

THE COUNCIL OF STATE GOVERNMENTS
2009 ANNUAL CONFERENCE

COMMITTEE ON SUGGESTED STATE LEGISLATION

MEETING MINUTES
LA QUINTA, CA
NOVEMBER 13 and 14, 2009

PRESIDING
CO-CHAIR: REP. BOBBY MOAK, MISSISSIPPI
VICE-CHAIR: MR. JERRY BASSETT, ALABAMA

The CSG Committee on Suggested State Legislation convened Friday, November 13, from 1:30 until 4:00 p.m., and Saturday, November 14, from 9:00 until 11:00. These meetings comprise the first set in the 2011 SSL Cycle. There were 98 bills on the SSL Committee docket. The bills addressed a variety of timely issues, including carbon sequestration and distracted driving.

The Committee voted to include 24 bills in the 2011 Suggested State Legislation Volume. It deferred 1 bill for further consideration, and it rejected the remaining 73 bills. The SSL Committee meets next at the CSG spring 2010 meeting in New York City.

There were no action items from this committee.

ATTENDANCE – November 13, 2009

Presiding:

Co-Chair: Rep. Bobby Moak, Mississippi

Vice-Chair: Mr. Jerry Bassett, Alabama

Committee Members:

Sen. Don Balfour, GA
Rep. Joan Brady, SC
Sen. Steve Buehrer, OH
Sen. Kevin Coughlin, OH
Sen. Bart Davis, ID
Sen. Julie Denton, KY
Rep. Cynthia Evans, HI
Sen. Karen Facemyer, WV
Sen. Vivian Davis Figures, AL
Rep. Robert Foose, NH
Sen. David Givens, KY
Rep. Max Gruenberg, AK
Rep. Deborah Hudson, DE
Mr. Michael Kerr, NCCUSL
Rep. Kim Koppelman, ND
Ms. Katrina Matheny, AK
Mr. E.M. Miller, VA
Sen. Mark Norris, TN
Sen. Fred Quayle, VA
Rep. Chris Ross, PA
Sen. Mitch Seabaugh, GA
Sen. Earl Ray Tomblin, WV
Mr. W. Paul White, Cmte. for Public Counsel Svcs.

CSG Associates and Other Guests:

Mr. Michael Behm, Stateside Associates
Ms. Jean Cantrell, Philips Electronics
Mr. Will Castleberry, AOL
Mr. George Cook, Alliance of Automobile Manufacturers
Mr. Dereck Crawford, Kraft Foods
Ms. Laura Dooley, Alliance of Automobile Manufacturers
Mr. Jeffrey Hawkins, PetSmart Inc.
Ms. Jenn Holcomb, Alzheimer's Association
Mr. Tim Holston, Altria Client Services
Ms. Teresa Jennings, Reed Elsevier

Rep. Jerome Keish, ND
Mr. Simon Keymer, American Financial Services Association
Ms. Amanda Klump, Altria Client Services
Mr. Mark Kohorst, National Electrical Manufacturers Association
Rep. Tom Letson, OH
Mr. Ray McInerney, NEA
Ms. Marcie McNelis, MultiState Associates
Sen. Linda Menard, AK
Mr. Jerry Moore, Teva Pharmaceuticals
Mr. Thomas Moore, CFSA
Ms. Stefani Millie, Stateside Associates
Sen. Yvonne B. Miller, VA
Mr. Robert Nash, State Farm
Mr. Paul Nielsen, MedImmune
Mr. Russell Palk, Medimmune
Mr. Greg Pauley, AEP
Mr. John Peterson, Capitol Strategies
Mr. Gary Riddle, Eisai, Inc.
Mr. Alden Schacher, Hewlett Packard
Ms. Monica Schneider, BCAP/Alliance to Save Energy
Mr. John Shore, API
Ms. Leslea Snyder, Forest Labs Inc.
Mr. Dan Sprague, MultiState Associates
Ms. Meghan Sullivan, Association of International Automobile Manufacturers
Mr. Kevin Thompson, Hewlett Packard
Mr. Mike Vogel, Takeda Pharmaceuticals
Mr. Greg Warren, AstraZeneca
Ms. Danielle Waterfield, Institute of Scrap Recycling Industries

CSG Staff:

Ms. Nancy Vickers
Mr. Bill Voit

ATTENDANCE – November 14, 2009

Presiding:

Co-Chair: Rep. Bobby Moak, Mississippi

Vice-Chair: Mr. Jerry Bassett, Alabama

Committee Members:

Sen. Don Balfour, GA
Sen. Steve Buehrer, OH
Rep. Pat Colloton, KS
Sen. Bart Davis, ID
Sen. Julie Denton, KY
Rep. Cynthia Evans, HI
Sen. Karen Facemyer, WV
Sen. Hugh Farley, NY
Sen. Vivian Davis Figures, AL
Rep. Robert Foose, NH
Sen. David Givens, KY
Rep. Max Gruenberg, AK
Rep. Deborah Hudson, DE
Mr. Michael Kerr, NCCUSL
Rep. Kim Koppelman, ND
Ms. Katrina Matheny, AK
Mr. E.M. Miller, VA
Sen. Mark Norris, TN
Sen. Greg Porter, IN
Sen. Fred Quayle, VA
Rep. Chris Ross, PA
Sen. Earl Ray Tomblin, WV
Mr. W. Paul White, Cmte. for Public Counsel Svcs.

CSG Associates and Other Guests:

Ms. Melissa Albert, American Forest & Paper Association
Mr. Michael Behm, Stateside Associates
Mr. Gary Blalack, Glaxo Smith Kline
Mr. Kevin Bourque, PhRMA
Ms. Jean Cantrell, Philips Electronics
Mr. Colin Chiles, Apotex Corporation
Mr. Dave Chritchlow, HCA
Mr. Rob Clark, Medtronic
Mr. Dan Connelly, Johnson Haley LLP
Ms. Amy Dempster, Consumer Electronics Association
Mr. Steve Gallagher, National Association of Home Builders
Ms. Theresa Gorenc, Philips Electronics
Ms. Nancy Hublar, Golden Living
Ms. Stephenia Neil Johnson, Johnson Haley LLP

Mr. Mark Kohorst, National Electrical Manufacturers Association
Mr. Bill Leahy, AT&T
Rep. Tom Letson, OH
Ms. Marcie McNelis, MultiState Associates
Mr. Craig Mischo, Bayer Health Care
Ms. Stefani Millie, Stateside Associates
Mr. Jerry Moore, Teva Pharmaceuticals
Mr. Brian O'Connor, Biotechnology Industry Organization
Mr. Russell Palk, Medimmune
Mr. Greg Pauley, AEP
Mr. John Peterson, Capitol Strategies
Mr. Gary Riddle, Eisai, Inc.
Mr. Roger Roy, DE
Mr. David Root, Medco
Mr. Alden Schacher, Hewlett Packard
Ms. Monica Schneider, BCAP/Alliance to Save Energy
Ms. Andrea Serlin, Johnson Haley LLP
Mr. Russ Sobotta, Sanofi-Aventis
Mr. Mike Splane, Alzheimer's Association
Mr. Dan Sprague, MultiState Associates
Mr. Scott Setzepfandt, Genentech
Mr. Kevin Thompson, Hewlett Packard
Mr. Tom Tremble, Advanced Medical Technology Association
Mr. Marilyn Vetter, Takeda Pharmaceuticals
Mr. Mike Vogel, Takeda Pharmaceuticals
Ms. Renee Wadsworth, American Institute of Architects
Mr. Gregory Warren, Astra Zeneca
Ms. Danielle Waterfield, Institute of Scrap Recycling Industries
Mr. Gary Worth, National Association of Chain Drug Stores

CSG Staff:

Mr. John Mountjoy
Ms. Nancy Vickers
Mr. Bill Voit

COMMITTEE ON SUGGESTED STATE LEGISLATION
POLICY TASK FORCE RECOMMENDATIONS

DOCKET 2011A -- PART II (Recommendations of CSG Policy Task Forces and Carryovers from Part I)

ITEM NO., TITLE OF ITEM UNDER CONSIDERATION (*) Indicates item is from previous SSL cycle.	SOURCE	ACTION
(01) CONSERVATION AND THE ENVIRONMENT		
01-31A-01 Recycling Compact Fluorescent Light Bulbs	ME	REJECT
01-31A-02 Notification of Aerial Pesticide Use; Registry	ME	REJECT
01-31A-03 Water Rights Donation Tax Credit	CO	INCLUDE
01-31A-04 Rainwater Capture	CO	REJECT
01-31A-05 Rooftop Rainwater Collection	CO	REJECT
01-31A-06 Carbon Sequestration	LA	INCLUDE
01-31A-07 Starlight Reserve	HI	INCLUDE
(02) HAZARDOUS MATERIALS/WASTE		
02-31A-01 Financial Assurance for Landfarms	AR	REJECT
(03) ENERGY		
03-31A-01 Wiring Homes for Solar Energy	CO	REJECT
03-31A-02 Solar Thermal Energy Systems Incentives	CO	INCLUDE
03-31A-03A Zero Net Energy Buildings	DE	REJECT
03-31A-03B Energy Efficiency/Zero Greenhouse Gas Emission Buildings	WA	INCLUDE
03-31A-04 Small Wind Innovation Zone Program	IA	INCLUDE
(04) SCIENCE AND TECHNOLOGY		
04-31A-01 Human-Animal Hybrids	LA	NO ACTION
(14) TRANSPORTATION		
*14-30B-02 Cancellation, Suspension or Revocation of Licenses - Reports by Health Care Providers (30B-e) See if/how HIPAA impacts this legislation's requirements	WV	INCLUDE
14-31A-01 Distracted Driving	ME	NO ACTION
14-31A-02A Transportation Energy Initiatives	HI	NO ACTION
14-31A-02B Electric Vehicles Infrastructure	WA	NO ACTION
(15) COMMUNICATIONS/TELECOMMUNICATIONS		
15-31A-01 Video-Conferencing	DE	NO ACTION
(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE		
*17-30B-04 Identity Theft: Judicial Determination of Factual Innocence	AZ	DEFER
17-31A-01 Confidential Informants	FL	REJECT
17-31A-02A Veterans Courts	IL	NO ACTION
17-31A-02B Veterans Courts	NV	NO ACTION
17-31A-03 Electronic Discovery	CA	NO ACTION

17-31A-04 Child Witness Protection	MO	DEFER
(20) EDUCATION		
*20-30B-05 Local School System Flexibility from General State Requirements	GA	NO ACTION
*20-30B-06 Physical Education and Athletic Programs For Students With Disabilities	MD	NO ACTION
*20-30B-11 Internet Safety Education Curriculum	IL	NO ACTION
20-31A-01 Qualified Immunity for Teachers	IN	NO ACTION
20-31A-02 Graduated Discipline Plan	IN	NO ACTION
20-31A-03 Concealed Educator Misconduct	OR	NO ACTION
20-31A-04 Electronic Textbooks in Postsecondary Schools	CA	NO ACTION
20-31A-05 Electronic Textbooks and Technological Equipment in Public Schools	TX	NO ACTION
20-31A-06 Move On When Ready	GA	NO ACTION
20-31A-07 International Student Exchange Visitor Placement Organization Registration Act	AR	NO ACTION
(21) HEALTH CARE		
*21-30B-02 Long-Term Care Patient Access to Pharmaceuticals	PA	REJECT
*21-30B-08 Opioid Treatment	IN	REJECT
(30B-h) Staff get enacted MN bill for next docket.		
21-31A-01 Medication Therapy Management Statement	MN	REJECT
*21-30B-10C Health Information Technology	VT	REJECT
*21-30B-11 Advancement in Stem Cell Cures and Therapies	OK	REJECT
21-31A-02 Medical Language Interpreter	UT	INCLUDE
21-31A-03 Health Care Patient Identity Protection	UT	REJECT
21-31A-04 Nursing Home Resident Fee	IA	REJECT
21-31A-05 Marketing Pharmaceuticals	VT	REJECT
21-31A-06 Sudden Cardiac Arrest Survival	UT	REJECT
21-31A-07 Cardiovascular Disease	KY	INCLUDE
21-31A-08 Expedited Partner Therapy Treatment	UT	REJECT
21-31A-09A Newborn Screening Tests and Premature Infants	MO	REJECT
21-31A-09B Improving Hospital Discharge of Premature Infants	MS	INCLUDE
21-31A-10 Patient's Right to Know Costs of Medical Procedures	MT	REJECT
21-31A-11 Neonatal Diabetes Mellitus Registry	IL	REJECT
21-31A-12A Telemedicine Insurance	ME	INCLUDE
21-31A-12B Telemedicine Insurance	NH	REJECT
21-31A-13 Electronic Health Records – Regulation and Reimbursement	MD	INCLUDE

SSL COMMITTEE ACTION DOCKET 2011A PART I

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

(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY

05-31A-01A Food Safety	GA	REJECT
05-31A-01B Food Safety	LA	REJECT
05-31A-02 Providing Call Locations During Emergencies	KS	INCLUDE
05-31A-03 Assault and Battery Against Emergency Medical Providers	OK	REJECT
05-31A-04 Uniform Emergency Volunteer Health Practitioners	ND	INCLUDE
05-31A-05 Influenza Vaccine Protocol	GA	REJECT
05-31A-06 Pharmacists-Administered Immunizations	AZ	DEFER

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

*06-30B-02 Responsible Lending and Economic Security Statement	CT	REJECT
*06-30B-03 Emergency Foreclosure Reduction	NC	REJECT
*06-30B-10 Smart Homeownership Choices	WA	REJECT
06-31A-01 Home Buyers Initiative	AL	REJECT
06-31A-02 Uniform Assignment of Rents	UT	INCLUDE
06-31A-03 Safe Rooms and Storm Shelters in New Buildings	IA	REJECT
06-31A-04 Public Evacuation Shelters	LA	REJECT
06-31A-05 Disaster-Related Abandoned Buildings	IA	REJECT

(07) GROWTH MANAGEMENT

(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/DEVELOPMENT

08-31A-01 Healthy Food Retail Act	LA	INCLUDE
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(09) BUSINESS REGULATION AND COMMERCIAL LAW

09-31A-01 Fraudulent Filing of UCC Forms	AR	REJECT
09-31A-02 Low-Profit Limited Liability Companies	UT	INCLUDE
09-31A-03A Motor Vehicle Dealerships	OR	REJECT
09-31A-03B Business Practices Between Auto Manufacturers, Distributors and Dealers	NH	REJECT
09-31A-04 Firearms Freedom	MT	REJECT
09-31A-05 Uniform Foreign-Country Money Judgments Recognition Act	NM	INCLUDE
09-31A-06 Uniform Debt Management Services Act	TN	INCLUDE
09-31A-07 Business Entity Transactions	KS	INCLUDE
09-31A-08 Orphan Trusts	TX	REJECT

(10) PUBLIC FINANCE AND TAXATION

(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT

11-31A-01 State Employee Furloughs	SC	INCLUDE
11-31A-02A Employee Selection Procedures	UT	REJECT
11-31A-02B Employment: Credit History	HI	REJECT
11-31A-03 Workplace Religious Freedom	OR	REJECT
11-31A-04 Workplace Fraud	MD	REJECT
(12) PUBLIC UTILITIES AND PUBLIC WORKS		
12-31A-01 Substitute Natural Gas Contracts	IN	REJECT
(13) STATE AND LOCAL GOVERNMENT/INTERSTATE COOPERATION AND LEGAL DEVELOPMENT		
13-31A-01 Sanctuary Cities	GA	REJECT
(16) ELECTIONS/POLITICAL CONDITIONS		
16-31A-01 False Caller ID for Campaign Purposes	IA	REJECT
16-31A-02 Observation of Voter Registration	NH	REJECT
(18) PUBLIC ASSISTANCE/HUMAN SERVICES		
*18-30B-02 Homelessness, Foster Youth, and Education	IN	INCLUDE
(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS		
19-31A-01 Embryo Adoption	GA	INCLUDE
(22) CULTURE, THE ARTS AND RECREATION		
22-31A-01 Recreation Responsibility	MT	REJECT
(23) PRIVACY		
23-31A-01 Identity Deception	IN	REJECT
(24) AGRICULTURE		
*24-30B-02 Seeds	WY	REJECT
(30B-c) Staff to see how many states have this.		
24-31A-01 Private Agricultural Parks	HI	REJECT
24-31A-02 Food Banks	KY	INCLUDE
(25) CONSUMER PROTECTION		
25-31A-01 Private Right to Action for Consumer Fraud	IA	REJECT
25-31A-02 Insurance Fraud	HI	REJECT
25-31A-03 Forfeiture of Property Obtained by Securities Fraud	CT	REJECT
(26) MISCELLANEOUS		

SSL COMMITTEE ACTION DOCKET 2011A PART II

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01-31A-03 Water Rights Donation Tax Credit	CO	INCLUDE
01-31A-04 Rainwater Capture	CO	REJECT
01-31A-05 Rooftop Rainwater Collection	CO	REJECT
01-31A-06 Carbon Sequestration	LA	INCLUDE
01-31A-07 Starlight Reserve	HI	REJECT
(02) HAZARDOUS MATERIALS/WASTE		
02-31A-01 Financial Assurance for Landfarms	AR	REJECT
(03) ENERGY		
03-31A-01 Wiring Homes for Solar Energy	CO	REJECT
03-31A-02 Solar Thermal Energy Systems Incentives	CO	REJECT
03-31A-03A Zero Net Energy Buildings	DE	REJECT
03-31A-03B Energy Efficiency/Zero Greenhouse Gas Emission Buildings	WA	INCLUDE
03-31A-04 Small Wind Innovation Zone Program	IA	INCLUDE
(04) SCIENCE AND TECHNOLOGY		
04-31A-01 Human-Animal Hybrids	LA	REJECT
(14) TRANSPORTATION		
*14-30B-02 Cancellation, Suspension or Revocation of Licenses - Reports by Health Care Providers	WV	INCLUDE
(30B-e) See if/how HIPAA impacts this legislation's requirements		
14-31A-01 Distracted Driving	ME	REJECT
(31A-a) Get similar bills from other states		
14-31A-02A Transportation Energy Initiatives	HI	REJECT
14-31A-02B Electric Vehicles Infrastructure	WA	REJECT
(15) COMMUNICATIONS/TELECOMMUNICATIONS		
15-31A-01 Video-Conferencing	DE	REJECT
(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE		
*17-30B-04 Identity Theft: Judicial Determination of Factual Innocence	AZ	REJECT
17-31A-01 Confidential Informants	FL	REJECT
17-31A-02A Veterans Courts	IL	REJECT
17-31A-02B Veterans Courts	NV	REJECT
17-31A-03 Electronic Discovery	CA	REJECT
17-31A-04 Child Witness Protection	MO	REJECT

(20) EDUCATION

*20-30B-05 Local School System Flexibility from General State Requirements	GA	REJECT
*20-30B-06 Physical Education and Athletic Programs For Students With Disabilities	MD	REJECT
*20-30B-11 Internet Safety Education Curriculum	IL	REJECT
20-31A-01 Qualified Immunity for Teachers	IN	REJECT
20-31A-02 Graduated Discipline Plan	IN	REJECT
20-31A-03 Concealed Educator Misconduct	OR	REJECT
20-31A-04 Electronic Textbooks in Postsecondary Schools	CA	REJECT
20-31A-05 Electronic Textbooks and Technological Equipment in Public Schools	TX	INCLUDE
20-31A-06 Move On When Ready	GA	INCLUDE
20-31A-07 International Student Exchange Visitor Placement Organization Registration Act	AR	REJECT

(21) HEALTH CARE

*21-30B-02 Long-Term Care Patient Access to Pharmaceuticals	PA	INCLUDE
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21-31A-04 Nursing Home Resident Fee	IA	REJECT
21-31A-05 Marketing Pharmaceuticals	VT	REJECT
21-31A-06 Sudden Cardiac Arrest Survival	UT	INCLUDE
21-31A-07 Cardiovascular Disease	KY	REJECT
21-31A-08 Expedited Partner Therapy Treatment	UT	REJECT
21-31A-09A Newborn Screening Tests and Premature Infants	MO	REJECT
21-31A-09B Improving Hospital Discharge of Premature Infants	MS	INCLUDE
21-31A-10 Patient's Right to Know Costs of Medical Procedures	MT	REJECT
21-31A-11 Neonatal Diabetes Mellitus Registry	IL	REJECT
21-31A-12A Telemedicine Insurance	ME	INCLUDE
21-31A-12B Telemedicine Insurance	NH	REJECT
(31A-b) Reference this NH Act in abstract to 21-31A-12A in the volume.		
21-31A-13 Electronic Health Records – Regulation and Reimbursement	MD	REJECT