rationale for the existence of programs or policies having an impact on minorities in the state; and
- evidence of consultation of representatives of minorities in cases where a policy or program has an identifiable impact on minorities in the state.

Submitted as:

Iowa

[HF 2393](#)

Status: Enacted into law in 2008.

Comment: An April 17, 2008 press release from the governor's office states:
April 17, 2008 Governor Culver Signs Minority Impact Statement Bill Into Law

“DES MOINES – Today, at the John R. Grubb YMCA in Des Moines, Governor Chet Culver signed into law HF 2393, a bill requiring a “Minority Impact Statement” for any legislation related to a public offense, sentencing, or parole and probation procedures. The legislation also requires that any application for a grant from a state agency must also include a minority impact statement.

According to Governor Culver, “This means when members of the General Assembly and Executive branch are considering legislation of this nature, we will now be able to do so, with a clearer understanding of its potential effects – positive and negative – on Iowa’s minority communities. Just as Fiscal Impact Statements must follow any proposed legislation related to state expenditures, with my signature, Minority Impact Statements will serve as an essential tool for those in government – and the public – as we propose, develop, and debate policies for the future of our state.”

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Comments/Note to staff:

The County Service Area Law authorizes the formation of county service areas (CSA) to provide authorized services, as specified. A CSA is a type of local government which is similar to a special district. A county board of supervisors always governs a CSA which can provide any county service or a higher level of any county service that the county government provides to an unincorporated area. In short, a CSA delivers more county services to a specific geographic area.

This legislation enacts a new County Service Area Law with eight detailed articles:

- general provisions, including legislative declarations and definitions;
- formation procedures, with local agency formation commission approval;
- general powers, covering basic governance topics;
- services and facilities, listing 26 examples;
- finance, covering budgets, audits, and borrowing;
- revenues, including special taxes, benefit assessments, and fees;
- capital financing, covering three types of bonds; and
- zones, allowing for localized financing and special services.

Submitted as:

California

[Chapter 158 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

13-30A-03 Public Employment Related Crime and Public Pensions

GA

This Act defines “public employment related crime.” It provides that members of public employee retirement or pension systems who are convicted of a public related crime shall forfeit retirement or pension benefits in an amount equal to three times the economic impact of the crime.

Submitted as:

Georgia

[HB 255](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

According to a fiscal analysis by the state's pension benefits committee, this Act provides "that members of the General Assembly, state elected officers, and employees of the executive, legislative, and judicial branches may participate in a retirement medical benefits account, which has two components: active participants and retirees. Only a retired participant and covered dependents are entitled to receive benefits from the account, and the account may be used after retirement to pay premiums for individual and group health coverage provided by an insurance policy. An annual contribution for active participants is paid by the participant's employer. The amount of the contribution is based on the participant's age.

A bonus contribution is paid for a participant who:

(1) terminates service after June 30, 2007, and before July 1, 2017;

(2) has:

(A) ten years of service as an elected or appointed state officer; or

(B) fifteen years of service as an employee of the legislative, judicial, or executive branch of state government; and

(3) is eligible for and has applied to receive a normal, unreduced retirement benefit.

The amount of the bonus contribution is equal to the participant's years of state service multiplied by \$1,000 and must be credited to the account within sixty days after the participant's last day of service."

Submitted as:

Indiana

[Senate Enrolled Act No. 501](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act:

- allows foreign nationals to keep their license from their home country under certain circumstances;
- exempts nonresidents from getting a Georgia license as long as they meet all licensing requirements in Georgia except for residency;
- provides that certain foreign nationals also have in their immediate possession an international driving permit;
- provides that verification of lawful presence in the United States is necessary to receive a temporary driver’s license;
- provides that the maximum term of a temporary license is three years; and
- provides for retention of personal identification cards by noncitizens in certain circumstances.

Submitted as:

Georgia

[SB 488](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- () Include in Volume
- () Defer consideration to next task force meeting
- () Reject
- () No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- () Include in Volume
- () Defer consideration
 - () next task force mtg.
 - () next SSL mtg.
 - () next SSL cycle
- () Reject

Comments/Note to staff:

This Act limits the time certain types of trucks and other vehicles can idle while loading and unloading cargo and performing various other activities.

Submitted as:

Maine

[Chapter 582 of 2008](#)

Status: Enacted into law in 2008.

Comment:

According to an 2006 EPA summary of this model legislation, the purpose of this Act is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

This legislation applies to commercial diesel vehicles which are designed to operate on highways (as defined under 40 CFR 390.5), and to locations where commercial diesel vehicles load or unload (hereinafter referred to as “load/unload locations”).

The bill directs that no load/unload location owner shall cause vehicles covered by this rule to idle for a period greater than 30 minutes while waiting to load or unload at a location under their control.

The bill specifies that no owner or operator of a vehicle shall cause or permit vehicles covered by this rule to idle for more than 5 minutes in any 60 minute period except:

- when forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official,
- when operating defrosters, heaters, air conditioners, or installing equipment solely to prevent a safety or health emergency, and not as part of a rest period.
- when a police, fire, ambulance, public safety, military, other emergency or law enforcement vehicle, or any vehicle being used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator.
- when the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is required for such activity.
- when a vehicle idles as part of a state or federal inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection.
- when idling of the primary propulsion engine is necessary to power work-related mechanical or electrical operations other than propulsion (e.g., mixing or processing cargo or straight truck refrigeration). This exemption does not apply when idling for cabin comfort or to operate non-essential on-board equipment.
- when an armored vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded.
- when a passenger bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are onboard.
- when an occupied vehicle with a sleeper berth compartment idles for purposes of air conditioning or heating during rest or sleep period

- when an occupied vehicle idles for purposes of air conditioning or heating while waiting to load or unload,

- when a vehicle idles due to mechanical difficulties over which the driver has no control; provided that the vehicle owner submits the repair paperwork or product receipt (by mail; to the appropriate authority verifying that the mechanical problem has been fixed.

The Act directs that operating an auxiliary power unit, generator set, or other mobile idle reduction technology as a means to heat, air condition, or provide electrical power as an alternative to idling the main engine is not an idling engine.

The legislation establishes that a first offense merits a warning ticket issued to the vehicle driver and owner, and where applicable, the load/unload facility owner. For second and subsequent offenses it prescribes a \$150 citation to the vehicle driver; and/or, \$500 citation issued to the registered vehicle owner or load/unload location owner.

Submitted as:

EPA Model

[EPA420-S-06-001](#)

April 2006

Comment:

According to EPA background materials relating to the Model State Idling Law:

“In May, 2004, at the National Idle Reduction Planning Conference in Albany, New York, representatives from the trucking industry identified the inconsistent pattern and design of state and local vehicle idle restriction laws as a barrier to greater implementation of idle reduction technologies. According to the trucking industry, the patchwork of state and local idling laws and the impracticality of the provisions of these laws make knowledge, understanding, and ultimately compliance an issue for truck drivers and owners. Approximately 15 states and dozens of local jurisdictions have idling laws. In response to their concerns, the Environmental Protection Agency (EPA) hosted a series of five public workshops.

The goal of the workshops was twofold: (1) Develop a model state idling law for states to consider adopting that would foster greater compliance through common understanding of the requirements and ease of implementation; and (2) Raise awareness among the trucking industry, states, and environmental groups about each other’s needs. For example, states and environmental groups want diesel emission reductions, and truck drivers want to rest comfortably and drive safely.

Existing idle reduction laws served as a starting point for discussion at the workshops hosted by EPA around the country in 2005. The workshops were held in Baltimore, MD; Atlanta, GA; Chicago, IL; San Francisco, CA; and Hartford, CT. Participants had an opportunity to discuss the provisions of these laws, add or modify them, and generally improve the framework of the laws. The language included in this model law represents the majority views expressed by the participants.

EPA is not promulgating any type of regulation regarding vehicle idling. EPA’s role is limited to that of a facilitator on behalf of the Federal government to respond to the trucking industry’s request to better involve the trucking industry in the development of idle

reduction laws and achieve greater compliance with such laws. This model law does not represent the views of EPA or any other Federal department or agency concerning whether any state should, or should not, adopt the model law. Instead, the model law should be considered informational in nature.”

View a [Compendium of State Truck Idling Regulations](#) by the American Transportation Research Institute.

Disposition: 14-30A-02A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Disposition: 14-30A-02B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

This Act declares that in determining whether a service is competitive, the state regulatory commission may consider the number and size of alternative providers of services, including those not subject to commission jurisdiction.

The Act authorizes a noncompetitive telecommunications company to petition to have packages or bundles of telecommunications services it offers be subject to minimal regulation. It directs the commission to grant the petition where:

- each noncompetitive service in the packages or bundle is readily and separately available to customers at fair, just, and reasonable prices;
- the price of the package or bundle is equal to or greater than the cost for tariffed services plus the cost of any competitive services; and
- the availability and price of the stand-alone noncompetitive services are displayed in the company's tariff and on its web site consistent with commission rules.

Submitted as:

Washington

[Chapter 26, Laws of 2007](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- () Include in Volume
- () Defer consideration to next task force meeting
- () Reject
- () No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- () Include in Volume
- () Defer consideration
 - () next task force mtg.
 - () next SSL mtg.
 - () next SSL cycle
- () Reject

Comments/Note to staff:

15-30A-02 Telephone Services: Change in Telephone
Service Provider

CA

The existing state anti-slamming statute makes switching telephone companies on the Internet difficult since the statute requires the third-party verification to be conducted by telephone. If a customer signed up for telephone service on the Internet, the transaction could not be completed until the third-party company was able to contact the customer on his or her telephone.

This Act makes using the Internet to switch telephone service providers easier by allowing the telephone corporations to switch telephone subscribers if there is third-party verification or if the subscriber has provide a verification using an electronic signature or other electronic means that are consistent with federal regulations for verification of telecommunications orders. The federal order allows for an electronic signature only if the signature is obtained on a separate webpage from the original sales page and the separate page does not contain any promotional language or material and clearly notifies the subscriber that they are authorizing a telecommunications carrier change.

Submitted as:

California

[Chapter 162 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

According to the Virginia Department of Taxation, this bill restructures the state and local communications taxes and fees by replacing the current state and local communications taxes and fees with a centrally administered Communications Sales and Use Tax and a Uniform Statewide E-911 tax.

This bill imposes a new Virginia Communications Sales and Use Tax (“Communications Tax”). The Communications Tax is a state tax administered and enforced by the Department. The Communications Tax is imposed on customers of communications services at the rate of 5% of the sales price of the services. The new tax appears as a line item on customers’ bills.

Communications services subject to the tax include:

- landline and wireless telephone services (including Voice Over Internet Protocol);
- paging;
- cable television; and
- satellite television.

The Communications Tax will be collected by all communications services providers (“Providers”) with sufficient contact, or nexus, with the Commonwealth to be subject to the tax using the same rules that apply to the retail sales and use tax. Providers register with the Department in the same manner as sales tax dealers. Each Provider separately states the amount of the tax and add that tax to the sales price of the service. Thereafter, the tax is a debt from the customer to the Provider until paid. All sums collected by a Provider are held in trust for the Commonwealth. As with the retail sales and use tax, every Provider required to collect or pay the Communications Tax is required to file with the Department a monthly return and remit the tax due on or before the twentieth day of the month following the month in which the tax is billed. Providers are allowed a dealer discount on the first three percent of the Communications Tax in the following percentages:

Monthly Taxable Sales Percentage

- \$ 0 to \$62,500 4%
- \$ 62,501 to \$208,000 3%
- \$ 208,001 and above 2%

The dealer discount on the Communications Tax becomes effective when the Auditor of Public Accounts (“APA”) certifies that Communications Tax revenues collected in the fiscal year are at least equal to the Fiscal Year 2006 revenues from the taxes and fees that are amended or repealed by the bill plus the annual cost to the Department of administering the Communications Tax.

The bill provides a mandatory procedure for customers to resolve erroneous billings of the Communications and E-911 taxes by writing their service provider.

The bill provides accounting rules for transactions where services that are subject to different tax treatments are sold for a non-itemized charge. If the charge is attributable to services that are taxable and services that are nontaxable, the portion of the charge attributable to the nontaxable services is subject to tax unless the communications services provider can reasonably identify the nontaxable portion from its books and records kept in the regular course of business.

For purposes of the Communications Tax, the sales price does not include the following:

- excise taxes on communications services that are permitted or required to be added to the sales price of such service, if the tax is stated separately;
- a fee or assessment that is required to be added to the price of service if the fee or assessment is separately stated;
- coin-operated communications services;
- sale or recharge of a prepaid calling service;
- air-to-ground radiotelephone services;
- a providers' internal use of communications services in connection with its business of providing communications services;
- charges for property or other services that are not part of the sale of communications services, if the charges are stated separately from the charges for communications services; and
- charges for communications services to the Commonwealth, any political subdivision of the Commonwealth, and the federal government and any agency or instrumentality of the federal government.

The following are not considered taxable communications services:

- information services;
- installation or maintenance of wiring or equipment on a customer's premises;
- the sale or rental of tangible personal property;
- the sale of advertising, including but not limited to, directory advertising;
- bad check charges;
- billing and collection services;
- Internet access service, electronic mail service, electronic bulletin board service, or similar services that are incidental to Internet access, such as voice-capable e-mail or instant messaging;
- digital products delivered electronically, such as software, downloaded music, ring tones, and reading materials; and
- over-the-air radio and television service broadcast without charge by an entity licensed for such purposes by the Federal Communications Commission.

All sales by a provider are subject to the Communications Tax until the contrary is established. The burden of proving that a sale of communications services is not taxable is upon the provider unless it obtains an exemption certificate from the customer. Internet access service providers that purchase telecommunications services to provide Internet access are authorized to use self-issued exemption certificates. Upon receipt of the certificate, the communications service provider is relieved of any liability for the tax related to that sale. In the event the provider of Internet access uses the telecommunications service for any taxable purpose, the Internet access service provider is required to pay the Communications Tax directly to the Department.

The Department is required to allow a person who uses taxable communications services to pay the Communications Tax directly to the Department and waive the collection of the tax by the provider.

This bill exempts from the Communications Tax any entity that was exempt from the local consumer utility tax on landline and wireless telephone service and the local E-911 tax on landline telephone service.

The bill imposes a new E-911 tax on landline telephone service. The E-911 tax would be state tax administered and enforced by the Department. The E-911 tax would be imposed on the end user of each access line at the rate of \$0.75 per access line. The new tax appears as a line item on customers' bills. Providers are allowed a dealer discount of three percent of the amount of the E-911 tax revenues. The state wireless E-911 fee is not affected by this bill.

This Act prohibits any cable franchise agreement entered into or renegotiated after January 1, 2007 from including a franchise fee. Cable franchise agreements in effect as of January 1, 2007 would remain in effect until their expiration. However, instead of paying franchise fee payments directly to localities, franchisees include with their monthly Communications Tax remittance to the Department a report listing by locality the franchise fees due that month. The Department distributes the franchise fees to localities after deducting its administrative costs and the costs of the Telecommunications Relay Service but prior to making other calculations and distributions from the Fund. Localities retain the right to audit cable franchisees and to otherwise enforce franchise agreements.

This Act authorizes the Department to disburse funding for the Telecommunications Relay Service for the costs of the telephone relay service for the hearing impaired. Any funds held by the State Corporation Commission for the Telecommunications Relay Service as of January 1, 2007 were transferred to the Fund.

This bill requires the Auditor of Public Accounts (APA) to determine the amount of revenues received by every locality for Fiscal Year 2006, at rates adopted on or before January 1, 2006, for each of the following taxes and fees:

- local Consumer Utility Tax on landline and wireless telephone service;
- local E-911 tax on landline telephone service;
- the portion of the local Business, Professional, and Occupational License (BPOL) tax on public service companies exceeding .5% currently billed to customers in some grandfathered localities;
- cable television franchise fees;
- local Consumer Utility Tax on cable television; and
- Video Programming Excise Tax on cable television services.

Additionally, on an annual basis, the APA must collect from local governments and Providers any data necessary to determine changes in market area and number of customers served, types of services available, population, and possible local reimbursement. The APA must make an annual report of his findings to the chairmen of the House and Senate Finance Committees.

The revenues from the Communications Tax and the E-911 tax are collected and remitted monthly by communications services providers to the Department and deposited into a new non-reverting fund known as the Communications Sales and Use Tax Trust Fund ("Fund").

After transferring moneys from the Fund to the Department of Taxation to pay for the direct costs of administering the Communications Tax, the moneys in the Fund are allocated and distributed to localities after payment to the Department of Deaf and Hard-of-Hearing to fund the telephone relay service center and any franchise fee amount due to localities in

accordance with any cable television franchise agreements in effect as of January 1, 2007. Each locality's share of the net revenue is distributed as soon as practicable after the end of the month based on the locality's share of total local revenues received from the following taxes and fees in Fiscal Year 2006 from local tax rates adopted on or before January 1, 2006:

- local Consumer Utility Tax on landline and wireless telephone service;
- local E-911 tax on landline telephone service;
- the portion of the local Business, Professional, and Occupational License (BPOL) tax on public service companies exceeding .5% currently billed to customers in some grandfathered localities;
- cable television franchise fees; and
- Video Programming Excise Tax on cable television services.
- Consumer Utility Tax on cable television

An amount equal to the cable franchise fee paid to each locality is subtracted from the amount owed to such locality prior to the distribution of moneys from the Fund.

For the purposes of the Comptroller making the required transfers, the Tax Commissioner makes a written certification to the Comptroller no later than the twenty-fifth of each month certifying the Communications Tax revenues received in the preceding month. Within three calendar days of receiving such certification, the Comptroller makes the required transfers to the Fund. Any errors made in any distribution, or adjustments that are otherwise necessary, are made in the distribution for the next month or for subsequent months.

This bill requires all cable television providers to pay the state Public Rights-of-Way fee. The fee is collected from subscribers and remitted monthly to the Department for deposit into the Fund.

There is some risk that the taxing prohibitions contained in the Internet Tax Freedom Act ("ITFA") may be applicable to this bill. However, any conflicts between the provisions of this bill and the ITFA would need to be resolved by the courts. Nonetheless, current levels of revenue are preserved because this bill contains a "revival clause" that restores the current law that was changed by this bill if any provision is determined to be invalid by the courts."

Submitted as:

Virginia

[HB 568 / Chapter 780](#)

Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act enters the state into “The Agreement Among the States to Elect the President by National Popular Vote,” which:

- directs the states which enter into the agreement to conduct a “Statewide popular election for President and Vice President of the United States;”
- directs those states to add such the votes together to produce a “National Popular Vote Total” for each Presidential slate; and
- requires the Presidential electors in those member states to vote for the winner of the National Popular Vote.

Submitted as:

Hawaii

[Act 62](#)

Status: Veto overridden – Enacted into law in 2008.

Comment:

A June 9, 2008 article from *stateline.org* reports,

“First it was the presidential primary calendar that state legislatures across the country upended to give their voters a greater say this year in choosing candidates. Now a few states are orchestrating an overhaul of the way voters select the U.S. president.

Voters this fall will still use the Electoral College to determine the next occupant of the White House, but a movement is bubbling at the state level to bypass the process and instead ensure future presidents are the candidates who get the most votes nationwide — an outcome not always guaranteed under the current system.

Maryland last year became the first state to approve a “national popular vote” compact that would allocate all of its 10 electoral votes to the candidate who wins the most votes nationwide, rather than to the candidate who garners the most votes in the state, as is the case under the Electoral College.

New Jersey, Hawaii and Illinois have since followed suit and passed laws that would allot their collective 40 electoral votes the same way. Identical bills are moving in Massachusetts, New York, North Carolina and Rhode Island, which have a total of 62 electoral votes.

These bills do nothing on their own and would take effect only when states that collectively have at least 270 electoral votes pass identical measures, since a candidate needs 270 electoral votes to win the presidency.

Those who remember their history classes know that American voters don’t directly elect a president — states do through “electors” who typically vote for the candidate who drew the most votes in their state.

“Why are all the other elections in this country based on the popular vote except for the most important one, the presidency?” asks Barry F. Fadem, president of the National Popular Vote, a group based in California that aims to persuade state legislatures to implement a nationwide popular election of the president. He called today’s system “flat-out,

wrong” and expressed optimism that enough states will pass the legislation in time for the 2012 presidential election.

National Popular Vote was launched in 2006 and is largely funded by its chairman, John R. Koza, a scientist best known for inventing the rub-off instant lottery ticket used by state lotteries and his work in genetic programming at Stanford University. In the 1980s, he and Fadem, an attorney, were active in promoting adoption of lotteries in the states.

Fadem and his supporters say that such a system would make every vote matter, not just those in “battleground states,” while critics argue that the approach is an end-run around the U.S. Constitution and wouldn’t necessarily be more fair than today’s arrangement.

John Samples, director of Cato’s Center for Representative Government in Washington, D.C., called the National Popular Vote campaign a “novel gimmick” that he said is “asking for a mess” if enacted.

Calls to reform or abolish the Electoral College were common after the 2000 presidential election, when former Vice President Al Gore won the popular vote, but didn’t have enough votes in the right states to carry the electoral vote over Republican George W. Bush. While Bush won the popular vote in 2004, he could have lost the election if John Kerry (D) had won Ohio.

Despite the hand-wringing over what many call an obsolete election system, little has happened, largely because dumping the Electoral College means changing the U.S. Constitution, an arduous task that requires two-thirds approval of Congress and three-fourths of the states. The National Popular Vote would keep the Electoral College, but change the way electoral votes are awarded.

The way Fadem sees it, a national popular vote would generate the same kind of excitement and enthusiasm seen in the recent primaries because all states — and their voters — would matter.

Under the current system, candidates have no reason to poll, visit, advertise, organize, or pay attention to the concerns of states where they are safely ahead or hopelessly behind, Fadem said. For example, presidential nominees have long ignored California because the state is considered a solid “blue” state that will award its 55 electoral votes to the Democratic candidate.

Gary Gregg II, director of the McConnell Center at the University of Louisville in Kentucky and a fan of the Electoral College, agrees that the National Popular Vote would change the way candidates campaign, but not in a good way. Candidates would go where most of the votes are, namely cities. “Rural areas would never see a presidential candidate. Small states would never see a presidential candidate,” he said.

Gregg also predicted chaos if there were a close election and candidates challenged the vote count. “You would have the [2000] Florida recount replayed across the country ... It would be a very ugly situation.”

Even some supporters of using the popular vote to elect the president have problems with the National Popular Vote’s campaign. “They are trying to circumvent the U.S. Constitution,” said Burdett Loomis, a professor of the political science at the University of Kansas, who advocates changing the system but by having Congress and the states debate the issue and amend the U.S. Constitution.

Fadem says his group is not thumbing its nose at the Constitution since states still would have their right to decide how to allocate their electoral votes.

Supporters also reject critics' characterization that backers of the National Popular Vote are Democrats who are bitter about the 2000 elections.

"It's not a partisan issue. This isn't about electing a Democrat president, but electing a president democratically," said Jamie Raskin, a Democratic state senator in Maryland, reiterating what he said when he introduced the National Popular Vote plan that was signed into law by Gov. Martin O'Malley (D) last April. Raskin, a professor of constitutional law at American University in Washington, D.C, spoke to *Stateline.org* from Massachusetts, where he was discussing the measure with state lawmakers there.

But three Republican governors vetoed the bill when it landed on their desks. In his veto message, California Gov. Arnold Schwarzenegger said, "It disregards the will of a majority of Californians," pointing out that the state's electoral votes under the new system could be awarded to a candidate most Californians didn't vote for. Hawaii Gov. Linda Lingle voiced the same concern when she vetoed the bill twice, but this year, lawmakers overrode her objection. Vermont Gov. Jim Douglas last month rejected the measure, saying it would decrease the influence of small states, like Vermont.

Cato's Samples said he wonders if voters who support the concept of a popular vote really understand how it would operate. "Do people in Maryland know under the National Popular Voter system, that their vote may go to someone who didn't win their state?"

Still, despite the concerns of the National Popular Vote approach, even their critics give the group kudos for bringing the issue to the attention of voters and elected officials. "They are doing a service ... We ought to be talking about this," said Loomis of the University of Kansas."

16-30A-01B National Popular Vote

MD

This Act enters the state into "The Agreement Among the States to Elect the President by National Popular Vote," which:

- directs the states which enter into the agreement to conduct a "Statewide popular election for President and Vice President of the United States;"
- directs those states to add such the votes together to produce a "National Popular Vote Total" for each Presidential slate; and
- requires the Presidential electors in those member states to vote for the winner of the National Popular Vote.

Submitted as:

Maryland

[Chapter 44, Laws of 2007](#)

Status: Enacted into law in 2007.

Comment: Please see the *stateline.org* comment in docket item 16-30A-01B above.

Disposition: 16-30A-01A

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Disposition: 16-30A-01B

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act restricts the use of robocalls in political campaigns. A robocall is a prerecorded telephone call made using a computer or automated dialing device typically used in election campaigning and telemarketing.

The bill applies to robocalls other than telephone solicitations. A telephone solicitation is defined in the bill as a telephone call or message using an automatic dialing-announcing device to encourage the purchase or rental of property, goods or services.

Under the bill, robocalls other than telephone solicitations will be required to:

- identify, at the beginning of the message, the person on whose behalf the message is being transmitted;
- state clearly, either during or after the message, the telephone number or address of the person operating the automated dialing device; and
- transmit messages only between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

In addition, a person contracting with a third party to conduct robocalls for reasons other than telephone solicitations will be required to file the prepared message with the Public Service Commission within 24 hours of its transmission. The person contracting and the person making the call will be jointly and severally liable for any violations.

The bill provides exemptions for robocalls made to students, parents or employees by schools, to employees advising them of work schedules and to persons with whom the transmitter of the message has an established business or personal relationship. Robocalls made by political subdivisions also are exempt.

Submitted as:

Nebraska

[LB720](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

- CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
- Include in Volume
 - Defer consideration to next task force meeting
 - Reject
 - No action

- SSL Committee Meeting: 2010A
- Include in Volume
 - Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
 - Reject

Comments/Note to staff:

Comments/Note to staff:

This Act directs officers in charge of jails or correctional facilities to ask people in their custody if they were born in or are citizens of the United States. Officers can query the Law Enforcement Support Center of the United States Immigration and Customs Enforcement about people in their custody who are citizens of another country, or whose citizenship is unknown. The Act directs the officer to communicate the results of an immigration alien query to the Local Inmate Data System of the State Compensation Board. The State Compensation Board shall communicate, on a monthly basis, the results of any query confirming that a person is illegally present in the United States to a Central Criminal Records Exchange.

Submitted as:

Virginia

[Act 180 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates a program to compensate people who were wrongfully convicted and incarcerated for a felony offense. It provides a process whereby the person may petition the original sentencing court for an order finding the petitioner to be a wrongfully incarcerated person who is eligible for compensation upon a final order vacating his or her sentence based upon exonerating evidence.

The bill provides an opportunity for the prosecuting authority to either acquiesce to or contest the petition. If the prosecuting authority contests the petition, there is a hearing before an administrative law judge who then reports findings of fact and recommendations to the court. The court makes the determination as to the person's status as a wrongfully incarcerated person and eligibility for compensation under the program.

Upon approval of a wrongfully incarcerated person's status and eligibility, the person may then apply for compensation with the Department of Legal Affairs. Upon review and approval of the application, the Chief Financial Officer is authorized to pay compensation in the amount of \$50,000 per year of imprisonment (adjusted for inflation beginning January 1, 2009) up to a \$2 million limit, plus a tuition waiver. Additionally, the person is entitled to automatic administrative expunction of his or her criminal record associated with the wrongful conviction.

Submitted as:

Florida

[Chapter 39 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This bill restricts certain people from possessing energy-conducting weapons (often called tasers or stun guns). It makes using energy-conducting devices in the commission of a felony, a separate felony. It doubles the penalty for assault and battery, hazing and domestic violence when a person uses an energy-conducting device in the commission of such offense.

Submitted as:

Idaho

[SB 1438](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates the offense of harassment by impersonation if a person poses as another person without the express authorization of that person, and makes or causes to be made, either directly or indirectly, a transmission of any personal information of the person to another by any oral statement, any written statement, or any statement conveyed by any electronic means, with the intent to harass, annoy, or alarm any person.

Submitted as:

Hawaii

[S.B. NO. 2456 S.D. 2 H.D.1 C.D.1](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Uniform Act generally relating to interstate depositions and discovery:

- establishes procedures for requesting and issuing certain subpoenas;
- provides for the service of certain subpoenas;
- establishing that certain rules apply to certain subpoenas;
- requires an application for a protective order or to enforce, quash, or modify certain subpoenas comply with certain rules and statutes and be filed in a certain court; and
- requires certain consideration to be given in applying and construing this Uniform Act.

Submitted as:

Maryland

[Chapter 41 of 2008](#)

Status: Enacted into law in 2008.

Comment: According to NCCUSL's website, this Uniform Act has been enacted in five states, of which Maryland is one.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This model Act is a compilation of sections from legislation that has been passed in Colorado, Georgia, Indiana, Louisiana, Missouri and Virginia to empower parents, educate children and catch and control sexual predators on the Internet. This Act is designed to create a comprehensive approach for empowering parents, protecting children and pursuing and controlling child predators on the Internet.

The model Act:

- requires Internet access providers to make available to subscribers a product or service that controls a child's use of the Internet. [see Georgia O.C.G.A. 39-5-2 (2008) and Louisiana law R.S. 51:1426 (2008).]
- requires teaching online safety in the classroom. [see Georgia O.C.G.A. 20-2-149 (2008), Indiana IC 20-30-5.5 (2006), Louisiana R.S. 17:280 (2008), and Virginia § 22.1-70.2 (2006).]
- increases post-conviction controls on convicted sex offenders. [see Georgia O.C.G.A. 42-8-35 (2008), Indiana IC 11-13-3-4 (2008), and Louisiana R.S. 15:561.5 (2008).]
- requires sex offenders to register their usernames used on interactive online forums. [see Georgia O.C.G.A. 39-5-3 (2008), Indiana IC 11-8-8-11(2008), and Louisiana R.S. 15:549 (2008).]
- requires online services to preserve and disclose customer information pursuant to law enforcement requests. [see Louisiana R.S. 15:545.1 (2008).]
- expands child porn reporting obligations. [see Georgia OCGA 39-5-4 (2008) and Louisiana R.S. 15:545.1 (2008).]
- criminalizes Internet sexual exploitation.[see Colorado 18-3-405.4 (2007).]
- criminalizes the luring of a child. [see Colorado 18-3-306 (2007).]
- criminalizes age misrepresentation with intent to solicit a child. [see Missouri Title 38, Section 566.153 (2008).]

Submitted as:

[MODEL](#)

NetChoice Coalition

Status: Comprised from several state laws.

Comment: No state has enacted the complete model as of October 17, 2008.

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force
meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act directs that when a defendant has been found in violation of an abuse prevention order or a protection order issued by another jurisdiction, the court may, as an alternative to incarceration and, as a condition of probation, prohibit contact with the victim through the establishment of court defined geographic exclusion zones including, but not limited to, the areas in and around the complainant's residence, place of employment, and the complainant's child's school, and order that the defendant to wear a global positioning satellite tracking device designed to transmit and record the defendant's location data. If the defendant enters a court defined exclusion zone, the defendant's location data shall be immediately transmitted to the complainant, and to the police, through an appropriate means including, but not limited to, the telephone, an electronic beeper or a paging device.

Submitted as:

Massachusetts

[Chapter 418, Acts of 2006](#)

Status: Enacted into law in 2007.

Comment: This Massachusetts law and Michigan's law are based on recommendations and legislation drafted by Professor Diane Rosenfeld, Harvard Law School.

Mass. GPS Law to Protect Domestic Violence Victims

Jan 4, 2007, News Report

Massachusetts Lieutenant Governor Kerry Healey Wednesday hailed the signing of legislation that authorizes courts to require domestic abusers who violate existing restraining orders to wear a GPS tracking device.

These devices will automatically notify the authorities and the victims should an offender enter geographic "exclusion zones" set by the court. Offenders with the financial means will also be responsible for the expense of the GPS bracelet, which is estimated to cost \$10 per person per day.

"This law leverages the power of technology to provide a much-needed new level of protection to victims of domestic abuse, too many of whom continue to be victimized even after successfully obtaining a restraining order against their abusers," said Healey. "Today in Massachusetts, scores of victims are driven from their homes, their jobs -- from their lives -- by batterers who repeatedly violate existing court orders. This new ability to exclude offenders from areas frequented by the victims will not only protect them from further abuse, it will give them their lives back."

Diane Rosenfeld, a lecturer at Harvard Law School, presented the idea of GPS monitoring for batterers to the Governor's Commission on Sexual and Domestic Violence, which Healey chairs, in early 2005. "This law finally enables us to provide a response to domestic abuse designed to prevent future violence. This legislation puts the responsibility for battering where it belongs -- on the offender," said Rosenfeld.

The legislation, filed by Healey in February 2005, was signed into law today by Governor Romney. In recent weeks, Healey lobbied for passage of the bill, a long-held

priority of hers. “This is extremely gratifying to me personally, and I thank everyone in the Legislature who helped to put this important policy initiative on the books,” said Healey.

KW/Government Technology.com

17-30B-07B GPS Tracking of Domestic Violent Offenders

MI

This Act:

- allows a judge or district court magistrate to order a defendant charged with a crime involving domestic violence, to carry or wear a global positioning system (GPS) device as a condition of release;
- allows the court, with the victim's informed consent, to order the defendant to give the victim a device to receive information from the defendant's GPS device;
- allows the victim to give the court a list of areas from which he or she wanted the defendant excluded, and require the court to consider the request;
- requires the court to instruct the global positioning monitoring system to notify the proper authorities if the defendant violated the order;
- allows the defendant to be released only if he or she agreed to pay the GPS costs or perform community service in lieu of payment;
- provides that the victim could request the court to terminate his or her participation in GPS monitoring of the defendant at any time; and
- requires the court to impose a condition that the defendant not purchase or possess a firearm.

Submitted as:

Michigan

[Act 192, Public Acts of 2008](#)

Status: Enacted into law in 2008.

Disposition: 17-30B-07A

CSG policy task force recommendations to

The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

Disposition: 17-30B-07B

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates a statutory mechanism for communities to create "Children's Zones," using Harlem Children's Zone as a model. Specifically, the bill:

- provides a nominating process for areas within communities to be designated as children's zones;
- provides for the creation of a planning team, a strategic community plan, and focus areas to be included in the plan;
- provides for the creation of a not for profit corporation to implement and govern a designated children's zone;
- creates a Magic City Children's Zone pilot, specifies geographical boundaries of that zone, provides for a board of directors, specifies membership on the board, provides duties for the board, and provides for a report; and
- creates a Children's Zone pilot, requires a Request for Proposal (RFP) process to select a not for profit corporation to implement the zone pilot, specifies geographical boundaries of the zone, provides for membership on an advisory committee, and provides for a report.

Submitted as:

Florida

[Chapter 2008-96](#)

Status: Enacted into law in 2008.

Comment:

According to a Florida Legislative Staff Analysis:

"Founded in 1970, Harlem Children's Zone, Inc. (HCZ) is an innovative, non-profit, community-based organization that works to enhance the quality of life for children and families in some of New York City's most desolate neighborhoods. Formerly known as Rheedlen Centers for Children and Families, HCZ's 15 centers serve more than 12,500 children and adults, including over 8,600 at-risk children. The work of the Children's Zone focuses not only on education, social service, and recreation, but also on rebuilding the basic fabric of community life.

The Harlem Children's Zone Project is a comprehensive community building initiative of the Harlem Children's Zone. The HCZ Project's mission is to create significant, positive opportunities for all children living in a 60-block area of Central Harlem by helping parents, residents, teachers, and other stakeholders create a safe learning and living environment for youth. Behind this mission lie two main principles:

- Children from troubled communities are far more likely to grow into healthy, productive adults if a critical mass of the adults around them are knowledgeable about the techniques of effective parenting, and are engaged in local educational, social, and religious activities with their children; and
- The earlier a child is touched by sound health care, intellectual and social stimulation, and consistent guidance from loving, attentive adults, the more likely that child will be to grow into a responsible and fulfilled member of the community.

While the HCZ Project acknowledges that intervention with older children is still important, there is also the recognition that later intervention is more costly and the outcome is not always as successful. If earlier intervention is adequate and appropriate, families should need later efforts to a lesser degree and in declining amounts.

The HCZ operates around a new social service paradigm intended to overcome the limitations of traditional approaches by systematically coordinating two related areas of effort: programs focused on addressing the critical needs of children and families, and targeted efforts to rebuild the basic community infrastructure. The work of the HCZ Project has evolved over the past 10 years into a resident-driven, community-building initiative that serves over 8,600 children annually. An integrated network of services and support that provides family stability, opportunities for employment, adequate and affordable housing, a quality education, and youth development activities for adolescents has been developed. Of the ten programs that make up the HCZ Project, nine focus directly on the needs of children and one on the broader community:

Youth Services

The Baby College is a 9-week Saturday series of workshops that offers parents and other caregivers of children between the ages of 0 and 3 both the information and the supports necessary to raise happy and healthy children who enter school ready to learn.

Harlem Gems is a universal pre-K program that prepares four-year-old children for entry into kindergarten. Harlem Gems offers extended day activities throughout the school year.

Family Support Center is a walk-in storefront social services facility that provides families in crisis with immediate access to professional social services including foster care prevention, domestic violence workshops, parenting skill classes, and group and individual counseling.

Parents Help Center is a drop-out prevention program that serves children with severe academic and attendance problems.

Harlem Peacemakers/SMART identifies and trains college-aged young people who are committed to making their neighborhoods safe places for children and families. Peacemakers work in elementary school classrooms and run after school and summer programs enriching children's educational and recreational experiences.

SMART (Shaping Minds Around Reading and Technology) is designed to significantly improve the reading skills of each participating student. Using trained staff, this computer-based literacy program offers children personalized reading instruction, tutoring support during and after school, and lending libraries.

Fifth Grade Institute recruits and prepares local students for the transition from elementary to middle school. The 5th Grade Institute operates in four Harlem elementary schools, providing eight 5th grade classrooms with daily after-school academic help and enrichment. During this three-hour period, a certified teacher and 3 assistants provide focused attention and academic coaching to small groups of students.

TRUCE (The Renaissance University for Community Education) is a comprehensive leadership program for adolescents that promotes academic growth and career readiness using the arts, media literacy, health and multimedia technology. Participating students work

on a community newspaper, a cable television show, a theater program, and/or a violence prevention initiative.

TRUCE Fitness and Nutrition Center offers a free, 8,000-square-foot exercise facility to youth and the broader Harlem community. The program promotes academic growth and helps youth develop skills in nutrition, fitness, presentation, and advocacy.

The Employment and Technology Center provides dropout prevention services for young people, aged 14-18 who are enrolled in and attending school full-time. The center also provides free use of computers and participation in computer training classes to neighborhood residents as well as a Saturday literacy program.

Community Pride is a resident- and community-driven neighborhood revitalization and community building program. The program organizes community beautification projects, helps tenants become homeowners, and works with tenant and block associations.

Over the next decade, the primary focus of the HCZ will be on children aged 0-18 living in the Harlem Children's Zone Project, a 100-block area of Central Harlem. The main objective of the Harlem Children's Zone will be to prepare the greatest possible number of the children in the HCZ Project to make a successful transition to an independent, healthy adulthood."

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

19-30A-01A Military Family Leave

IN

This Act:

- establishes an unpaid leave of absence of up to ten working days for the spouse, parent, grandparent, or sibling of a person ordered to active duty in the United States armed forces or the National Guard;
- requires an employee to provide written notice and a copy of the active duty orders, if available, before taking the leave;
- provides that an employee taking leave is permitted, or may be required, to use certain paid leave to which the employee is entitled;
- requires an employee to be restored to the position that the employee held before the leave or to an equivalent position;
- requires an employer to permit an employee who is taking a leave to continue the employee's health care benefits at the employee's expense;
- provides equitable remedies for violations;
- provides for grants from a Military Family Relief Fund for child care assistance;
- provides that a person who furnishes lodging for compensation commits a class C infraction if the person refuses to rent a room to an individual who is under 21 years of age and on active military duty; and
- exempts an individual on active military duty from serving on a jury.

Submitted as:

Indiana

[House Enrolled Act No. 1092](#)

Status: Enacted into law in 2007.

Comment:

According to a July 30, 2007 release by the law office of Jackson-Lewis, "With the continuing demands on the military Reserve and National Guard, a growing number of states have been passing Family Military Leave Acts giving soldiers' family members limited unpaid leave entitlements. In general, the acts allow the family members of active duty soldiers to take unpaid leave during periods leading up to or immediately following their family member's deployment and also during periods of leave while still on active duty. The new statutes vary, but employers should be cognizant of these new laws and prepared to adjust their leave procedures to comply. Currently, Illinois, Indiana, Maine, Minnesota, Nebraska, and New York have passed these laws."

19-30A-01B Military Family Leave

RI

Under this Act, any employer that employs between fifteen and fifty employees shall provide up to fifteen days of unpaid family military leave to an employee during the time federal or state orders are in effect, in accordance with the provisions set forth in this Act. Family military leave granted under this Act may consist of unpaid leave.

Any employer, as defined in this Act, that employs more than fifty employees shall provide up to thirty days of unpaid family military leave to an employee during the time federal or state orders are in effect, in accordance with the provisions set forth in this section. Family military leave granted under this Act may consist of unpaid leave.

The employee shall give at least fourteen days notice of the intended date upon which family military leave will commence if the leave will consist of five or more consecutive workdays. Where able the employee shall consult with the employer to schedule the leave to not unduly disrupt the operations of the employer. Employees taking military family leave for less than five consecutive days shall give the employer advance notice as is practicable. The employer may require certification from the proper military authority to verify the employee's eligibility to take the requested family military leave.

An employee shall not take leave as provided under this Act unless he or she has exhausted all accrued vacation leave, personal leave, compensatory leave or time, and any other leave that may be granted to the employee, with the exception of sick leave and disability leave.

Submitted as:

Rhode Island

[Chapter 61 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition: 19-30A-01A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Disposition: 19-30A-01B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This bill allows people who are related to a child and have assumed the role of parent to petition the court for custody or visitation.

Submitted as:

Utah

[Enrolled SB186](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

*20-29B-04 Diabetes Management in Schools

OK

This Act:

- requires schools to develop diabetes medical management plans for students with diabetes;
- requires schools to provide certain assistance to students with diabetes;
- allows students to manage their diabetes at school; and
- requires schools to provide a private management and care area for students with diabetes.

Submitted as:

Oklahoma

[HB1051](#)

Status: Enacted into law in 2007.

Comment: This item was deferred to the Education and Health Task Forces at the May 2008 SSL Meeting.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act creates a mechanism for schools, groups of schools, and school districts to adopt plans to try new ways of delivering instruction and/or allocating resources. It creates a new classification of school districts, "Districts of Innovation," that have one or more schools implementing these plans. The Act grants Districts of Innovation greater autonomy and the ability to waive some state statutory requirements. A school, or group of schools, that develops an innovation plan is either an Innovation School or Innovation School Zone. An Innovation School Zone is a collection of schools in a school district that share common interests, such as geographical location or educational focus, or that serve a class of students as they progress through the grades. A district that receives authorization from the state board of education for one or many innovation plans can be considered a District of Innovation.

Generally, the Act directs the state education board to accept an innovation plan unless that board concludes that the plan will likely result in a decrease in academic achievement or is not fiscally feasible. Approved districts and schools get waiver of statutory provisions identified in the plan upon state board approval. The districts must still comply with the intent of waived statutes. Requirements pertaining to the following cannot be waived: the Public School Finance Act, the Exceptional Children's Education Act, the Children's Internet Protection Act, school accountability report data, fingerprinting and criminal history record checks of educators and school personnel, retirement systems, and items outside of Title 22 (the Education Title).

Provisions of a collective bargaining agreement may be waived by schools that adopt an innovative school plan. To waive portions of such an agreement, the plan must identify those provisions the school or district intends to waive and must be approved by at least 60 percent of those covered by the agreement. Districts must make efforts to place employees that wish to stay under collective bargaining into schools that still have collective bargaining.

Each March the state board of education must submit a report to the governor and education committees of the Legislature identifying the number of schools and districts acting with innovation plans and assessing the performance of the plans. Local school district boards must review innovation plans every three years to assess effectiveness. If a plan is not performing successfully academically, it can be revoked.

Submitted as:

Colorado

[SB 08-130](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to

The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act changes the state definition of “gifted” children to include children 4 years old and provides pupil funding for school districts that choose to extend kindergarten enrollment to gifted 4-year-old children. Gifted children who successfully complete kindergarten can enroll in 1st grade as 5-year-olds the following year.

Submitted as:

Colorado

[House Bill 08-1021](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act authorizes school districts to offer a K-8 Virtual School Program for students residing within the district. Each district program may consist of district-operated and/or contracted K-8 virtual schools. Districts may administer their programs individually or through a regional consortium or multi-district contract. The minimum annual enrollment capacity required for each district program will be the greater of $\frac{1}{4}$ of one percent of the number of K-8 public school students in the district or the number of students in the district who were enrolled in a K-8 virtual school during the previous school year.

Submitted as:

Florida

[Chapter 2008-147](#)

Status: Enacted into law in 2008.

Comment:

A. HOUSE PRINCIPLES ANALYSIS:

Empower Families -- The bill expands access to an existing school choice option by increasing the statewide enrollment capacity for K-8 virtual schools and by expanding enrollment eligibility to children of military families who are relocated to this state.

Safeguard Individual Liberty -- The bill expands access to an existing school choice option by increasing the statewide enrollment capacity for K-8 virtual schools and by expanding enrollment eligibility to children of military families who are relocated to this state.

B. EFFECT OF PROPOSED CHANGES:

Background -- The K-8 Virtual School Program is an educational choice program established within the Department of Education (DOE). The program delivers academic instruction via on-line and distance learning technology to fulltime students in kindergarten through eighth grade. Participation is free to the student. Students are instructed by Florida-certified teachers. Learning coaches, usually a parent or other adult living in the student's home, supervise the student's in-home learning activities. The virtual school curriculum is aligned to the Sunshine State Standards and students enrolled in the program must participate in the statewide assessment program required.

Providers of virtual schools must apply and be approved by the DOE to participate in the K-8 Virtual School Program. A K-8 virtual school may be a non-profit or for profit entity. Participating schools must provide each enrolled student with all necessary instructional materials, computer equipment, and a stipend for internet access. K-8 virtual schools are subject to the Florida school grading system and adequate yearly progress (AYP) provisions under Title I of the No Child Left Behind Act of 2001. At present, the Florida Connections Academy and Florida Virtual Academy have been approved by the DOE to deliver program instruction.

Currently, the K-8 Virtual School Program is funded by specific appropriation in the General Appropriations Act. In 2007, the Legislature appropriated \$9,500,000 in general revenues for the program. Students are funded based on a maximum grant amount of \$5,050 per student. Thus, enrollment capacity is limited to approximately 1,881 students. According to the DOE, there is a large waiting list of students wishing to participate in the program.

Student Eligibility: The K-8 Virtual School Program is available to full-time students in kindergarten through eighth grade. Eligibility for the program is limited to:

- Students who spent the previous school year in attendance at a Florida public school and who were reported by the school district for funding through the Florida Education Finance Program;
- Students who were enrolled during the previous school year in a K-8 virtual school and their siblings; or
- Students who are eligible to enroll in kindergarten or the first grade.

School Attendance -- Students enrolled in the K-8 Virtual School Program are subject to the compulsory school attendance requirements of Florida state statutes. A State Board Of Education (SBE) rule requires each K-8 Virtual School to keep daily attendance for each enrolled student and to verify the continued attendance of each student to the DOE four times during the academic year.

Performance -- According to the DOE website for the K-8 Virtual School Program, students in the Florida Connections Academy and Florida Virtual Academy are performing the same or better than their peers statewide on the Florida Comprehensive Assessment Test (FCAT) in most subjects and grade levels. Further, each school earned a school performance grade of "A" and met 90% of the criteria required for AYP in 2006-07.

Effect of Proposed Changes -- The bill substantially revises provisions governing the K-8 Virtual Schools Program. Under the bill, the program's statewide enrollment capacity will be substantially expanded from 1,881 students currently to approximately more than 4,500 students by the 2009-2010 school year. Additionally, school districts will be afforded the authority to operate or contract for their own K-8 Virtual School Programs, rather than current law's provisions which only authorize state-contracted virtual schools. Students currently in a state-contracted K-8 virtual school will have the opportunity to remain in their current school until they reach the ninth grade.

District K-8 Virtual School Program -- Each school district will be authorized in the 2008-2009 school year, and required in the 2009-2010 school year and thereafter, to offer a K-8 Virtual School Program for students residing within the district.

Each district program:

- May consist of district-operated and/or contracted K-8 virtual schools. Districts may administer their programs individually or through a regional consortium or multi-district contract. Contracted providers must be approved by the DOE; however, during the 2008-2009 school year, districts may only contract with the two providers that operated under contract with the DOE to provide K-8 virtual schools during the 2007-2008 school year.

- Must comply with the requirements, discussed below, which are generally applicable to K-8 virtual schools and which govern: provider qualifications; staff qualifications, curriculum, materials, and equipment; and state assessments, accountability, and school grading.

- Prior to enrolling students for the 2009-2010 school year, each school district must submit, and receive DOE-approval for, a description of its proposed 2009-2010 K-8 Virtual School Program. The description must be submitted in a manner and by a deadline prescribed by the DOE.

The minimum enrollment capacity for each district program must be the greater of:

- $\frac{1}{4}$ of one percent of the number of K-8 public school students in the district (currently a total of 4,515 students statewide); or
- the number of students in the district who were enrolled in a K-8 virtual school during the previous school year.

Additionally, each school within the district's program must have a sufficient number of students to permit assignment of a school grade under state statute and State Board of Education (SBE) rule.

Beginning with the 2010-2011 school year, the enrollment in a K-8 virtual school may not be increased in excess of the prior year unless the school has received a grade of "C" or better.

Any student residing within the district's attendance area is eligible to enroll in a district K-8 virtual school if, during the previous year, the student:

- Was enrolled in a Florida public school and was reported for funding during the preceding October and February Florida Education Finance Program (FEFP) surveys;
- Was enrolled in a K-8 virtual school under the section;
- Is the sibling of a current K-8 virtual school student who completed the previous year at a K-8 virtual school under the section; or
- Is a dependent child of a military family that was transferred within the past 12 months to this state pursuant to a parent's permanent change of station orders.

School districts must enroll eligible students until the program meets full capacity. Priority for enrollment must be granted to:

- Students who were enrolled during the prior school year and their siblings;
- Students who need a home environment to meet their educational needs;
- Children of relocated military families; and
- Students seeking to learn at an accelerated pace.

If student applications exceed capacity, students are to be admitted through a random selection process. Funding for a district program will be through the FEFP. Each district will be required to report the number of full-time equivalent (FTE) students in its K-8 Virtual School Program to the DOE. A section of state statute is amended by the bill to provide that a K-8 virtual school FTE student is a student who has successfully completed a basic program and who is promoted to a higher grade level. Districts are also permitted to receive grants and donations for their programs.

Exception for Florida Virtual School Franchises -- Under the bill, a school district is deemed to be in compliance with the bill's requirements for a district K-8 Virtual School Program for students in sixth to eighth grade if the district enters a franchise agreement with the Florida Virtual School for the provision of a full-time, 180-day program of on-line

academic instruction to such students. The bill specifies that a school district must still comply with all requirements for a virtual school for students in kindergarten through grade five.

State-Contracted K-8 Virtual Schools -- The bill provides, subject to appropriation, that the two providers of K-8 virtual schools during the 2007-2008 school year may continue operation under contract with the DOE during the 2008-2009 school year and thereafter. Enrollment in each of these two virtual schools is limited to students who attended that school in the 2007-2008 school year and their siblings and who live in a district that does not offer a K-8 virtual school operated by the same provider. The two providers and their schools must continue to comply with the requirements, discussed below, which are generally applicable to K-8 virtual schools and which govern: provider qualifications; staff qualifications, curriculum, materials, and equipment; and state assessments, accountability, and school grading.

Funding for the two DOE-contracted K-8 virtual schools will be based on total program enrollment and an amount per FTE student to be established annually in the General Appropriations Act. Payments are to be made quarterly during the school year as specified in the bill.

Provider Qualifications -- The bill requires the DOE on or before March 1, 2009, and annually thereafter, to provide school districts with a list of K-8 virtual school providers that are approved to contract with one or more districts or regional consortia. To be approved, each provider must annually document that it: (a) is nonsectarian; (b) prohibits discrimination; (c) locates its administrative office in this state and requires its staff to be state residents; (d) possesses prior experience offering elementary or secondary online courses; (e) is accredited by specified entities; and (f) is capable of complying with all requirements under state statute, for a K-8 virtual school.

The specified accrediting entities are: the Commission on Colleges of the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the North Central Association of Colleges and Schools, the New England Association of Schools and Colleges, or the Commission on International and Trans-Regional Accreditation.

K-8 Virtual School Requirements -- Each K-8 virtual school operated by a school district or a provider must: (a) require all instructional personnel to be Florida certified educators; (b) require all school employees to undergo background screening; (c) offer a full-time, 180-day program of instruction that is aligned to the Sunshine State Standards that is 180 days in duration; and (d) provide each student with all instructional materials, equipment, and internet services necessary to participate in the program. Students may not be charged tuition or registration fees.

Student Requirements -- All K-8 virtual school students must: (a) satisfy the compulsory attendance requirements, which must be verified by his or her school district; and (b) take the Florida Comprehensive Assessment Test (FCAT).

Assessment and Accountability -- All K-8 virtual schools are required to participate in the statewide assessment program, i.e., the FCAT, and in the state's school accountability

system. Each school must receive a school grade. If the school receives a grade of “D” or “F”, it is required to file a school improvement plan with the DOE. The DOE must work in consultation with such a school to identify the causes of the school’s poor performance and develop a plan for correcting it.

If a K-8 virtual school receives a “D” or “F” for two years during any consecutive four-year period, the bill requires: (a) a district or regional consortium to terminate the contract for a provider-operated school; and (b) a district to terminate operation of a district-operated school and to contract for a provider-operated school during the next school year.

The DOE is required to annually review each school district’s program, and submit a report to the SBE, Governor, and presiding officers of the Legislature that compares the performance of each district’s K-8 Virtual School Program with the performance of: (a) the district’s K-8 students in traditional public schools; and (b) other school district K-8 Virtual School Programs. The report must also analyze and aggregate the overall performance of such students by contracted provider.

A school district or regional consortium is authorized under the bill to terminate or not renew a provider’s contract if the provider:

- Fails to participate in the state assessment program;
- Fails to obtain DOE approval in any year;
- Fails to meet generally accepted standards of fiscal management;
- Violates the law;
- Is not funded by the Legislature; or
- Meets any other ground listed in the contract.

If a contract is terminated or not renewed, the contracted provider of the K-8 virtual school is responsible for all debts of the school. Students who are enrolled in such schools must be allowed to enroll in another K-8 virtual school in the district; the public school to which the student would be assigned under the district’s attendance area policies; or a public school that the student could choose under district or interdistrict controlled open enrollment provisions.

Class Size Reduction -- The bill amends the definition of “core-curricula courses” to provide that the term does not include a course by the Florida Virtual School, a School District K-8 Virtual School Program, or a state-contracted K-8 virtual school; and clarifies that the class size reduction requirements of the State Constitution do not apply to virtual schools.

Disposition: 20-30A-03

CSG policy task force recommendations to
The Committee on Suggested State

Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

Comments/Note to staff:

The Act provides the state Digital Learning Academy with financial independence from a host school district. The goal of the Digital Learning Academy is to provide choice, accessibility, flexibility, quality and equity in curricular offerings for secondary students in this state, while recognizing that the development of a comprehensive digital learning environment is cost prohibitive for individual school districts.

Among its provisions, this Act specifies that the Digital Learning Academy shall be a governmental entity that has as its purpose. It provides for liability insurance for Academy directors. It creates a Digital Learning Academy Fund and designates the Digital Learning Academy as an employer within the state public employee retirement system.

Submitted as:

Idaho

[HB 552](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act establishes mechanisms to promote academic accountability in public schools. It sets up an advisory council on school district accountability and assistance and it sets up an office of school and district accountability. The Act directs the office to review and report on the efforts of schools, charter schools and school districts to improve the academic achievement of their students. The Act directs the office to act as an auditing body to review the results of educational measurements and tests conducted by or for the state department of education.

In addition, the office shall have the following duties relative to school districts:

- objectively review the accuracy of the school and district reports by conducting or contracting for periodic program and fiscal audits as necessary;
- undertake inspections of schools, charter schools and school districts, including regional school districts, to evaluate efforts to improve and support the quality of instruction and administration;
- review a district's success plan, if any, submitted to the department of education and evaluate the implementation of that plan;
- review the district's implementation of grants to develop or enhance academic support services for students scoring at low levels;
- evaluate the alignment of curriculum and professional development plans with the state curriculum and assessments;
- review the progress of overall student achievement; and
- evaluate student performance, school and district management, overall district governance and any other areas deemed necessary by the office.

The Act directs the state board of education to establish the process and standards for school and district audits and reviews conducted by the office of school and district accountability. In establishing such process and standards, the board shall promote efficiency and coordination with other audit, evaluation and reporting requirements established by the board.

Submitted as:

Massachusetts

[Chapter 311 of the Acts of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to

The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act creates a program to provide grants to state residents who receive an associate, baccalaureate, masters, or other postgraduate degree to help make a down payment or pay closing costs on the purchase of their first home in the state. The Act creates a Grants for Grads Fund in the state treasury to be used by the state housing finance agency to make grants to program participants.

This Act provides that only 100 applicants shall be selected for grants. This will be done by a lottery administered by the state housing finance agency. Generally, grants to unmarried people can be up to \$10,000. Grants to married people can be up to \$15,000.

The Act requires that a grant be provided as a cash payment to the grantee at the time of obtaining a mortgage loan, such amount to be applied only to pay a portion of the closing costs or required down payment on the purchase of a home. The Act prohibits cash back to the grantee at the time of closing and requires that the grantee take receipt of the grant within 36 months of the date of the award, after which time the grant expires. It prohibits the grantee from buying a home from a family member or a business in which an immediate family member of the grantee owns more than 10% interest.

The Act provides that if the state Housing Finance Agency finds that a grantee or grant recipient fails to comply with the criteria of home ownership, then the grantee or grant recipient's state income tax for the applicable taxable period will be increased by an amount necessary for the recapture of the amount of the grant awarded. The bill requires that an action to recapture grant funds be initiated within three years from December 31st of the year in which the grant was awarded.

The bill requires eligible people to register to participate in the program no later than the 60th day after their college graduation date or date of completion of a postgraduate degree. As part of registration, graduates must authorize the state department of revenue to disclose to the state treasurer and the agency information related to the amount of state individual income tax the person will pay over the time period between their registration for the program and the time at which they become eligible to receive a grant.

Submitted as:

Louisiana

[Act 748 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to

The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act defines a virtual charter school as a charter school that provides an online learning program. The Act exempts for a limited time people who teach in virtual charter schools from having a teaching license or permit issued by the state department of public instruction. However, it requires that beginning July 1, 2013, no person may teach an online course in a public or charter school unless he or she has completed a professional development program, approved by state department of public instruction, that is designed to prepare a teacher for online teaching.

The bill directs state department of public instruction to make online courses available for a reasonable fee, through a statewide web academy, to school districts, cooperative educational service agencies, charter schools, and private schools. That department must also establish instructional standards for online courses taken by pupils enrolled in public and charter schools.

The bill directs school boards (or chartering entity, if other than a school board) to do all of the following:

- determine which pupils may enroll in an online course, which online courses are available, and the number of online courses a pupil may take;
- provide a safe and secure online environment, ensure the confidentiality of pupil coursework and records, and verify the authenticity of pupil coursework;
- except for teachers in virtual charter schools in existence on the bill's effective date, assign an appropriately licensed teacher for each online course;
- ensure that pupils enrolled part-time in online courses have direct contact with a teacher, each week school is scheduled, for at least 20 minutes for each online course;
- ensure that elementary school pupils who are enrolled full-time in online courses have direct contact with a teacher for at least two hours each day that school is scheduled;
- ensure that high school pupils enrolled full-time in online courses have direct contact with a teacher for at least 30 minutes each day that school is scheduled;
- determine the average equivalency hours for online courses;
- ensure that only pupils who reside in this state enroll in online courses; and
- limits how many students can enroll in a virtual charter school through an Open Enrollment Program.

Submitted as:

Wisconsin

[SB 396](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act requires college textbook publishers to make the price, any substantial content revision between the last two editions, copyright dates, and the variety of formats for a text available, upon request, to faculty members or textbook adopters at public higher education institutions when the publisher provides information about their products. The Act distinguishes between supplemental material and integrated textbooks and requires a publisher to make a textbook and supplemental material available separately when selling the materials bundled together.

The Act directs that when feasible, public institutions of higher education must develop policies allowing students to use financial aid that has not been disbursed for tuition or fees to purchase textbooks at campus bookstores. The Act directs public higher education institutions to encourage the selection of textbooks early enough that the campus bookstore can supply information about textbooks and materials which will promote cost efficiency.

Submitted as:

Missouri

[HB 2048 \[Truly Agreed to and Finally Passed\]](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act prohibits school boards, school employees, or officials from authorizing any group or organization to use a school district's or school's name, mascot, logos, property, or facilities for the purpose of raising money until the local board of education adopts a policy concerning local school support groups. A local school support group is any PTA, PTO, or parent teacher support association, or any other foundation, booster club, or other nongovernmental organization whose primary purpose is to collect or receive money to support a school district, school, school club, or any athletic, performing arts, or academic activity related to a public school.

This Act specifies several requirements for any local school support group policy, including:

- the group must provide a copy of its bylaws and proof of recognition as a nonprofit organization before initiating support, assistance or raising money;
- the group must operate within the applicable guidelines and standards set by any related state association;
- the group must obtain pre-approval from the director of schools for any fundraisers;
- the group must keep financial records for at least three years;
- school employees are not permitted to act as treasurer for a group; and
- a majority of the voting members of any group's board must not be school employees.

This bill prohibits a local school support group from:

- using the school's or school district's sales tax exemption to purchase items;
- representing that its activities or financial commitments are made on behalf of or binding upon any school or school district;
- using school support group funds for a purpose other than ones related to supporting a school district, school, school club or school athletic, performing arts or academic activity; or
- maintaining a bank account that bears the employer identification number of a board of education, school board, school, or any other governmental entity.

This bill requires any local school support group or any group or organization that raises money and represents itself as a school support group to be subject to audit by the office of the comptroller of the treasury.

Submitted as:

Tennessee

[Public Chapter No. 326](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act defines an Outside the Hospital Do-Not-Resuscitate Order and requires a copy of such an order be included as the first page of a patient's medical record. A patient or patient's representative and the patient's attending physician may execute an Outside the Hospital Do-Not-Resuscitate Order. The state department of health and senior services must develop and approve uniform forms and personal identifiers. The identifiers must alert any emergency medical technician, paramedic, first responder, or other health care provider of the existence of the order for the patient.

The bill specifies that the Outside the Hospital Do-Not-Resuscitate Order will only be effective when the patient has not been admitted to or is not being treated within a hospital. These orders and protocols will not authorize the withholding or withdrawal of other medical interventions such as intravenous fluids, oxygen, or therapies other than cardiopulmonary resuscitation. An outside the hospital do-not-resuscitate order will not be in effect when a patient is pregnant or when believing in good faith that a patient is pregnant.

Emergency medical technicians, paramedics, first responders, and other health care providers are required to comply with an Outside the Hospital Do-Not-Resuscitate Order or identifier unless the patient or patient's representative expresses to the personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated. A physician or a health care facility other than a hospital that is unwilling or unable to comply with this order must take all reasonable steps to transfer the patient to another physician or facility where the order will be followed. The bill specifies the individuals and entities that are exempt from civil or criminal liability for withholding or withdrawing resuscitation pursuant to an order or identifier if the actions were performed in good faith and without gross negligence.

Anyone who knowingly conceals, cancels, defaces, or obliterates an order or identifier without the individual's consent or knowingly falsifies or forges a revocation will be guilty of a class A misdemeanor. Anyone who knowingly executes, falsifies, or forges an order without the individual's consent or knowingly conceals or withholds the knowledge of a revocation of an order will be guilty of a class D felony.

Submitted as:

Missouri

[House Bill No. 182 \(Truly Agreed and Finally Passed version\)](#)

Status: Enacted into law in 2007.

Comment: Deferred from May 2008 SSL Meeting to next Health Task Force meeting.

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force
meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This law restricts the sale of prescription drug information that identifies the prescribing habits of specific health care professionals.

Submitted as:

Maine

[Public Law, Chapter 460](#)

Status: Enacted into law in 2007.

Comment: Per Comment 29B-c, this item was deferred to the Omaha SSL Meeting. The Committee asked staff to check on legal status of this Act and related legislation in New Hampshire and Vermont.

REGARDING MAINE

October 10, 2008

Bradley Thomas, with the Maine Attorney General's Office, said Maine's prescriber confidentiality statute has been challenged in federal District Court (District of Maine). The Court issued a preliminary injunction against the enforcement of the statute, but the injunction does not prohibit Maine from continuing to register physicians wishing to maintain prescriber confidentiality and from assessing a fee against manufacturers to cover the cost of building that registry. Maine is continuing these permitted activities.

Maine appealed the District Court's decision to the First Circuit Court of Appeals, but the parties voluntarily entered into a stay of that appeal because the First Circuit Court has received briefs and heard oral argument on a similar New Hampshire law. When the First Circuit Court issues its decision on the New Hampshire law, it likely will be informative for the Maine case. However, the two states' statutes contain some significant differences, so the extent to which the First Circuit Court's decision for New Hampshire will control the Maine case may depend on the First Circuit Court's rationale. A ruling on the New Hampshire case could be issued any time.

REGARDING NEW HAMPSHIRE:

July 28, 2006 – 11:15 pm

Data companies challenge state prescription privacy legislation

Firms claim First Amendment rights

By BEVERLEY WANG

The Associated Press/Concord Monitor

Two medical data companies moved quickly yesterday to challenge New Hampshire's first-in-the-nation law restricting their access to doctors' prescription information. IMS Health Inc. and Verispan LLC, both headquartered in Pennsylvania, filed a complaint in U.S. District Court asking a judge to declare the law, which is less than a month old, unconstitutional. The companies, which collect, analyze and sell medical data, say the

law, which bans the sale, use and distribution of certain prescription information, goes too far. They allege it violates free speech rights, endangers public health and impedes research.

“The language of health care is data,” Randolph Frankel, IMS's vice president of public affairs, told the Associated Press in an interview Thursday. “It’s really the way in which scientists and people in medicine understand the nuances, the probabilities, the impacts of what they do.”

Signed June 30 by Gov. John Lynch, the law took effect immediately. It made New Hampshire the first state to try to block pharmaceutical companies’ hard-sell pitches by restricting access to data that identifies doctors and other prescribers. Information containing prescribers’ zip codes, location and medical specialties is allowed. The law does not prohibit information from being used for care management, clinical trials and education.

Pharmaceutical company salespeople prize doctors’ information because it profiles prescribing habits - they can learn which doctors favor brand names or generics, and who is more willing to prescribe new drugs - and steer their strategies accordingly.

AARP, the New Hampshire Medical Society, the attorney general’s office and the Department of Health and Human Services support the law. Proponents said the ban would protect doctor-patient privacy and prevent salespeople from unduly influencing prescription choices.

“Prescription costs are one of the fastest growing costs in health care and a lot of that is driven by their marketing efforts, and we should have an ability to protect our consumers,” said Lynch spokeswoman Pamela Walsh.

Palmer Jones, the medical society’s executive vice president, called the lawsuit an attempt to deter other states from passing similar laws. “It doesn't surprise me that they are challenging this because they are concerned about this becoming a trend across the country,” he said. He said medical societies in Maine, Vermont, New York, Nevada and Arizona had asked about the law since its passage.

Pharmaceutical companies, drug store chains and medical data companies oppose the ban. IMS and Verispan predicted the law would have a chilling effect on research and development, even though it focuses on commercial purposes like advertising, marketing and sales.

“The information doesn’t exist in a usable fashion . . . without us having a commercial interest in collecting it,” said Robert Hunkler, an IMS company director. He estimated the cost of collecting and analyzing the data to be in the tens of millions of dollars. Without money coming in from pharmaceutical clients, information would not be available for public health uses, Hunkler said.

IMS and Verispan said prescribers’ identities are needed when recruiting for drug trials or getting the word out quickly in case of recalls and alerts.

“The health care community will lose a powerful tool to help monitor the safety of new medications and ensure that patients taking them are not harmed. Without such information, medical researchers will be unable to conduct studies that can improve public health,” the complaint said. “By blocking access to prescriber-identifiable data, the New Hampshire law takes health care in the wrong direction while doing nothing to improve the well-being of New Hampshire citizens.”

Frankel said doctors who wish to keep their prescription information confidential can do so through a program created by the American Medical Association. Advocates of New

Hampshire's law have said that program does not go far enough, because it leaves out prescribers who are not physicians, like nurse practitioners.

IMS and Verispan collect medical information from clinics, pharmacies and hospitals. Frankel estimated prescription information collected from New Hampshire comprises less than 1 percent of IMS's total data. According to a company report, sales to pharmaceutical companies accounted for nearly all of IMS's revenues last 2005 year; nearly half from services for sales forces. Earlier this month, IMS reported second-quarter profits of \$62.7 million.

NEW HAMPSHIRE

RELEASED BY: Kelly A. Ayotte, Attorney General

SUBJECT: Attorney General to Appeal Decision Striking Down the Prescription Information Law

DATE: May 3, 2007

RELEASE TIME: Immediate

Attorney General Kelly A. Ayotte announced today that she will appeal a decision by the United States District Court, District of New Hampshire, that found a state law that protects physician prescription information from use in pharmaceutical companies marketing campaigns unconstitutional.

In 2006, the legislature passed the Prescription Information Law, which prohibited the use of prescriber information obtained from pharmacies for commercial purposes. This law effectively prohibited pharmaceutical marketers from obtaining each physician's individual prescribing history, thereby targeting and tailoring the marketing message to that individual doctor. The Prescription Information Law was passed as a measure to protect physician privacy, protect the health and safety of New Hampshire patients, and contain the overall cost of health care in New Hampshire.

On April 30, 2007, the Court issued an order that struck down the Prescription Information Law, stating that the law unconstitutionally restricts protected speech.

Attorney General Ayotte said: "The State has a substantial interest in protecting the privacy of New Hampshire physicians, defending the sanctity of the doctor-patient relationship and reducing health care costs. Health care costs in the State of New Hampshire are skyrocketing. The Prescription Information Law protects the State's interests and the interests of New Hampshire's physicians and citizens, which strongly outweigh the pharmaceutical industry's interest in increased profits." The Attorney General said that she will file an appeal of the Court's decision with the First Circuit Court of Appeals in Boston.

October 7, 2008

Richard Head, with the New Hampshire Attorney General's Office, said New Hampshire did appeal this ruling in January 2008 but were awaiting a decision by the First Circuit Court of Appeals in Boston as of October 7, 2008.

REGARDING VERMONT

Bridget Asay, with the Vermont Attorney General's Office, said Maine, New Hampshire ([Chapter 320 of 2007](#)), and Vermont ([Act 80 of 2007-2008](#)) enacted slightly different versions of legislation restricting prescription information. All three state laws were subsequently challenged in court. All three states were awaiting decisions from the court as of October 20, 2008. The Vermont Legislature also changed the effective date of Vermont Act 80 to July 1, 2009.

CSG staff will consider adding the New Hampshire and Vermont bills to a future SSL docket once the court cases are resolved.

Disposition: 21-29B-08A

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

*21-29B-09 Prescription Drug Academic Detailing Program ME

This Act establishes a program to educate doctors and pharmacists who provide state-funded health care about the therapeutic and cost-effective use of certain prescription drugs. To the extent possible, program components must include information about clinical trials, pharmaceutical efficacy, adverse effects of drugs, evidence-based treatment options and drug marketing approaches that are intended to circumvent competition from generic and therapeutically equivalent drugs. The program may provide outreach and education to carriers, health plans, hospitals, employers and other people interested in the program on a subscription or fee-paying basis under rules adopted by the department.

Submitted as:

Maine

[Public Law, Chapter 327](#)

Status: Enacted into law in 2007.

Comment: Deferred from May 2008 SSL Meeting to next Health Task Force meeting.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

*21-29B-11 Third Party Rights and Responsibilities Under
Health Care Contracts

IN

This Act specifies terms under which a third party may obtain access to a contractor's rights and responsibilities related to a provider's delivery of health care services.

Submitted as:

Indiana

[Senate Enrolled Act No. 159](#)

Status: Enacted into law in 2008.

Comment: Deferred from May 2008 SSL Meeting to next meeting of the Health Task Force.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act amends the Long-term Care Facility Medicaid Certification part of the Medical Assistance chapter of the state Health Code to:

- permit a Medicaid nursing care facility program to transfer or sell a license for a Medicaid bed to another entity;
- establish certain requirements that must be met to transfer a license for a Medicaid bed; and
- reduce the total number of licensed Medicaid beds in the state by applying a conversion factor to the licenses for Medicaid certified beds that are transferred.

Submitted as:

Utah

[HB 445](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

The provisions of this bill direct the state commissioner of environmental conservation and state commissioner of health to create an online mapping system that plots “environmental facilities” and incidences of cancer throughout the state.

Submitted as:

New York

[S01592/A1143B](#)

Status: Enacted into law in 2008.

Comment: A June 20, 2008 *New York Times* article reports that:

“Each year there are 200,000 new cases of cancer in New York State, and each one is reported to the State Health Department and meticulously recorded.

Now, under legislation passed on Thursday, residents would be able to gain access to that information through the most detailed map yet available, and track all kinds of cancers and where they occur. The online map would also plot where industrial facilities like power plants and chemical factories are located. Cancer awareness advocates and supporters of the plan say they are unaware of any other state that culls and reports cancer data in such a way.

The Health Department already publishes on its Web site, www.health.state.ny.us, maps that depict the number of cancer cases in each county. But the measure approved by the Legislature would require the department to plot cancer cases by census bloc, the smallest geographic entity that the federal government uses to tabulate information for its decennial census. The Federal National Cancer Institute also provides county-by-county maps of cancer cases for the entire country going back decades.

Supporters of the maps argue that they provide an essential public service by letting people know whether the area where they live has an unusually high number of people with cancer. But others say that the geographical cancer data is too prone to misinterpretation, especially by people without medical training, and that they lead the public to see a cause-and-effect relationship that is not necessarily there.”

Disposition:

CSG policy task force recommendations to

The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

21-30A-03 Long-Term Care Insurers: Genetic Tests,
Genetic Information

MD

This Act limits the ability of companies offering long-term care insurance to request or require genetic tests to insure someone for long-term care, use genetic test results to deny long-term care coverage, or to charge a different rate for long term care coverage because of the results of a genetic test.

Submitted as:

Maryland

[Chapter 631](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act requires state regulated health insurance carriers to issue to their members, a standardized, printed card containing benefit information by July 1, 2009, for new and renewal members and by July 1, 2010, for all plan members. The Commissioner of Insurance must adopt rules with specifications for the printed card by October 31, 2008. Private health plans covered by the Employee Retirement Security Act are not subject to the Act. The minimum information to be included is:

- the covered person’s name and plan number;
- the type of plan and available coverage;
- co-payment and deductible amounts;
- basic benefits;
- contact information for carrier or plan administrator; and
- an indication as to whether the coverage is state regulated.

The Commissioner of Insurance must convene a working group within 30 days after the effective date to develop recommendations on the following:

- standards for technology and tools for information exchange;
- the specific information to be included;
- simplifying eligibility and coverage verification;
- using electronic data interchange for eligibility notification, preauthorization, or service notification, and retroactive denial;
- when to implement technology for medical assistance programs; and
- whether to create a pilot program.

After receipt of the working group’s recommendations, the commissioner must adopt rules for implementing a standardized electronic swipe card or other appropriate technology that conforms to applicable federal guidelines. Carriers will have 2 years after the effective date of the rules to implement the standardized electronic coverage technology. Hospitals and physicians are required to use the printed card and once implemented, the electronic technology for accessing coverage information. A carrier or provider in a rural area can apply for an extension if the deadlines imposed cause a financial hardship.

Submitted as:

Colorado

[SB 08-135](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to

The Committee on Suggested State

Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act establishes a program to provide affordable health care plans for uninsured residents. A plan entity must provide non-catastrophic coverage and may provide catastrophic coverage, supplemental insurance, and discount medical plan options to enrollees. Enrollees must be residents of the state; age 19 to 64; not covered by private insurance or eligible for public insurance, unless eligibility for coverage lapses due to no longer meeting income or categorical requirements; and uninsured for at least the prior 6 months, with exceptions for people who lose coverage within the past 6 months under certain conditions.

The Act makes the state agency for health care administration (agency) and the state office of insurance regulation (office) responsible for jointly establishing and administering the program. The agency and the office are required to issue an invitation to negotiate to health insurers, health maintenance organizations (HMOs), health care provider-sponsored organizations, and health care districts. The agency and the office are required to approve at least one plan entity having an existing statewide provider network, and may approve at least one regional network plan in each Medicaid area.

The general plan must include the following components:

- guaranteed issue to enrollees, subject to exclusions for pre-existing conditions approved by the agency and the office;
- plans are portable, regardless of employment status;
- plans can require limits on the number of services, caps on benefit payments, and copayments;
- plans must provide information on coverage, benefit limits, cost-sharing, and exclusions in the enrollment materials;
- plans must offer prescription drug benefit coverage or use a prescription drug manage; and.
- plan entities are required to develop two benefit plans having different cost and benefit levels.

This Act changes a state Health Flex Plan Program, which was established to offer basic affordable health care services to low-income, uninsured residents. The Act expands the population eligible to purchase health flex plans by raising the family income limit from 200 to 300 percent of the federal poverty level. Based on the 2008 Federal Poverty Guidelines, 200 percent of the federal poverty level is \$42,400 for a family of four, and 300 percent of the federal poverty level is \$63,600 for a family of four. This Act extends the expiration date of the program from July 1, 2008 to July 1, 2013.

The Act requires group health insurers to offer policyholders and certificate holders the option to continue coverage for their children on their family policy until age 30. In addition, a group insurer would be required to offer the parent the option to continue coverage for a nondependent child until age 30, if the child is unmarried with no dependents, a resident of the state or a full time-or part-time student, and does not have insurance coverage under any other private plan or is not entitled to benefits under Title XVII of the Social Security Act.

This Act also:

- requires the development of guidelines to meet minimum standards for quality of care and access to care;

- requires the plans follow standardized grievance procedures;
- requires the Executive Office of the Governor, the agency, and the office to develop a public awareness program;
- provides that coverage under a plan is not an entitlement and does not give rise to a cause of action;
- establishes a Health Choices Program;
- provides individual eligibility criteria;
- provides employer enrollment criteria;
- provides vendor, product, and service eligibility criteria;
- provides for individual participation regardless of subsequent job status or Medicaid eligibility;
- provides vendor enrollment criteria;
- provides for participation by health insurance agents;
- provides criteria for products available for purchase;
- provides criteria for product pricing;
- provides for an administrative surcharge;
- provides for an exchange process;
- provides for enrollment periods and changes in selected products;
- requires establishing a website to provide information about products and services;
- provides methods to pool risk; and
- exempts certain nonprofit religious organizations from requirements of the state Insurance Code.
- The legislation also creates a Health Choices Corporation, a centralized clearinghouse or “marketplace,” where small businesses with less than 50 employees may offer employees a chance to choose from a variety of health care plans and services. These products will include prepaid services, flexible savings accounts, and traditional insurance products.

Submitted as:

Florida

[CS for CS SB 2534 \(enrolled version\)](#)

Status: Enacted into law in 2008.

Comment: This bill is not in the docket bill packets because it is too long. But, CSG staff will have a copy to review at the meeting in Omaha.

GOVERNOR CRIST SIGNS COVER FLORIDA LEGISLATION TO PROVIDE HEALTH INSURANCE OPTIONS TO FLORIDA’S 3.8 MILLION UNINSURED

May 21, 2008

Contact:

GOVERNOR'S PRESS OFFICE

(850) 488-5394

MIAMI – Governor Charlie Crist continued a weeklong series of health care bill signings today by signing Senate Bill 2534, providing affordable health insurance options to Florida’s 3.8 million uninsured individuals. The Governor’s Cover Florida plan will allow the State of Florida to negotiate with health insurers to develop affordable health coverage for uninsured Floridians ages 19 to 64. Small businesses will also be able to offer employees a variety of health care plans and services through a centralized clearinghouse. He signed the bill while visiting the Ryder Trauma Center in Miami.

“One in five Floridians goes to bed at night worrying about how to pay for medical care, and they wait to go to the doctor until they have a medical emergency,” Governor Crist said. “Now, Floridians will have health insurance options that will go a long way toward freeing them from worry about health care. What Florida is doing is a model for the nation.”

Private insurers have indicated that the Governor’s Cover Florida plan would allow them to create benefits packages for about \$150 per month or less. All benefit plans would include, at the very least, coverage for preventive services, screenings, office visits, outpatient and inpatient surgery, urgent care, prescription drugs, durable medical equipment, and diabetic supplies. Approved insurance companies also have to offer consumers a plan that includes catastrophic and hospital coverage. Insurers would also competitively bid to provide supplemental coverage, such as vision, dental and cancer care.

Cover Florida focuses on the importance of primary and preventive care to discourage unnecessary and costly visits to the emergency room. Individuals who have been without insurance for at least six months will be eligible to participate. No mandates will require individuals or employers to participate; however, employers will be permitted to assist employees by allowing payroll deduction or cost-sharing premiums.

“This is a giant step in furnishing health care access through affordable health care for all Floridians,” bill sponsor Senator Durell Peaden said.

Governor Crist also held bill signing ceremonies at the University Community Area Health Center in Tampa and at the Capitol in Tallahassee. Lt. Governor Jeff Kottkamp announced the new legislation at the West Palm Beach Health Center, the Brevard County Health Department and at Family Health Centers of Southwest Florida in Fort Myers.

Coverage options for children are also expanded by the legislation. The bill includes provisions to permit all Florida families to pay full premiums and “buy in” to the Florida Kid Care Program. Current law has a 10 percent cap on enrollment for “full pay” families. The bill also requires insurance companies to offer families the option to keep children enrolled on the family health policy until age 30, as long as the child is unmarried and does not have any dependents. Current law requires this option only for children who are under age 25 and students. Under the new law, student status is required only if the child lives outside of Florida.

The legislation also creates the Florida Health Choices Corporation, a centralized clearinghouse or “marketplace,” where small businesses with less than 50 employees may offer employees a chance to choose from a variety of health care plans and services. These products will include prepaid services, flexible savings accounts, and traditional insurance products.

The corporation will be governed by a Board of Directors, comprised of appointees of the Governor, President of the Senate and Speaker of the House. The board will also include ex-officio members who represent affected Florida state agencies. In order to ensure the integrity of board decisions, no board member may be appointed who has a vested interest in

the regulation of marketplace products. The corporation will also be subject to Florida's public record and open government laws.

"This is a huge step towards giving access to insurance and health care to those who don't have anything," Representative Aaron Bean said. "It was a pleasure working with our Governor to make this a reality."

The Office of Insurance Regulation (OIR) will review all risk-based products offered by the corporation and offer recommendations to the board regarding whether products should be offered to the public through the marketplace. OIR will also provide information to consumers about each risk-based product offered in the marketplace.

Earlier this week, Governor Crist signed Senate Bill 2326, streamlining the Certificate of Need (CON) process required for the approval of new general hospitals. Yesterday, he signed Senate Bill 2654, which increases health insurance benefits for autism and developmental disability therapies and enhances consumer awareness of the benefits.

Copyright 2007 State of Florida

Disposition: 21-30A-05

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act requires wholesalers and manufacturers who employ a person to sell or market a drug, medicine, chemical, device or appliance in the state to adopt a written marketing code of conduct. This bill also requires a wholesaler or manufacturer to adopt a training program and policies and procedures, identify a compliance officer, conduct an annual audit and submit an annual report certifying the wholesaler's or manufacturer's compliance with the marketing code of conduct.

Submitted as:

Nevada

[AB 128](#)

Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act authorizes emergency service providers to enter into group health insurance contracts with carriers for the purpose of providing insurance to bona fide volunteers who are active and in good standing. It allows the governing body of each emergency service provider the discretion to negotiate the details related to the procurement and administration of the insurance contracts. The legislation specifies that bona fide volunteers and emergency service providers fall within the purview of existing group sickness and accident insurance law.

Submitted as:

Colorado

[Chapter 167 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This legislation increases federal Medicaid funding by assessing certain private hospitals the amount necessary to match the federal funds available for reimbursement to private hospitals. These dollars enhance existing below-cost reimbursement to hospitals, thereby reducing the losses hospitals incur when they treat Medicaid patients. This legislation creates a fund to collect the assessments which are then used as the state match to access available federal funds. When the federal funds are secured, they are paid to the assessed hospitals based upon the number of Medicaid patients they care for within a given year.

Submitted as:

Idaho

[HB443](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

The Act allows municipalities, certain municipal service contractors, nonprofit organizations, and small businesses to provide coverage for their employees and retirees by joining the state employee health insurance plan.

The Act requires the state comptroller to provide insurance for employers that seek to cover all their employees or all their retirees. But the comptroller must deny coverage for an employer that wants to cover only some employees or retirees, if a Health Care Cost Containment Committee certifies that doing so would shift a significantly disproportionate part of the employer’s medical risks to the state plan.

The Act requires that municipal and other employers’ premiums be the same as those the state pays for the same insurance plans. Employers can require employees to pay part of the premium, and the comptroller can charge employers a per member, per month administrative fee.

Under the Act, employers must commit to participate in the state plan for three years, after which they may renew for another three years. The comptroller must develop procedures for employers to withdraw from coverage. The withdrawal procedures for public employers must comply with state collective bargaining law. The comptroller can procure coverage for non-state employees from insurance vendors other than those providing coverage for state employees.

Submitted as:

Connecticut

[Public Act No. 08-183](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act establishes a statewide Health Information Exchange (HIE) under state authority to allow for the electronic mobilization of confidential health care information in the state. Confidential health care information may only be accessed, released or transferred from the HIE in accordance with this Act. Patients and health care providers can choose to participate in the HIE, provided however, that provider participants must continue to maintain their own medical records documentation and other standards imposed by other applicable law.

Participation in the HIE shall have no impact on the content of or use or disclosure of confidential health care information of patient participants that is held in locations other than the HIE. Nothing in this Act shall be construed to limit, change or otherwise affect entities' rights to exchange confidential health care information in accordance with other applicable laws.

The state imposes on the HIE the obligation to maintain, and abide by the terms of, HIPAA compliant business associate agreements, including, without limitation, using appropriate safeguards to prevent use or disclosure of confidential health care information in accordance with HIPAA and the Act, not to use or disclose confidential health care information other than as permitted by HIPAA and this Act, or to make any amendment to a confidential health care record that a provider participant so directs and to respond to a request by a patient participant to make an amendment to the patient participant's confidential health care record.

Under the Act, the director of the department of health shall develop regulations regarding the confidentiality of patient participant information received, accessed or held by the HIE and is authorized to promulgate such other regulations as the director deems necessary or desirable to implement the provisions of this Act.

The Act directs that a health information organization (HIO) shall be responsible for implementing recognized national standards for interoperability and all administrative, operational, and financial functions to support the HIE, including, but not limited to, implementing and enforcing policies for receiving, retaining, safeguarding and disclosing confidential health care information as required by the Act.

The Act directs that a patient participant's confidential health care information may only be accessed, released or transferred from the HIE in accordance with an authorization form signed by the patient participant or the patient's authorized representative. No authorization for release or transfer of confidential health care information from the HIE shall be required in the following situations:

- to a health care provider who believes, in good faith, that the information is necessary for diagnosis or treatment of that individual in an emergency; or
- to public health authorities in order to carry out their functions as described in state statutes, and rules promulgated under those titles. These functions include, but are not restricted to, investigations into the causes of disease, the control of public health hazards, enforcement of sanitary laws, investigation of reportable diseases, certification and licensure of health professionals and facilities, review of health care such as that required by the federal government and other governmental agencies, and mandatory reporting state; and
- to an HIO in order for it to effectuate the operation and administrative oversight of the HIE.

The content of an authorization form for access to, or the disclosure, release or transfer of confidential health care information from the HIE shall be prescribed by the HIO in accordance with applicable department of health regulations, but at a minimum shall contain the following information in a clear and conspicuous manner:

- a statement of the need for and proposed uses of that information; and
- a statement that the authorization for access to, disclosure of and/or release of information may be withdrawn at any future time and is subject to revocation.
- that the patient has the right not to participate in the HIE; and
- the patient's right to choose to enroll in and participate fully in the HIE or designate only specific health care providers that may access the patient participant's confidential health care information.

Except as specifically provided by the Act, a patient participant's confidential health care information shall not be accessed by, given, sold, transferred, or in any way relayed from the HIE to any other person or entity not specified in the patient participant authorization form meeting the requirements the Act without first obtaining additional authorization.

Nothing contained in this Act shall be construed to limit the permitted access to or the release, transfer, access or disclosure of confidential health care information.

Confidential health care information received, disclosed or held by the HIE shall not be subject to subpoena directed to the HIE or HIO unless the person seeking the confidential health care information has already requested and received the confidential health care information from the health care provider that was the original source of the information, and a determination has been made by the superior court upon motion and notice to the HIE or HIO and the parties to the litigation in which the subpoena is served that the confidential health care information sought from the HIE is not available from another source and is either relevant to the subject matter involved in the pending action or is reasonably calculated to lead to the discovery of admissible evidence in such pending action. Any person issuing a subpoena to the HIE or HIO pursuant to this section shall certify that such measures have been completed prior to the issuance of the subpoena.

The HIE must be subject to at least the following security procedures:

- authenticate the recipient of any confidential health care information disclosed by the HIE pursuant to this Act;
- limit authorized access to personally identifiable confidential health care information to people who need to know that information;
- identify an individual or people who have responsibility for maintaining security procedures for the HIE;
- provide an electronic or written statement to each employee or agent as to the necessity of maintaining the security and confidentiality of confidential health care information, and of the penalties for the unauthorized access, release, transfer, use, or disclosure of this information;
- take no disciplinary or punitive action against any employee or agent for bringing evidence of violation of this chapter to the attention of any person.

Under the Act, any confidential health care information obtained by a provider participant may be further disclosed by such provider participant with or without authorization of the patient participant to the same extent that such information may be

disclosed pursuant to existing state and federal law, without regard to the source of the information.

A patient participant who has his or her confidential health care information transferred through the HIE shall have the right to:

- obtain a copy of his or her confidential health care information from the HIE;
- obtain a copy of the disclosure report pertaining to his or her confidential health care information;
- be notified as required by the state Identity Theft Protection Act, of a breach of the security system of the HIE;
- terminate his or her participation in the HIE in accordance with rules and regulations promulgated by the agency; and
- request to amend his or her own information through the provider participant.

Any health care provider who relies in good faith upon any information provided through the HIE in his, her or its treatment of a patient, shall be immune from any criminal or civil liability arising from any damages caused by such good faith reliance. This immunity does not apply to acts or omissions constituting negligence or reckless, wanton or intentional misconduct.

This Act shall only apply to the HIE system, and does not apply to any other private and/or public health information systems utilized in the state, including other health information systems utilized within or by a health care facility or organization.

As this Act provides extensive protection with regard to access to and disclosure of confidential health care information by the HIE, it supplements, with respect to the HIE only, any less stringent disclosure requirements, including, but not limited to, those contained in of this title, the Health Insurance Portability and Accountability Act (HIPAA) and regulations promulgated thereunder, and any other less stringent federal or state law.

The Act shall not be construed to interfere with any other federal or state laws or regulations which provide more extensive protection than provided in this chapter for the confidentiality of health care information. Notwithstanding such provision, because of the extensive protections with regard to access to and disclosure of confidential health care information by the HIE provided for in this Act, patient authorization obtained for access to or disclosure of information to or from the HIE or a provider participant shall be deemed the same authorization required by other state or federal laws including information regarding mental health.

Submitted as:

Rhode Island

[Chapter 08-466](#)

Status: Enacted into law in 2008.

Comment:

Disposition: 21-30A-10

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act permits licensed pharmacies to dispense low-cost medications by using a secure remote dispensing machine and patient counseling via a two-way interactive videoconferencing system.

Submitted as:

Hawaii

[SB2459 SD2 HD1 CD1](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

This Act restricts Internet sales of prescription drugs to a person in the state without a valid prior patient-practitioner relationship or just in response to an Internet questionnaire, Internet consultation, or a telephone consultation.

Submitted as:

Arkansas

[Act 128](#)

Status: Enacted in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

*The SSL Committee could consider the following 5 bills individually, collectively as a legislative package, or summarized in an SSL Statement.

Pharmacy Benefits Managers (PBMs) are businesses that administer and manage prescription drug benefit plans either through health insurance products or separately. Approximately 95 percent of all patients with prescription drug coverage receive benefits through a PBM. In recent years, concerns have been raised by consumer organizations and states regarding the business practices of PBMs. Some of these business practices, such as switching patients from one brand-name drug to another brand-name drug, led to multistate settlement agreements between PBMs and state attorney generals. Demands for greater transparency in financial relationships between PBMs and drug manufacturers have prompted states to propose regulation of PBM activities.

Maryland enacted several bills during the 2008 session to regulate PBMs. In the bills, PBMs are defined as entities that provide pharmacy benefits management services for beneficiaries of health insurers that are regulated by the State or the State Employee and Retiree Health and Welfare Benefits Program. PBMs that provide services for employer plans that are subject to federal regulation under ERISA are exempted from the bills.

Registration:

Senate Bill 722/House Bill 419 (both passed) require a PBM to register with the Maryland Insurance Commissioner before providing pharmacy benefits management services in the State. Registration is effective for two years and may be renewed for an additional two years. Subject to hearing provisions, the Insurance Commissioner may deny, suspend, revoke, or refuse to renew a registration under specified circumstances. The Insurance Commissioner is authorized to assess a civil penalty of up to \$10,000 against any person that violates the registration requirements or require PBMs that violate the Act to cease and desist; take specific affirmative corrective action; or make restitution of money, property, or other assets. A PBM may not ship, mail, or deliver drugs or devices to a person in the State through a non-resident pharmacy unless the non-resident pharmacy holds a pharmacy permit from the Board of Pharmacy. A PBM that is operating in the State on October 1, 2008, may continue to operate as a PBM if the PBM registers with the Insurance Commissioner by July 1, 2009, and complies with all other applicable registration provisions.

Submitted as:

Maryland

[HB 419 \(Chapter 202, 2008\)](#)

Status: Enacted into law in 2008.

Comment: Please see the related comment section following docket item 21-30A-13E.

Disclosures:

Senate Bill 724/House Bill 120 (both passed) establish what a PBM must disclose to a purchaser both before and after entering into a contract for pharmacy benefits management services. PBMs must inform a purchaser that the PBM may

- solicit and receive manufacturer payments;
- pass through or retain the manufacturer payments;
- sell aggregate utilization information; and
- share aggregate utilization information.

A PBM must offer to provide the purchaser a report containing information about net revenues and manufacturer payments. If a purchaser has a rebate sharing contract, a PBM must offer to provide the purchaser a report for each fiscal quarter and each fiscal year that contains information regarding net revenues, prescription drug expenditures, manufacturer payments, and rebates.

Submitted as:

Maryland

[HB 120 \(Chapter 206 of 2008\)](#)

Status: Enacted into law in 2008.

Comment: Please see the related comment section following docket item 21-30A-13E.

21-30A-13C Pharmacy Benefit Managers – Pharmacy and
Therapeutics Committees

MD

Pharmacy and Therapeutics Committees:

Senate Bill 720/House Bill 580 (both passed) establish requirements for a PBM's pharmacy and therapeutics (P&T) committee, which is a committee that advises a PBM regarding the composition of a prescription drug formulary. A PBM's P&T committee must include clinical specialists that represent the needs of a purchaser's beneficiaries and at least one practicing pharmacist and one practicing physician who are independent of any developer or manufacturer of prescription drugs. Members of a P&T committee must sign a conflict of interest statement updated at least annually. A majority of members must be practicing physicians or pharmacists. PBMs must ensure that a P&T committee has

- policies and procedures to address conflicts of interest;
- processes to evaluate medical and scientific evidence concerning the safety and efficacy of prescription drugs; and
- a process to enable the P&T committee to consider the need to recommend a formulary change to a purchaser at least annually.

On request of a purchaser, a PBM must disclose information about the composition of its P&T committee to the purchaser. PBMs may not require a pharmacy to participate on a P&T committee.

Submitted as:

Maryland

[HB 580 \(Chapter 279 of 2008\)](#)

Status: Enacted into law in 2008.

Comment: Please see the related comment section following docket item 21-30A-13E.

21-30A-13D Pharmacy Benefit Managers – Therapeutic Interchanges

MD

Therapeutic Interchanges:

Senate Bill 723/House Bill 343 (both passed) establish guidelines for therapeutic interchanges (any change from one prescription brand-name drug to another, excluding specified circumstances). A PBM may only request a therapeutic interchange for medical reasons that benefit the beneficiary or if the interchange will result in financial savings and benefits to the purchaser or the beneficiary. Before making a therapeutic interchange, a PBM must obtain authorization from a prescriber and make specified disclosures to the prescriber. If a therapeutic interchange occurs, the PBM must make specified disclosures to the beneficiary and include with the new dispensed prescription drug a patient package insert about potential side effects and a toll-free number to communicate with the PBM. A PBM must cancel and reverse a therapeutic interchange on instruction from a prescriber, beneficiary, or the beneficiary's representative. If a therapeutic interchange is reversed, the PBM must obtain a prescription for and dispense the originally prescribed drug and charge the beneficiary no more than one copayment. A PBM may not be required to cancel and reverse a therapeutic interchange if the beneficiary is unwilling to pay a higher copayment or coinsurance. A PBM must maintain a toll-free telephone number for prescribers, pharmacy providers, and beneficiaries and establish appropriate policies and procedures to implement the requirements of the bill.

Submitted as:

Maryland

[HB 343 \(Chapter 204 of 2008\)](#)

Status: Enacted into law in 2008.

Comment: Please see the related comment section following docket item 21-30A-13E.

21-30A-13E Pharmacy Benefit Managers – Contracts with Pharmacies

MD

Contracts with Pharmacies:

Senate Bill 725/House Bill 257 (both passed) require a PBM to disclose to a pharmacy or pharmacist its reimbursement policy, the process for verifying beneficiary eligibility, the dispute resolution and audit appeals process, and the process for verifying the prescription drugs that are included on the PBM's formulary. The bills also require a PBM to follow specified procedures when auditing a pharmacy. Finally, the bills require a PBM to adopt specified review processes to allow a pharmacy or pharmacist to request review of a

discrepancy or disputed claim in an audit and to allow a pharmacy to request a review of a failure to pay the contractual reimbursement amount of a submitted claim.

Submitted as:

Maryland

[HB 257 \(Chapter 262 of 2008\)](#)

Status: Enacted into law in 2008.

Comment:

Delegate Dan Morhaim

410-581-8712

=====

Maryland Passes First PBM Regulation Law

By Jan Shuxteau - for Mid-Atlantic Health Plan Analysis, a publication of HealthLeaders-InterStudy - www.healthleaders-interstudy.com

Maryland became the first U.S. state to enact a comprehensive regulatory program for pharmacy benefit managers, passing five PBM-related bills during the recently ended 2008 legislative session. PBMs act as intermediaries between drug manufacturers and health plans to negotiate prices.

“These were a package of bills designed to address the major components of how PBMs operate,” said Deputy Majority Leader Dan K. Morhaim of Baltimore County, who noted that before this legislation “it was easier to operate a PBM in Maryland than it was to get a license to cut hair.”

Morhaim successfully chaired the subcommittee of the Health and Government Operations Committee assigned to shepherd the bill to approval. “At the end of the day, we and the PBMs themselves came to a consensus. They formally took no position on the bills, which signaled that they did not oppose them.”

PBM Position. Charles Cote, a spokesman for the Pharmaceutical Care Management Association, which represents PBMs, said, “The Maryland legislation was a reasonable compromise because all stakeholders were allowed a place at the table to voice their concerns and offer any input they felt necessary.” He noted that in previous years in other attempts to legislate, this hadn’t been the case.

The bills also received input from both the attorney general and insurance commissioner’s offices and Maryland pharmacists. They ultimately passed unanimously in both the House and the Senate. “We think these bills are fair, and we urge other states to follow our model,” Morhaim said.

The five bills—HB 120, 2576, 343, 419 and 580—follow in the wake of class-action lawsuits successfully waged by states filed against PBMs for unfair practices. “Through legislation, we hoped to avoid any protracted or costly problems with PBMs by requiring them to work in an appropriate manner,” he said. “The outcome of this should be lower pharma costs, or at least a slowdown in the rise of costs. We calculated that at least 60 percent of the public in Maryland is taking prescription drugs at any point in time, so these bills will have an impact.”

The relationship between PBMs and drug manufactures has given some states cause to question the role of PBMs. They have asked whether PBMs receive incentives from manufacturers to promote more expensive drugs, if the rebates PBMs receive are actually passed down to the plans and to covered individuals and if PBMs are negotiating discounts based on inflated prices.

This uncertainty has led to hefty litigation. For example, Medco Health Solutions paid a \$29.3 million settlement to 20 states and the federal government in response to allegations of violation of consumer protection and mail fraud laws made in 2004. Caremark Rx was the subject of a class-action lawsuit in Tennessee that alleged it kept discounts instead of sharing them with member benefit plans. Express Scripts agreed in May 2008 to divide \$9.3 million among 29 states and return another \$200,000 to patients over the allegation it encouraged doctors to switch patients to certain brand-name prescription drugs.

Five Bills Work Together. The Maryland package requires licensure of the PBMs, some information disclosure and prohibitions against changing from one drug to another without authorization.

“The basic bill [HB 419] is registration. We don't even know what PBMs are operating in our state—no state knows unless they've passed a PBM law,” Morhaim said.

Maryland lawmakers were aware of five or six big companies operating in Maryland but only learned of between 30 and 50 smaller ones as they developed the legislation. “Here is an industry that involves billions of dollars and affects 60 percent of our population, and we didn't know anything about them,” said Morhaim.

He pointed out that the new regulations include some transparency requirements, along the lines of what a home seller must divulge to a would-be buyer. These include notification of the purchaser about the nature of a contract between a PBM and a manufacturer and any “rebates” that may be involved. “It's charitable to call them rebates. Some people may call them kickbacks, and they may be provided to push one brand of drug over another,” said Morhaim.

HB 343 has to do with “therapeutic interchange,” the ability of the PBM to change from one prescription drug to another. “This is drug substitution,” explained Morhaim. “We wanted to ensure that the purveyor of the prescription—the provider working with the patient and not the PBM—makes the decision. The PBM must notify the provider and patient before substitution.”

In conjunction with the regulations about therapeutic interchange, HB 580 establishes requirements for PBM pharmacy and therapeutics committees, setting up rules on how they should be operated to eliminate any conflict of interest, determine committee members and define their roles.

“These people make choices about the formulary, and their decisions need to be made on clinical grounds, nothing else,” observed Morhaim, who is also a physician and has sat on various hospital pharmacy committees.

Also included in the regulations is HB 257, which addresses the needs of local pharmacies, requiring PBMs to disclose certain information when entering into a contract with them and set up a process to review any failure to pay contracted reimbursement rates.

None of the five bills is expected to exact a big expense on either the PBMs or the state. “If they had, we would not have been a part of the compromise,” said PCMA's Cote. “A heavy price tag is not beneficial to consumers.”

PBMs Are Quiet Giants. A 2007 study by PriceWaterhouseCoopers, conducted for PCMA, estimated that 213 million people, or about 71 percent of the U.S. population, are in private health plans with pharmacy benefit managers. The companies began around 1990 in response to the escalating drug costs that started in the mid 1980s.

According to the study, “Many provided and managed networks of pharmacies are willing to accept negotiated discounts on drug prices and dispensing fees. PBMs’ services have expanded to include clinical services, such as preventing dangerous drug interactions through drug utilization review. Mail-service pharmacy also has become a prominent part of PBMs’ techniques for cost reduction.”

The study reported that 90 percent of the drug spending by the Medicare population is now in private plans managed by PBMs and that PBM per capita savings will be about \$397 for each person enrolled in a private health plan this year. The PBM per capita savings for Medicare beneficiaries in private plans will be about \$1,090 in 2008.

Chart 1

Maryland PBM Regulatory Bill Package

HB 419 requires a PBM to register for a fee with the Maryland insurance commissioner before providing services in the state. The commissioner must ensure that the PBM meets specific requirements.

HB 120 requires PBMs to provide potential purchasers with information about manufacturer payments they earn.

HB 343 prohibits a PBM from requesting a therapeutic interchange unless specific conditions are met. The PBM must obtain authorization to make the change and disclose the change to the prescriber.

HB 580 establishes policies and procedures to be followed by a PBM pharmacy and therapeutics committee. It also authorizes the Maryland insurance commissioner to adopt regulations and make certain provisions of law applicable to HMOs.

HB 257 requires PBMs to disclose specified information to a pharmacy or pharmacist when entering into a contract with them. It also requires PBMs to establish a process for review of a failure to pay contracted reimbursement rates.

Estimated PBM Savings

*Reduces prescription drug costs by an estimated 29% (as compared to retail purchases with no PBM support)

*In 2008, PBM activities will reduce the national prescription drug benefit costs by \$85 billion, including \$43 billion for Medicare Part D

*Total savings will amount to an estimated \$1.3 trillion from 2008-2017

*Total savings for Medicare Part D and its beneficiaries will amount to \$693 billion from 2008-2017

Source: PriceWaterhouseCoopers’ Pharmacy Benefit Management Savings In Medicare and the Commercial Marketplace & the Cost of Proposed PBM Legislation, 2008-2017

Disposition: 21-30A-13A Pharmacy Benefit Managers - Registration

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Comments/Note to staff:

Disposition: 21-30A-13B Pharmacy Benefit Managers – Disclosures

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Comments/Note to staff:

Disposition: 21-30A-13C Pharmacy Benefit Managers – Pharmacy and
Therapeutics Committees

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Comments/Note to staff:

Disposition: 21-30A-13D Pharmacy Benefit Managers –
Therapeutic Interchanges

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

Comments/Note to staff:

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

Disposition: 21-30A-13E Pharmacy Benefit Managers – Contracts with
Pharmacies

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
 Include in Volume
 Defer consideration to next task force
meeting
 Reject
 No action

Comments/Note to staff:

SSL Committee Meeting: 2010A
 Include in Volume
 Defer consideration
 next task force mtg.
 next SSL mtg.
 next SSL cycle
 Reject

Comments/Note to staff:

This Act establishes a state health care quality and cost council to promote public transparency about the quality and cost of health care in the state, improve health care quality, reduce racial and ethnic health disparities and contain health care costs. It will do this by collecting and disseminating health care quality and cost data to consumers, health care providers and insurers, establishing quality improvement and cost containment goals; and establishing standard performance measures, quality performance benchmarks and statewide health information technology adoption goals for health care providers.

The council shall disseminate the data it collects through a publicly-accessible consumer health information website; reports on performance provided to health care providers; and any other analysis and reporting the council deems appropriate.

When collecting data, the council shall, to the extent possible, use existing public and private data sources and agency processes for data collection, analysis and technical assistance. The council may enter into an interagency service agreement with the division of health care finance and policy for data collection analysis and technical assistance. The council can also contract with an independent health care organization for data collection, analysis or technical assistance related to its duties.

Insurers and health care providers must submit data to the council, to an independent health care organization with which the council has contracted, or to the division of health care finance and policy, as required by the council's regulations. The council, through its rules and regulations, may determine what type of data may reasonably be required and the format in which it shall be provided.

The council can ask third-party administrators to submit data to the council, to an independent health care organization with which the council has contracted, or to the division of health care finance and policy. The council, through its rules and regulations, may determine the format in which the data shall be provided. The council shall publicly post a list of third-party administrators that refuse to submit requested data.

The council must maintain a consumer health information website. The website shall contain information comparing the quality and cost of health care services and may also contain general health care information as the council deems appropriate. The website shall be designed to assist consumers in making informed decisions regarding their medical care and informed choices among health care providers. Information shall be presented in a format that is understandable to the average consumer. The council shall take appropriate action to publicize the availability of its website.

The Act establishes an advisory committee to the health care quality and cost council.

It establishes an institute for health care innovation, technology and competitiveness, to be known as the e-Health Institute. The institute shall advance the dissemination of health information technology across the commonwealth, including the deployment of electronic health records systems in all health care provider settings that are networked through a statewide health information exchange.

The Act establishes a health information technology council to advise the institute on the dissemination of health information technology across the state, including the deployment of electronic health records systems in all health care provider settings that are networked through a statewide health information exchange.

The Act sets up a fund dedicated to supporting the advancement of health information technology in the commonwealth, including, but not limited to, the full deployment of electronic health records. There shall be credited to the fund any appropriations, proceeds of any bonds or notes of the commonwealth issued for the purpose, or other monies authorized by the general court and designated thereto; any federal grants or loans; any private gifts, grants or donations made available; and any income derived from the investment of amounts credited to the fund.

Any plan approved by the board and every grantee and implementing organization that receives monies for the adoption of health information technology shall:

- establish a mechanism to allow patients to opt-in to the health information network and to opt-out at any time;
- maintain identifiable health information in physically and technologically secure environments by means including, but not limited to: prohibiting the storage or transfer of unencrypted and non-password protected identifiable health information on portable data storage devices; requiring data encryption, unique alpha-numerical identifiers and password protection; and other methods to prevent unauthorized access to identifiable health information;
- provide individuals the option of, upon request, obtaining a list of individuals and entities that have accessed their identifiable health information; and
- develop and distribute to authorized users of the health information network and to prospective network participants, written guidelines addressing privacy, confidentiality and security of health information and inform individuals of what information about them is available, who may access their information, and the purposes for which their information may be accessed.

The Act establishes a health care workforce center to improve access to health care services. The center, in consultation with the health care workforce advisory council shall coordinate health care workforce activities with other state agencies and public and private entities involved in health care workforce training, recruitment and retention and monitor trends in access to primary care providers, nurse practitioners practicing as primary care providers, and other physician and nursing providers. This includes:

- reviewing existing data and collection of new data as needed to assess the capacity of the health care workforce to serve patients, including patient access and regional disparities in access to physicians or nurses and to examine physician and nursing satisfaction;
- reviewing existing laws, regulations, policies, contracting or reimbursement practices, and other factors that influence recruitment and retention of physicians and nurses;
- making projections about the ability of the workforce to meet the needs of patients over time;
- identifying strategies currently being employed to address workforce needs, shortages, recruitment and retention;
- studying the capacity of public and private medical and nursing schools in the commonwealth to expand the supply of primary care physicians and nurse practitioners practicing as primary care providers;
- establishing criteria to identify underserved areas and to determine statewide target areas for health care provider placement based on the level of access;

- address health care workforce shortages through the following activities, including coordinating state and federal loan repayment and incentive programs for health care providers;
 - providing assistance and support to communities, physician groups, community health centers and community hospitals in developing cost-effective and comprehensive recruitment initiatives;
 - maximizing all sources of public and private funds for recruitment initiatives;
 - designing pilot programs and make regulatory and legislative proposals to address workforce needs, shortages, recruitment and retention; and
 - making short-term and long-term programmatic and policy recommendations to improve workforce performance, address identified workforce shortages and recruit and retain physicians and nurses.

The Act directs the institute director to prepare and annually update a statewide electronic health records plan, and an annual update thereto. Each plan must contain a budget for the application of funds from the E-Health Institute Fund for use in implementing each such plan. The institute director shall submit such plans and updates, and associated budgets, to the council for its approval. Each such plan and the associated budget must be subject to approval of the board following action on it by the council.

Components of each such plan, as updated, shall be community-based implementation plans that assess a municipality's or region's readiness to implement and use electronic health record systems and an interoperable electronic health records network within the referral market for a defined patient population. Each such implementation plan shall address the development, implementation and dissemination of electronic health records systems among health care providers in the community or region, particularly providers, such as community health centers that serve underserved populations, including, but not limited to, racial, ethnic and linguistic minorities, uninsured persons, and areas with a high proportion of public payer care.

The Act establishes a health care workforce loan repayment program, administered by the health care workforce center. The program shall provide repayment assistance for medical school loans to participants who:

- are graduates of medical or nursing schools;
- specialize in family health or medicine, internal medicine, pediatrics, psychiatry, or obstetrics/gynecology;
- demonstrate competency in health information technology, including use of electronic medical records, computerized physician order entry and e-prescribing; and
- meet other eligibility criteria, including service requirements, established by the board.

The Act directs the state health department shall, in cooperation with state university medical school develop, implement and promote an evidence-based outreach and education program about the therapeutic and cost-effective utilization of prescription drugs for physicians, pharmacists and other health care professionals authorized to prescribe and dispense prescription drugs.

The law requires all insurance carriers to recognize nurse practitioners as participating providers and include coverage on a nondiscriminatory basis to their insured's for care provided by nurse practitioners for the purposes of health maintenance, diagnosis and treatment. Such coverage shall include benefits for primary care, intermediate care and

inpatient care, including care provided in a hospital, clinic, professional office, home care setting, long-term care setting, mental health or substance abuse program, or any other setting when rendered by a nurse practitioner who is a participating provider and is practicing within the scope of his professional license to the extent that such policy or contract currently provides benefits for identical services rendered by a provider of health care licensed by the state.

The Act directs the state Medicaid office to establish a medical home demonstration project to the extent certain funding is available.

The Act directs the state university medical school to establish and maintain an enhanced learning contract program available to medical students every academic year. The program shall provide full waivers of tuition and fees at the state university medical school. In exchange for the waivers, the contract shall require at least 4 years of service within the state in areas of primary care, public or community service or underserved areas, as determined by the health care workforce center.

The Act sets up a Nursing and Allied Health Workforce Development Trust Fund to develop and support short-term and long-term strategies to increase the number of public and private higher education faculty and students who participate in programs that support careers in fields related to nursing and allied health.

This Act establishes a pilot grant or loan program to assist hospitals, community health centers, and physician practices in providing housing grants or loans for health care professionals who commit to practicing in underserved areas.

Submitted as:

Massachusetts

[Chapter 305 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2010A

Include in Volume

Defer consideration to next task force meeting

Reject

No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This bill prohibits using for commercial purposes the name, portrait, picture, or image of an active duty military member who has been killed in the line of duty within the past 50 years, without prior consent of the soldier, surviving spouse, personal representative, or majority of heirs of the deceased soldier. A violator is guilty of a misdemeanor and, on conviction, is subject to maximum penalties of a fine of \$2,500, imprisonment for one year, or both.

The bill’s provisions do not apply to:

- using a soldier’s name, portrait, picture, or image in an attempt to portray, describe, or impersonate that soldier in a live performance, work of fine art, play, book, article, film, musical work, radio or television programming, or other audio or audiovisual work if it does not constitute a commercial advertisement;
- using a soldier’s name, portrait, picture, or image for noncommercial purposes;
- using a soldier’s name in truthfully identifying the soldier as the author of a particular work or a performer in a particular performance;
- any promotional materials for a use described in the preceding exceptions;
- using a soldier’s portrait, picture, or image that is not facially identifiable; or
- photograph of a monument or a memorial that is placed on any product.

Submitted as:

Maryland

[Chapter 560 of 2008](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

- CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2010A
- () Include in Volume
 - () Defer consideration to next task force meeting
 - () Reject
 - () No action

- SSL Committee Meeting: 2010A
- () Include in Volume
 - () Defer consideration
 - () next task force mtg.
 - () next SSL mtg.
 - () next SSL cycle
 - () Reject

Comments/Note to staff:

Comments/Note to staff:

23-30A-02 Military Recruiters: Student Contact Information
Opt Out

MD

This Act requires public schools to tell students and the parents or guardian of students that the students, parents, or guardians may ask that the students' names, addresses, and telephone numbers not be released to military recruiters. The bill applies to any public school that provides access or student information to any person or group that makes students aware of occupational or educational options. Notification of the option to not release contact information to military recruiters must be provided on the emergency contact information form distributed by public schools and must give the student or the student's parent or guardian the opportunity to opt out of releasing contact information by checking a box marked "Do not release contact information."

The bill directs that by October 1 and March 1 of each school year, the principal of each public school must submit a list to the local board of education of each student whose contact information is not to be released to military recruiters.

Submitted as:

Maryland

[Chapter 175 \(SB 428\)](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff:

24-30A-01 Nonimmigrant Agricultural Seasonal Worker Pilot Program

CO

This Act creates the “Nonimmigrant Agricultural Seasonal Worker Pilot Program” in the state department of labor. The purpose of the program is to expedite the federal H-2A visa certification process to enable eligible workers to come to the state legally to meet the staffing needs of farmers and ranchers in the state. The department may retain agents to:

- assist employers with labor certification application materials;
- recruit workers;
- assist workers with their H-2A visas;
- coordinate medical screening prior to departure to the U.S.; and
- coordinate travel to Colorado.

The pilot program is limited to 1,000 employees in the first year, with annual increases of 1,000 each year for 4 years.

The Act creates a Nonimmigrant Agricultural Seasonal Worker Pilot Program Advisory Council, made up of legislators, agency executives and stakeholders, to make recommendations for the adoption of rules, determine the availability of health insurance for program participants, and to assist in the preparation of reports to the legislature.

The bill establishes requirements for employers and employees who participate in the program. Employees are required to apply for an identification card within 2 weeks of arrival in the state. Employers are required to:

- reimburse employees for transportation and subsistence costs from the site of recruitment, and pay return expenses;
- provide free transportation to the worksite, free housing, low-cost meals, and workers’ compensation insurance;
- pay wages in compliance with the Immigration Reform and Control Act of 1986;
- not displace a U.S. worker;
- notify the department if an employee cannot be located; and
- pay fees associated with the program.

This Act authorizes the department to fine employers up to \$200 per day per violation for failure to report visa violations, and up to \$5,000 for violation of any provision.

Submitted as:

Colorado

[HB 08-1325](#)

Status: Enacted into law in 2008.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2010A

- Include in Volume
- Defer consideration to next task force meeting
- Reject
- No action

Comments/Note to staff:

SSL Committee Meeting: 2010A

- Include in Volume
- Defer consideration
 - next task force mtg.
 - next SSL mtg.
 - next SSL cycle
- Reject

Comments/Note to staff: