

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 state legislative staff analysis.**

CSG COMMITTEE ON  
SUGGESTED STATE LEGISLATION

2011 CYCLE  
DOCKET BOOK B  
Final  
4/14/10

This docket and referenced legislation can be downloaded from [www.csg.org](http://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

**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, cyber terrorism

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 experienced 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 may 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](http://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 SSL Committee.]

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 (* ) Indicates item is carried over from previous SSL cycle.	SOURCE
<b>(01) CONSERVATION AND THE ENVIRONMENT</b>	
01-31B-01A Product Stewardship	ME
01-31B-01B Architectural Paint Stewardship	OR
01-31B-02 Reach Codes for Green Buildings	OR
01-31B-03 Wildlife Observation Trails	AR
01-31B-04 Energy Efficiency Trust Statement	ME
<b>(02) HAZARDOUS MATERIALS/WASTE</b>	
<b>(03) ENERGY</b>	
03-31B-01 Community-Based Energy	ME
03-31B-02 Compressed Air Energy Storage	KS
03-31B-03 Right to Use Solar Energy	ME
03-31B-04 Micro-Combined Heat and Power Systems and Fuel Cell Power Systems	NY
03-31B-05 Long-Term Contracting Standards for Renewable Energy	RI
<b>(04) SCIENCE AND TECHNOLOGY</b>	
04-31B-01 Computer Merchandise Hoarding	IN
<b>(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY</b>	
*05-31A-06 Pharmacists-Administered Immunizations	AZ
05-31B-01A Sports Concussions	OR
05-31B-01B Youth Sports-Head Injury Policies	WA
05-31B-02 Interscholastic Athletics Safety	KY
05-31B-03 Electronic Cigarettes and Minors	NJ
<b>(06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION</b>	
06-31B-01 Foreclosure Protection Against Military Veterans	AL
06-31B-02 Neighborhood Protection	CT
<b>(07) GROWTH MANAGEMENT</b>	
07-31B-01 Military Installations and Civilian Encroachment	KS
<b>(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/ DEVELOPMENT</b>	
08-31B-01 Regionalism	CT
<b>(09) BUSINESS REGULATION AND COMMERCIAL LAW</b>	
09-31B-01 Uniform Collaborative Law Act	UT

09-31B-02 Exchange Facilitators	VA
09-31B-03 Life Insurance and Travel	MO
09-31B-04 Debt Adjuster	KY
(10) PUBLIC FINANCE AND TAXATION	
10-31B-01 The Model State Administrative Tax Tribunal Act	ABA
10-31B-02 Collecting Taxes from Out-of-State Retailers	CO
(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT	
11-31B-01 International Labor Background Check	NJ
(12) PUBLIC UTILITIES AND PUBLIC WORKS	
12-31B-01 Electricity Generation Payments	OR
12-31B-02 Theft of Utility Services	FL
(13) STATE AND LOCAL GOVERNMENT/INTERSTATE COOPERATION AND LEGAL DEVELOPMENT	
13-31B-01 Use of Public Resources by Public Officials	NE
(14) TRANSPORTATION	
14-31B-01A Fewer Distractions Make Safer Driving	AR
14-31B-01B Electronic Communication Devices	IL
14-31B-01C Text Messaging While Driving	RI
14-31B-01D Text Messaging While Driving	UT
14-31B-01E Wireless Telephone Prohibitions for Drivers	CO
14-31B-01F Electronic Communications Traffic Safety Act	MD
14-31B-01G Distracted Driver	ME
14-31B-01H State Distracted Driving Laws	Note
14-31B-02 Teen Driver Decal	NJ
14-31B-03 Electric Autocycles	AR
14-31B-04 Traffic Congestion: Motor Vehicle Registration Fees	CA
14-31B-05 Automotive Mobility Dealers	IN
(15) COMMUNICATIONS/TELECOMMUNICATIONS	
15-31B-01 Using Text Messaging for Unlawful Acts	CO
15-31B-02 Intercepting Computer Trespasser Communications	NJ
15-31B-03 Online Harassment	TX
15-31B-04 Zombies and Botnets	TX
15-31B-05 Service Charges on Telephone Bills	IL
(16) ELECTIONS/POLITICAL CONDITIONS	
(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE	
17-31B-01 Civil Gideon Legal Services	CA

17-31B-02 Cold Case Register	AZ
17-31B-03 Identity Theft and Traffic Infractions	ME

(18) PUBLIC ASSISTANCE/HUMAN SERVICES

(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS

19-31B-01 Family Leave Data Collection	HI
19-31B-02A Virtual Visitation	NC
19-31B-02B Virtual Parent-Time	UT

(20) EDUCATION

20-31B-01 Bachelor's Degree in Three	RI
20-31B-02 Math and Science Teacher Step Up	GA
20-31B-03 Students with Disabilities	MO
20-31B-04 Graduation Coaches	OK
20-31B-05 Higher Education Credit Card Marketing Statement	IL
20-31B-06 Open-Source Textbooks	TX
20-31B-07 Preparing Low-Income Students for High-Demand Occupations	TX
20-31B-08 Educator Identifier System	CO
20-31B-09A Persistently Low-Achieving Schools	KY
20-31B-09B Race to the Top, Part I	CA
20-31B-09C Race to the Top, Parent Intervention Trigger	CA
20-31B-10 Troops to College	NJ
20-31B-11 School Accountability and College Readiness Standards Statement	TX
20-31B-12 Revised School Assessment Standards Statement	KY
20-31B-13 Higher Education Cares	NY
20-31B-14 Whole-Grade Sharing of Students	SD
20-31B-15 Mobile Learning	AR

(21) HEALTH CARE

21-31B-01 Individual Health Care Coverage	CA
21-31B-02 Conscience in Health Care Protection	LA
21-31B-03 Minors' Health Data	ME
21-31B-04 Health Care Bill of Rights	ME
21-31B-05 Clinical Pharmacist Practitioner	MT
21-31B-06 Health Carrier External Review Statement	IL
21-31B-07 Nursing Care Quality Indicators	NY
21-31B-08 Successor Coverage Health Claims	TN
21-31B-09 Temporary Family Healthcare Structures	VA
21-31B-10 Insurance Coverage for Clinical Trials	IA
21-31B-11A Health Freedom Act	ID
21-31B-11B Mandatory Health Insurance Requirement	VA
21-31B-11C Reporting on Federal Health Reform	UT

21-31B-12 Abortion and Criminal Homicide of an Unborn Child	UT
21-31B-13 Genetic Testing and Medicare Supplements	MI
21-31B-14 Health Insurance Exchange Statement	UT
21-31B-15 Health Insurance Risk Pool	NC

(22) CULTURE, THE ARTS AND RECREATION

(23) PRIVACY

23-31B-01 Data Collection Standards	NV
23-31B-02 RFID Restrictions	RI
23-31B-03 Driver License Information and Federal Real ID Act of 2005	MO

(24) AGRICULTURE

24-31B-01 Agricultural Industrial Centers	FL
24-31B-02 Agricultural Operations and Sustainable Agriculture	KY

(25) CONSUMER PROTECTION

(26) MISCELLANEOUS

## 01-31B-01A Product Stewardship

ME

This Act establishes a process to expand product stewardship through the state department of environmental protection rulemaking. Product stewardship involves collecting certain products at the end of their intended use by the product manufacturers. The state had established product stewardship for a number of items, including certain electronics and mercury auto switches and mercury thermostats. This Act sets criteria by which the department will address certain products for stewardship, and the process enables manufacturers and others to provide input.

Submitted as:

Maine

[Public Law, Chapter 516 of 2010](#)

Status: Enacted into law in 2010.

Comment:

According to an [Association of Waste and Territorial Solid Waste Management Officials' Product Stewardship Framework Policy Document](#), "In 2009, several states, including California, Oregon, Washington and Minnesota, saw legislative proposals introduced to enact product stewardship framework programs, and a framework study and recommendations report was proposed in Rhode Island. It is expected that the framework approach will gather momentum in the coming years."

Rhode Island passed [H 5616](#), a 2009 resolution requesting the department of environmental management develop recommendations for establishing a comprehensive product stewardship approach to reducing environmental and health risks posed by the use or disposal of products.

The Product Policy Institute reported in March 2010 that Maine became the first state to enact comprehensive producer responsibility framework legislation, LD 1631, which was signed into law by Governor John Baldacci.

## 01-31B-01B Architectural Paint Stewardship

OR

This Act creates a program to promote collecting, reusing, and disposing architectural paint in an environmentally sound manner. The bill defines architectural paint as interior and exterior architectural coatings sold in containers of five gallons or less. The Act creates an organization of paint manufacturers to implement the program in conjunction with the state department of environmental quality.

Submitted as:

Oregon

[HB 3037 / Chapter 777, 2009 Laws](#)

Status: Enacted into law in 2009.

Comment:

According to information from the [Oregon Department of Environmental Quality](#), “Oregon has become the first state in the nation to enact a law requiring paint manufacturers to safely manage leftover latex and oil-based paint from consumer and contractor painting jobs. This historic product stewardship legislation responds to the problem of managing leftover paint -- the largest component of local household hazardous waste collection programs. An estimated 10 percent of the more than 750 million gallons of architectural paint sold each year in the United States is unused. This difficult-to-manage waste can be captured for reuse, recycling, energy recovery, or safe disposal, but doing so requires public awareness and a convenient and effective local infrastructure, currently beyond most local budgets and capacity.

The new paint stewardship law, signed July 23, 2009, is expected to result in the proper management of up to 800,000 gallons of leftover paint each year. Paint recycling will be more convenient throughout the state, particularly in areas where local governments do not offer paint recycling opportunities. Governments that currently collect leftover paint will realize a direct financial savings. Communities that are currently underserved will see new services. Under the new law, the paint industry will set up a program to reduce paint waste, increase reuse and recycling, and safely dispose of remaining unusable paint. Costs for safely managing leftover paint will be incorporated in the purchase price of new paint.

This new law ties into the wider producer responsibility movement, in which Oregon is a national leader. Producer responsibility means manufacturers take responsibility to reduce the life cycle impacts of a product, including internalizing the end-of-life management costs, rather than having government set up and fund collection programs for waste products. The U.S. movement has resulted in 19 state electronics laws (including Oregon E-Cycles), seven state thermostat laws, one fluorescent lamp law, and several laws on batteries and auto switches.

The law requires a stewardship plan to be submitted to DEQ by March 1, 2010 and the program to begin no later than July 2010.”

Disposition: 01-31B-01A

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

Disposition: 01-31B-01B

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act creates a task force to evaluate energy use in new and existing commercial and residential buildings. It directs the task force to develop recommendations about an energy performance scoring system for new and existing commercial and residential buildings in the state.

The bill requires the director of the state department of consumer and business services, in consultation with the appropriate advisory boards, adopt, amend, and administer a “Reach Code” separate from the state building code. The measure defines the Reach Code as “a set of statewide optional construction standards and methods which are economically and technically feasible.” The purpose of the Reach Code is to promote construction practices and installing equipment which increase energy efficiency.

The measure outlines process for adopting or amending the Reach Code. The bill requires a municipality administering and enforcing a building inspection program to recognize and accept the standard, method, installation, product, equipment, or device if a person applies it to the construction, reconstruction, alteration, or repair of a building in conformance with the Reach Code.

The Act directs the state department of consumer and business services to adopt rules establishing uniform energy conservation standards to include in the state building code.

Submitted as:

Oregon

[SB 79 / Chapter 750, 2009 Laws](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act creates a pilot program, an advisory board, and a fund to award grants to set up trails which increase public awareness of the conservation of wildlife and other natural resources in the state and promote tourism throughout the state.

Submitted as:

Arkansas

[Act 686](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

According to CSG/ERC staff, this Act generally creates a trust to develop funding sources to pay to weatherize all residential buildings and half of commercial buildings in the state by 2030, which is in line with the state's greenhouse-gas reduction goals.

This trust will pay for programs to promote energy efficiency and increased use of alternative energy resources in the state. It defines "alternative energy resources" as "nonfossil fuel energy resources, including, but not limited to, biomass, wood, wood pellets and solar, wind or geothermal resources."

The Act directs the trust's governing board to deliver a detailed, triennial, energy efficiency, alternative energy resources, and conservation plan that includes the quantifiable measures of performance. The triennial plan must provide integrated planning, program design and implementation strategies for all energy efficiency, alternative energy resources, and conservation programs administered by the trust. It is an objective of the triennial plan to design, coordinate, and integrate sustained energy efficiency and weatherization programs that are available to all energy consumers in the state, regardless of fuel type, that advance the following targets:

- weatherizing 100% of residences and 50% of businesses by 2030;
- reducing peak-load electric energy consumption by 100 megawatts by 2020;
- reducing the state's consumption of liquid fossil fuels by at least 30% by 2030;
- by 2020, achieving electricity and natural gas savings of at least 30% and heating fuel savings of at least 20% as defined in and determined pursuant to the measures of performance ratified by the commission under section 10120;
  - capturing all cost-effective energy efficiency resources available for electric and natural gas utility ratepayers;
  - saving residential and commercial heating consumers not less than \$3 for every \$1 of program funds invested by 2020 in cost-effective heating and cooling measures that cost less than conventional energy supply;
  - building stable private sector jobs providing clean energy and energy efficiency products and services in the state by 2020; and
  - reducing greenhouse gas emissions from the heating and cooling of buildings in the state by amounts consistent with the state's goals.

The trust shall preserve when possible and appropriate the opportunity for carbon emission reductions to be monetized and sold into a voluntary carbon market. Any program of the trust that supports weatherization of buildings must be voluntary and may not constitute a mandate that would prevent the sale of emission reductions generated through weatherization measures into a voluntary carbon market.

The Act directs the trust board to develop quantifiable measures of performance for all programs it administers and to which it will hold accountable all recipients of funding from the trust and recipients of funds used to deliver energy efficiency and weatherization programs administered or funded by the trust. Such measures may include, but are not limited to, reduced energy consumption, increased use of alternative energy resources, reduced capacity demand for natural gas, electricity and fossil fuels, reduced carbon dioxide emissions, program and overhead costs and cost-effectiveness, the number of new jobs created by the award of trust funds, the number of energy efficiency trainings or certification courses completed and the amount of sales generated.

Submitted as:

Maine

[Public Law, Chapter 372 / L.D. 1485, item 1, 124<sup>th</sup> Maine Legislature](#)

Status: Enacted into law in 2009.

Comment: This bill is not in the docket 31B bill packet because it is 61 pages.

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act encourages developing community-based energy facilities and sets a goal of having 5% of electricity consumed by retail customers in the state be produced by community-based energy facilities by 2017. The bill generally defines “community-based energy facilities” as electricity-generating facilities which generate electricity from renewable resources, get at least 51% of the gross revenues from electricity sales and renewable energy credit sales from the community-based energy facility flow to qualifying owners, and are endorsed by a resolution from the governing body where the facilities are located.

The Act requires state agencies give preference to community-based energy facilities when purchasing electricity for state-owned buildings and facilities. It increases the value of renewable energy credits for electricity generated by community-based energy facilities to 150% of the amount of the electricity. It requires standard-offer service providers to purchase a minimum amount of electricity from community-based energy facilities.

The bill requires the state planning office develop a model legal organizational structure for community-based energy facilities. It directs the state public utilities commission set up a system to track the development of community-based energy facilities.

The Act directs state agencies which have energy-related responsibilities to develop a plan to consolidate and integrate state-level energy policy and program functions and responsibilities within a single state entity.

Submitted as:

Maine

[LD 1075](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act directs the state corporation commission to promulgate rules establishing procedures and standards for compressed air energy storage wells in the state. It allows the state corporation commission to establish fee structures and schedules for permitting, monitoring, and inspecting compressed air energy storage well operators. The Act requires such operators to annually demonstrate their financial viability. The bill also requires the state department of health and environment to establish standards to monitor air emissions from compressed air energy storage facilities to ensure such emissions comply with the state air quality law.

Submitted as:

Kansas

[HB 2224](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act limits how local governments and home owner associations can use ordinances and deed restrictions to limit installing or using solar energy devices on residential property. Generally, such restrictions must address public health and safety, damage to buildings, or historic and aesthetic values.

Submitted as:

Maine

[Public Law, Chapter 273](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

03-31B-04 Micro-Combined Heat and Power Systems and  
Fuel Cell Systems

NY

This Act directs electric utilities to interconnect solar and farm waste electric generating equipment, micro-combined heat and power generating equipment and fuel cell electric generating equipment owned or operated by a customer-generator and for net energy metering, provided that the customer-generator enters into a net energy metering contract with the utility or complies with the corporation's net energy metering schedule and other standards under state law.

The Act defines “micro-combined heat and power generating equipment” as “an integrated, cogenerating building heating and electrical power generation system, operating on any fuel and of any applicable engine, fuel cell, or other technology, with a rated capacity of at least one kilowatt and not more than ten kilowatts electric and any thermal output that at full load has a design total fuel use efficiency in the production of heat and electricity of not less than eighty percent, and annually produces at least two thousand kilowatt hours of useful energy in the form of electricity that may work in combination with supplemental or parallel conventional heating systems, that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in conjunction with an electric corporation's transmission and distribution facilities.”

The bill defines “fuel cell electric generating equipment” as “a solid oxide, molten carbonate, proton exchange membrane or phosphoric acid fuel cell with a combined rated capacity of not more than ten kilowatts that is manufactured, installed and operated in accordance with applicable government and industry standards, that is connected to the electric system and operated in parallel with an electric corporation's transmission and distribution facilities, and that is operated in compliance with any standards and requirements established under” (the Act).

Submitted as:

New York

[Chapter 355 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act facilitates creating long-term commercial contracts between electric distribution companies and developers or sponsors of newly developed renewable energy resources. The Act's goals are stabilizing long-term energy prices, enhancing environmental quality, creating jobs in the state in the renewable energy sector, and facilitating the financing of renewable energy generation within the jurisdictional boundaries of the state.

Submitted as:

Rhode Island

[Chapter 53](#)

Status: Enacted into law in 2009.

Comment: According to a June 26, 2009 press release from the governor's office:

"To kick off the Green Economy Roundtable, hosted by Governor Carcieri, Speaker William Murphy, Senate President Teresa Paiva Weed, and the RI Economic Development Corporation, on June 26, Governor Carcieri signed groundbreaking legislation that requires the state's largest electric utility to enter into long-term contracts to purchase power from renewable energy producers in Rhode Island. "It is most fitting that we sign landmark renewable energy legislation at today's Roundtable," Governor Carcieri said. "Enacting this law will accelerate our efforts to be the first state in the nation to have an offshore wind farm, and it will open the door of opportunity for us to have large-scale renewable energy projects, greater price stabilization for consumers, and more green jobs in Rhode Island. We have the natural resources and the skilled workforce, and now with this important legislation we have the regulatory environment that is critical to spur the development of this industry."

The Green Economy Roundtable was is a cornerstone of the EDC's 2009 Economic Growth Plan, which proposes to accelerate the pace of job growth in Rhode Island through 10 concrete action items, including developing a clear focus for the expansion of Rhode Island's renewable energy capabilities.

Joining the Governor in recognizing the importance of the legislation, Speaker Murphy said, "This historic legislation is one of the most significant accomplishments of the legislative session. Not only is this a firm commitment to significantly lessen our state's impact on the Earth by reducing our reliance on limited resources that cause pollution, but it is also a definitive investment in our green economy, creating a lasting market that will grow, will provide new jobs for Rhode Islanders, and will help make technological advances that will provide new opportunities and an improved quality of life in our state."

The long-term contracting bill is expected to help large-scale renewable energy projects in Rhode Island attract the private financing they need, by guaranteeing there will be a market for the energy they produce. Deepwater Wind, the state's offshore wind partner, has proposed building two wind farms off the coast of Rhode Island: A wind farm with five to eight turbines about three miles off of Block Island, and a utility-scale wind farm with about 100 turbines, roughly 15 miles from nearest landfall.

"Rhode Island is uniquely positioned to be a national leader in the green economy. Today's Roundtable discussion brings together leaders from a range of sectors to focus on the

advancement of this objective. We hope to achieve a consensus vision and action plan for ways to foster the creation of green jobs in Rhode Island,” said Senate President Paiva Weed.

Joining the Governor for the official bill signing ceremony were legislation co-sponsors Majority Leader Gordon Fox and Senator Josh Miller, as well as Mike Ryan, president of National Grid.”

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act makes it a misdemeanor to purchase, use, or distribute software designed to bypass an access control system used by the owner of a computer system to limit the amount of merchandise that one person may purchase over a computer network. It establishes a defense if the software is used with the permission of the owner of the computer system or if the software is used for educational or scientific purposes.

Submitted as:

Indiana

[House Enrolled Act No. 1180](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

The United States Centers for Disease Control and Prevention (CDC) publishes an Adult Immunization Schedule and Health Information for International Travel. The first lists these vaccines: tetanus, diphtheria, pertussis; human papillomavirus; varicella; zoster; measles, mumps, rubella; influenza; pneumococcal; hepatitis A; hepatitis B; meningococcal. The second contains additional vaccination recommendations depending on the destination.

This Act allows certified pharmacists to administer to adults without a prescription certain immunizations or vaccines listed in the CDC's recommended Adult Immunization Schedule and Immunizations or vaccines recommended by the CDC's Health Information for International Travel. It also allows certified pharmacists to administer emergency epinephrine and diphenhydramine to manage an acute allergic reaction to those immunizations or vaccines. The Act requires pharmacists be certified under criteria established by the state pharmacy board and an advisory committee that is created under the Act to help develop the certification criteria.

The legislation requires pharmacists who administer such immunizations, vaccines, or emergency medications under the Act to report the administration to the patients' primary care providers, if available, within forty-eight hours after the administration. Pharmacists must also report information to any adult immunization information system or vaccine registry established by the state department of health services. Pharmacists must maintain a record of these immunizations as required by law and participate in any federal vaccine adverse event reporting system or successor database.

The bill establishes that no cause of action is created against a patient's primary care provider for any adverse reaction, complication, or negative outcome arising from the administration of any immunization, vaccine, or emergency medication by pharmacists without a prescription.

Submitted as:

Arizona

[Chapter 41 of 2009](#)

Status: Enacted into law in 2009.

Comment: This item was deferred from the La Quinta meeting Docket 31A.

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

05-31B-01A Sports Concussions

OR

This Act requires school districts ensure coaches get annual training to recognize when players exhibit concussion symptoms and how to seek proper medical treatment for players who exhibit such symptoms. The bill prohibits coaches from allowing players to practice or play in a game if the player exhibits concussion symptoms or has been diagnosed as having had a concussion until the player is cleared to play by a health care professional.

Submitted as:

Oregon

[SB 348 / Chapter 661, 2009 Laws](#)

Status: Enacted into law in 2009.

Comment: A [U.S. Department of Health And Human Services Centers for Disease Control and Prevention Fact Sheet for Coaches](#) reports “A concussion is an injury that changes how the cells in the brain normally work. Even a ‘ding,’ ‘getting your bell rung,’ or what seems to be a mild bump or blow to the head can be serious.”

05-31B-01B Youth Sports – Head Injury Policies

WA

State law encourages school districts to allow private nonprofit youth programs to use school district facilities. To further this end, state law has historically provided school districts with limited immunity from liability for injury to youth participating in an activity offered by a private nonprofit group on school property. That immunity applied only if the private nonprofit group provided proof of accident and liability insurance to the school district before the first use of the school facilities. To continue such immunity in the future, this Act directs school districts to work with the state interscholastic activities association to develop guidelines and inform coaches, athletes, and parents about the dangers of concussions and head injuries. The bill requires youth athletes and their parents or guardians sign a concussion and head injury information sheet for the athlete to be eligible to play in a program using school facilities.

The Act directs that a youth athlete who is suspected of sustaining a concussion or head injury must be removed from a practice or game. The athlete cannot return to play until the athlete has been evaluated by a licensed health care provider and received a written clearance to play.

Submitted as:

Washington

[Chapter 475, Laws of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition: 05-31B-01A

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

Disposition: 05-31B-01B

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

The Act directs the state board of education or organization or agency designated by the board to manage interscholastic athletics to require each high school coach to complete a sports safety course consisting of training on how to prevent common injuries. The content of the course shall include but not be limited to emergency planning, heat and cold illnesses, emergency recognition, head injuries, neck injuries, facial injuries, and principles of first aid. The course shall also be focused on safety education and shall not include coaching principles.

The Act directs the state board or its agency to establish a minimum timeline for a coach to complete the course. The board or agency must approve providers of a sports safety course and be responsible for ensuring that an approved course is taught by qualified professionals who shall either be certified athletic trainers, registered nurses, physicians, or physician's assistants licensed to practice in the state. The course shall include an end-of-course examination with a minimum qualifying score for successful course completion established by the board or its agency. A course shall include an end-of-course examination with a minimum qualifying score for successful course completion established by the board or its agency. The course must be able to be completed through hands-on or on-line in ten hours or less. The Act requires all coaches take the end-of-course examination and get at least the minimum qualifying score.

The Act requires at least one person who has completed the course to be at every high school athletic practice and competition.

Submitted as:

Kentucky

[HB 383](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act prohibits using electronic smoking devices in indoor public places and prohibits the sale of such devices to minors. The Act defines “electronic smoking device” as “an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.”

Submitted as:

New Jersey

[Assembly Committee Substitute for A4227 / P.L. 2009, c. 182](#)

Status: Enacted into law in 2009.

Comment: According to a January 15, 2010 Arizona State Senate Fact Sheet, “An electronic cigarette is a battery-operated device shaped like a conventional cigarette that contains cartridges filled with nicotine, flavors and other chemicals. The electronic cigarette turns the nicotine and other chemicals into a vapor that can be inhaled. Electronic cigarettes are also called ‘e-cigarettes.’ There are no current federal regulations regarding electronic cigarettes. The products are not required to contain any health warnings similar to conventional cigarettes or nicotine replacement products. No clinical studies on the product have been submitted to the U.S. Food and Drug Administration for evaluation.”

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

06-31B-01 Foreclosure Protection Against Military Veterans AL

This Act prohibits a mortgagee from initiating foreclosure proceedings against the surviving spouse or the estate of a mortgagor who died while deployed overseas on active duty military service for at least 180 days after the death. The Act also creates a Military Family Relief Fund the state department of Veterans' Affairs can use to help military families in need.

Submitted as:

Alabama

[SB 242](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act creates a system to track the owners of uninhabited one- to four-family dwellings obtained by strict foreclosure or foreclosure by sale. The Act refers to such owners as “registrants.” It specifically allows municipalities to enforce against a registrant any provision of the statutes or municipal ordinance on the repair or maintenance of real estate after the municipality has provided notice and an opportunity to remedy the situation.

The Act prohibits municipalities from imposing registration requirements outside of the Act unless they were in effect before the Act's effective date. It also prohibits municipalities from adopting property maintenance ordinances or regulations that apply only to people who obtained title by foreclosure. However, any such ordinances or regulations adopted before the Act's effective date remain in effect and municipalities can enact or enforce ordinances or regulations that apply generally to all property owners. The Act’s provisions do not prohibit or limit a municipality from adopting or enforcing an ordinance or regulation adopted under statutes relating to the prevention of housing blight, maintaining safe and sanitary housing, or abating nuisances.

Finally, the Act extends an existing law allowing municipalities to recover from the real estate's owner, expenses incurred for the inspection, repair, demolition, removal, or other disposition of real estate to make it safe and sanitary. It does this by allowing for the recovery for expenses incurred for maintenance and to remedy a blighted condition on the real estate. The law allows the municipality in these situations to place a lien on the owner's interest in the real estate or an insurance policy covering the real estate, but limits the insurance policy provisions to property other than single- or two-family dwellings. The Act specifies that this limitation does not apply to properties subject to the registration requirements.

Submitted as:

Connecticut

[Public Act 09-144](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act declares areas of the state wholly or partially within a jointly developed community — military Air Installation Compatible Use Zone (AICUZ) study area, Joint Land Use Study (JLUS) area, Army Compatible Use Buffer (ACUB), or an Environmental Noise Management Plan (ENMP) of an active duty, national guard or reserve military installation, constitute a state area of interest vital to national security and the economic well being of the state. The bill requires military installations notify and coordinate with municipalities about any development, project, or operational change that alters or amends a JLUS area, ACUB, AICUZ, or ENMP.

The Act requires representatives from military installations meet at least annually with municipal officials to determine critical areas within areas of vital interest. It defines “critical areas” as areas “where future use of such area is set through a coordinated effort between the municipality and military installation to avoid conflict with any military operation or the economic well being of the municipality.”

The bill requires military and municipal officials notify each other about proposed changes and developments within critical areas and it requires municipalities consider a number of factors that might impact a military installation before permitting development within critical areas.

Submitted as:

Kansas

[HB 2445 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act promotes regional cooperation among towns through voluntary incentive programs by which towns agree on the location of future economic development, agree not to compete for new economic development, and share property taxes generated from the new economic development.

Submitted as:

Connecticut

[Public Act No. 09-231](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act establishes minimum requirements for collaborative law participation agreements, including written agreements, description of the matter submitted to a collaborative law process, and designation of collaborative lawyers. It requires that the collaborative law process be voluntary. It specifies when and how a collaborative law process begins and is terminated and creates a stay of proceedings when parties sign a participation agreement to attempt to resolve a matter related to a proceeding pending before a tribunal while allowing the tribunal to ask for periodic status reports. The legislation creates an exception to the stay of proceedings for a collaborative law process for emergency orders to protect health, safety, welfare, or interests of a party, a family member, or a dependent.

This Act authorizes courts to approve settlements arising out of a collaborative law process. It codifies the disqualification requirement of collaborative lawyers if a collaborative law process terminates and defines the scope of the disqualification requirement to both the matter specified in the collaborative law participation agreement and to matters related to the collaborative matter. The bill extends the disqualification requirement to lawyers in a law firm with which the collaborative lawyer is associated. It requires parties to a collaborative law participation agreement to voluntarily disclose relevant information during the collaborative law process without formal discovery requests and update information previously disclosed that has materially changed.

The legislation acknowledges that standards of professional responsibility and child abuse reporting for lawyers and other professionals are not changed by their participation in a collaborative law process and requires that lawyers disclose and discuss the material risks and benefits of a collaborative law process to help insure parties enter into collaborative law participation agreements with informed consent. This legislation creates an obligation on collaborative lawyers to screen clients for domestic violence and, if present, to participate in a collaborative law process only if the victim consents and the lawyer is reasonably confident that the victim will be safe and authorizes parties to reach an agreement on the scope of confidentiality of their collaborative law communications.

Submitted as:

Utah

[HB 284 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act regulates exchange facilitators. The bill generally defines “exchange facilitators” as people, who for a fee, enter into an agreement with a taxpayer to act as a qualified intermediary in an exchange of like-kind property, an Exchange Accommodation Titleholder, or a qualified trustee or escrow holder. The Act requires exchange facilitators notify their clients about changes in the control of the exchange facilitator. It requires exchange facilitators maintain certain funds in separately identified accounts or in a qualified escrow or qualified trust. The Act requires exchange facilitators maintain errors and omissions insurance or deposit cash or letters of credit and to account for moneys and property. The Act prohibits exchange facilitators from making misrepresentations, failing to account for moneys or property of others, engaging in fraudulent or dishonest dealings, committing certain crimes, or materially failing to fulfill contractual duties to an exchange client. Violations are subject to a civil penalty of up to \$2,500.

The Act authorizes the Attorney General, attorney for the state, or attorney for a locality to recover costs and reasonable expenses, including attorney fees, in any action brought under the Act.

Submitted as:

Virginia

[HB 417 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act prohibits life insurers from canceling, renewing, or charging different rates to policy holders based upon a policy holder's past or future lawful travel destinations unless such actions are based upon sound actuarial principles or reasonably anticipated experience.

Submitted as:

Missouri

[SB 126 Truly Agreed to and Finally Passed version](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act generally defines “debt adjuster” as someone engaged in the business of debt adjusting. It generally defines “debt adjusting” as acting as an intermediary between a debtor and their creditors to provide counseling to the debtor about managing, settling, or otherwise modifying their debts.

The bill establishes requirements for debt-adjusting contracts, including one that requires such contracts be in writing and signed and dated by the debtor. The bill provides a debtor’s right to cancel such contracts and establishes provisions for doing that.

This Act prohibits waiving debtor’s rights and provides private right of action to people entering into debt-adjusting transactions who have suffered loss of money or property, including the right to punitive damages and attorney’s fees and costs.

The legislation requires debt adjusters adhere to stated information security standards and it prohibits selling debtors’ personal information except under certain circumstances.

The Act prohibits a debt adjuster from accepting a fee, contribution, or other consideration in advance of completely performing the promised services. It requires debt adjusters maintain insurance to cover errors and omissions, employee dishonesty, depositor’s forgery, and computer fraud. It requires debt adjusters maintain a bond or irrevocable letter of credit in the amount of \$25,000 in favor of the attorney general for the benefit of the state or any person suffering injury or loss by reason of a violation of the Act.

Submitted as:

Kentucky

[HB 166 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This model legislation by the American Bar Association is designed to ensure that every taxpayer aggrieved by a state tax assessment gets a *de novo* hearing of record, before paying the tax, from a judge with tax expertise who is independent from the state's tax collecting agency. The overriding objective of the Model Act is to make sure that the state's tax adjudication system is competent, efficient and fair, both in fact and in the perception of the taxpaying public.

The Act establishes an independent tribunal with tax expertise to resolve disputes between the state department of revenue and taxpayers. The tax tribunal consists of at least one full-time judge. The tax tribunal shall provide hearings in all tax matters except those specified by statute, and render decisions and orders relating thereto. A tax tribunal hearing shall be commenced by the filing of a petition protesting a tax determination made by the state department of revenue, including any determination that cancels, revokes, suspends or denies an application for a license, permit or registration. A final decision of the tax tribunal shall have the same force and effect as, and shall be subject to appeal (except in the case of small claims) in the same manner as, a final decision of a state trial court.

Submitted as:

[American Bar Association Model](#)

Status: No state has enacted this model Act as of March 2010.

Comment: The following summary was developed using and with excerpts from Garland Allen and Craig Fields, "[The Model State Administrative Tax Tribunal Act: Fairness for All](#)," *The State and Local Tax Lawyer*, Vol. 10, 2005 (Copyright 2005 American Bar Association).

Over the last 40 years, one state after another has established an independent tribunal or court to adjudicate state tax disputes. Still, 20 states have not institutionally separated the function of collecting state taxes from that of resolving taxpayer challenges to state tax determinations. And many states still force a taxpayer to pay the entire liability in question in order to get any type of independent hearing, usually in the state trial court.

To encourage states to rectify these obstacles to the public perception of fairness, in 2006 the American Bar Association's House of Delegates officially endorsed and recommended to the states the *Model State Administrative Tax Tribunal Act*. Drafted by the State and Local Tax Committee of the ABA's Section of Taxation, the Model Act provides a legislative template and rationale for an independent tax tribunal in the executive branch of government. In addition, the Model Act incorporates numerous state tax adjudication "best practices" being used around the country.

The Act guarantees that, except in the case of a jeopardy assessment, every taxpayer shall have the right to have his case heard by the Tax Tribunal prior to the payment of any of the amounts asserted as due, and prior to the posting of any bond. Thus, a taxpayer need not pay or post a bond for an asserted tax liability in order to obtain a independent hearing and decision.

Under the Model Act, every judge must know state tax law and have substantial experience making the record in a tax case suitable for court review at the time of his or her appointment. To enhance the perception of independence, the Tribunal's principal office must be located in a building separate from that of the revenue department, hearings around the state must be held in facilities physically separated from those occupied by the department, and the Tribunal must have responsibility for hiring and firing its own staff.

To ensure that 90-95% of all tax disputes will be resolved without litigation (even litigation in the new Tax Tribunal), the bill requires the state department of revenue to maintain a robust system for the informal review of tax determinations, including the opportunity for the taxpayer and the department to settle cases based on the “hazards of litigation” as well as the facts of the case. The Act establishes standards for this informal review.

The Model Act mandates that the parties accomplish discovery by informal means before using more formal and expensive discovery methods. It requires the parties to stipulate the relevant facts to the fullest possible extent and authorizes the use of written interrogatories and requests for admission.

The Model Act provides that the taxpayer shall have the burden of persuasion by a “preponderance of the evidence in the record” (the same standard as in most civil litigation), except that the department of revenue shall have the burden of persuasion in the case of an assertion of fraud and in other cases provided by law. This standard of proof applies notwithstanding the existence of common statutory provisions that give the revenue department’s determination a “presumption” of correctness or other special evidentiary status.

The Act also requires that the judge issue a written decision in every case and that all decisions be published, at least in electronic form. In this way, the Model Act not only guarantees that Tribunal decisions will be reviewed and criticized by law and accounting scholars and other tax experts, but also makes available potentially useful precedent to every future taxpayer considering a challenge to a department determination.

The Act provides that the losing party, whether the taxpayer or state department of revenue, may appeal a final decision of the Tax Tribunal in accordance with the procedure for appeal from a decision of the regular state trial court, *i.e.*, directly to the state appellate court, and as to an interlocutory decision under the same conditions and in the same manner as an interlocutory decision of a trial court.

Finally, the Model Act gives a taxpayer with a net amount of \$25,000 or less in controversy the option of proceeding in the Tax Tribunal’s Small Claims Division. Here, the taxpayer may challenge an assessment or other determination in much more informal setting. A Small Claims Division decision may not be appealed by either the taxpayer or the department, may not be considered as precedent in any other proceeding, and is not required to be published. In this way, the Model Act allows a taxpayer with a small amount at issue, limited resources or unusual circumstances to obtain a fair hearing before an independent forum, without concern that the department will press a legal technicality simply because not doing so might create precedent for other taxpayers.

Disposition: 10-31B-01

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act requires retailers to collect sales tax from state residents if they sell, lease, or deliver tangible personal property in the state through solicitation by any constitutional means, including an agreement with a nonexempt affiliate. Retailers are deemed to be doing business in the state if they have a relationship with a nonexempt affiliate that receives commission or other consideration for referring potential customers to the retailer. The requirement to collect sales tax only applies if the retailer's cumulative gross receipts from sales generated in the state by all affiliates in the state exceeds \$10,000 in the preceding year. Sales tax must also be remitted for local jurisdictions.

The Act directs the state department of revenue to notify retailers and affiliates that are in violation of their exempt status. The bill contains a process that allows retailers to rebut the presumption that the affiliate has engaged in solicitation. The retailer may terminate the relationship with the affiliate to avoid sales tax collection responsibility.

Retailers that do not collect the state sales tax must send notification to purchasers in the state that sales or use tax is due on purchases made from the retailer, and that a sales or use tax return is required to be filed with the state department of revenue. The Act authorizes the department of revenue to subpoena information from any retailer. This subpoena power can be used to obtain customer information to enforce use tax collection.

Submitted as:

Colorado

[HB 10-1193](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act requires owners and employees of international labor matching or matchmaking organizations to undergo background checks and these organizations' recruits be given information about domestic violence.

Submitted as:

New Jersey

[Chapter 152](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act is intended to help the state implement a renewable portfolio standard (RPS) through the creation of small and large solar projects. The RPS requires the state's largest utilities to provide 25 percent of their retail sales of electricity from newer, clean, renewable sources of energy by 2025. Solar photovoltaic systems use solar panels made of silicon to convert sunlight into electricity.

This Act directs the state public utility commission to develop a pilot program of incentives for the production of solar power. It authorizes feed-in tariffs (payment incentives) for small solar projects. Feed-in tariffs allow homeowners and small businesses to be paid for electricity they feed into the grid from their own solar power generating equipment.

Fuel cells are electrochemical devices that combine hydrogen and oxygen to produce electricity, with water and heat as its by-product. Fuel cells continue to generate power as long as fuel is supplied to them. Because the conversion of fuel to energy takes place via an electrochemical process, not combustion, the process is clean, quiet, and highly efficient. This Act encourages state agencies to use fuel cells for emergency backup power.

Submitted as:

Oregon

[HB 3039 / Chapter 748, 2009 Laws](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act creates criminal penalties for permitting a tenant or occupant to use unlawfully connected utility services. It also contains provisions about stealing utility services for the purpose of manufacturing a controlled substance.

Submitted as:

Florida

[Chapter 2009-159](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act allows the incidental use of public resources by public officials and employees. For example, the bill allows public resources such as cell phones and computers to be used to communicate unexpected schedule changes or essential personal business. It allows for the use of public resources in preparing, presenting, or disseminating information about ballot questions. It restricts the use of public resources for communicating about a ballot issue once a legislative body puts an issue on the ballot and it extends the exemption for incidental use of public resources when it could result in personal financial gain or when used in relation to ballot issues.

This Act allows public officials and employees to use their official titles when campaigning for or against ballot questions on personal time. Finally, the Act outlines appropriate use of government vehicles by public officials and employees.

Submitted as:

Nebraska

[LB 626](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

14-31B-01A Fewer Distractions Mean Safer Driving

AR

This Act prohibits people under eighteen years old from using wireless telephones while driving unless in an emergency. It allows people between 18 and 21 years old to use hands-free wireless telephones while driving in general and handheld wireless phones for emergency purposes while driving. The Act prevents law enforcement officers from stopping a car solely to determine whether the driver is violating the provisions in this Act.

Submitted as:

Arkansas

[Act 197](#)

Status: Enacted into law in 2009.

Comment: This bill was added to this docket per an SSL Committee directive to staff at the La Quinta meeting to get additional bills about distracted driving for the SSL Committee to consider.

14-31B-01B Electronic Communication Devices

IL

This Act generally prohibits a person from operating a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message. Exceptions include law enforcement officers and emergency personnel; drivers who use their cell phones to report emergencies; drivers who use their devices in voice-activated or hands-free modes, and commercial motor vehicle drivers who use certain types of built-in communication equipment in their vehicles.

Submitted as:

Illinois

[Public Act 096-0130](#)

Status: Enacted into law in 2009.

Comment: This bill was added to this docket per an SSL Committee directive to staff at the La Quinta meeting to get additional bills about distracted driving for the SSL Committee to consider.

14-31B-01C Text Messaging While Driving

RI

This Act prohibits using a wireless handset to compose, read, or send text messages while operating a motor vehicle on any public street or public highway within the state. Exceptions include any law enforcement and public safety officials when performing their job duties; contacting emergency personnel; using a wireless handset inside a motor vehicle while such motor vehicle is parked, standing or stopped and is removed from the flow of traffic; or using a hands-free wireless handset while operating a motor vehicle.

Submitted as:

Rhode Island

[H5150 Sub A / Chapter 214](#)

Status: Enacted into law in 2009.

Comment: This bill was added to this docket per an SSL Committee directive to staff at the La Quinta meeting to get additional bills about distracted driving for the SSL Committee to consider.

#### 14-31B-01D Text Messaging While Driving

UT

This Act prohibits a person from using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle on a highway in the state. It provides exceptions to the handheld wireless communication device prohibition and provides penalties for violating the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle.

The Act provides that criminal homicide is automobile homicide if a person operates a moving vehicle in a negligent or criminally negligent manner causing the death of another and was using a handheld wireless communication device for text messaging or electronic mail communication at the time of operation. It provides penalties for automobile homicide in certain circumstances. It provides that a judge may order that a person's driver license be suspended for three months upon conviction for a violation of the prohibition on using a handheld wireless communication device for text messaging or electronic mail communication while operating a moving motor vehicle.

The Act requires the state driver license division to immediately revoke, deny, suspend, or disqualify a person's license upon receiving a record of the person's conviction of automobile homicide while using a handheld wireless communication device for text messaging or electronic mail communication.

Submitted as:

Utah

[HB 0290 Third Substitute / Session Law Chapter 291](#)

Status: Enacted into law in 2009.

Comment: This bill was added to this docket per an SSL Committee directive to staff at the La Quinta meeting to get additional bills about distracted driving for the SSL Committee to consider.

#### 14-31B-01E Wireless Telephone Prohibitions for Drivers

CO

This Act prohibits people younger than 18 from using a wireless telephone while operating a motor vehicle. It prohibits people older than 18 from using a wireless telephone to send text messages while operating a motor vehicle. The bill makes exceptions for contacting public safety agencies and during emergencies. Violations constitute a Class A traffic infraction, with a penalty of \$50. Fines increase for subsequent violations.

Submitted as:

Colorado

[Chapter 375 of 2009](#)

Status: Enacted into law in 2009.

Comment: This bill was added to this docket per an SSL Committee directive to staff at the La Quinta meeting to get additional bills about distracted driving for the SSL Committee to consider.

14-31B-01F Electronic Communications Traffic Safety Act MD

This Act prohibits a driver from using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway. A violator is guilty of a misdemeanor and subject to a maximum fine of \$500. The prohibition does not apply to the use of a global positioning system or the use of a text messaging device to contact a 9-1-1 system.

Submitted as:

Maryland

[Chapter 194 of 2009](#)

Status: Enacted into law in 2009.

Comment: This bill was added to this docket per an SSL Committee directive to staff at the La Quinta meeting to get additional bills about distracted driving for the SSL Committee to consider.

14-31B-01G Distracted Driver ME

This Act defines the “operation of a motor vehicle while distracted” as the operation of a motor vehicle by a person who, while operating the vehicle, is engaged in an activity that is not necessary to the operation of the vehicle and that actually impairs, or would reasonably be expected to impair, the ability of the person to safely operate the vehicle.” The Act establishes that a person commits a traffic infraction of “failure to maintain control of a motor vehicle” if at the time the traffic infraction or crime occurred, the person was engaged in the operation of a motor vehicle while distracted or is determined to have been the operator of a motor vehicle that was involved in a reportable accident that resulted in property damage and, at the time the reportable accident occurred, the person was engaged in the operation of a motor vehicle while distracted.

Submitted as:

Maine

[Chapter 446 of 2009](#)

Status: Enacted into law in 2009.

Comment: The SSL Committee reviewed and rejected this Maine law at its first meeting (La Quinta) in this current SSL cycle. This Maine law was resubmitted to the SSL docket and is also summarized as part of the Note listed below.

14-31B-01H State Distracted Driving Laws Note

According to the Consumer Electronics Association, over the past year, state policymakers have focused on the activities and behaviors motorists engage in while operating a motor vehicle, especially with respect to distracted driving. State policy approaches to driver

distraction must be driven by well-grounded science. Recent “real-world” data is now allowing people to understand the true impact of all distractions, including in-vehicle electronics, on driver performance, and the Consumer Electronics Association maintains that “Naturalistic” studies conducted under actual driving conditions should be given greater consideration than studies used with simulators.

One of those studies the Association cites is the “[The 100-Car Naturalistic Driving Study](#)” conducted by Virginia Tech Transportation Institute (VTTI) and released a few years ago. The 100-Car Naturalistic Driving Study is the first instrumented-vehicle study undertaken with the primary purpose of collecting large-scale, naturalistic driving data.

This study makes several important findings including the chances of an accident significantly increases when a driver engages in an activity that requires them to take their eyes off the road for more than two seconds. Additionally, the recent naturalistic driving studies have confirmed that manual texting while driving significantly increases the risk of a crash. Therefore, any state policymaking in this area should focus on those activities that require drivers to take their eyes off the road.

According to the Consumer Electronics Association, research has also shown that younger drivers typically do not have the skill set to perform secondary tasks while driving safely. Accordingly, it is important for initiatives that restrict mobile phone use for novice drivers or drivers operating under a graduated drivers’ license (GDL).

State policy considerations must take into account both the current state of technology and the likelihood of future innovations. Policies should be carefully calibrated so as not to inadvertently prohibit new technologies that could benefit drivers. For example, regulations should not prohibit voice-operated texting where the real concern is manual entry and operation of hand-held devices.

As such, state policy approaches should focus on driver behavior and activities rather than specific technologies or products. Scientific research has demonstrated driver distraction can arise from a wide variety of sources – conversations with passengers, eating, consuming beverages, smoking, tending to children, and other such activities. Many products developed today for consumers use while driving are intended to increase safety while on the roadways. In fact, consumer electronics manufacturers have developed products to reduce the amount of time a driver must spend to take their eyes away from the road and products that are aimed at increasing safety, like global position systems are a much safer alternative than reading large maps and confusion when lost.

At the state level, many bills have been proposed to restrict distracted driving. The behaviors these bills target range from restricting drivers under the age of 18 from engaging in certain activities to restricting certain behaviors such as texting while driving while operating a motor vehicle and prohibit the use of products that require the driver to excessively remove their hands from the steering wheel. To date, three (3) states have enacted laws that target the most egregious acts of distracted driving and focus on modifying driver’s behaviors rather than singling-out certain products.

The most comprehensive bill has been enacted by Maine, which addresses the overall behavior of distracted driving while acknowledging that distractions may come from multiple sources:

Maine: The state legislature in Maine passed LD 6 ([chapter law 446](#)) in 2009 as an Act to establish a driver distraction law and focuses on the operation of a motor vehicle while distracted. The bill is very general and sends the signal that driving while distracted is problematic. This bill

could be used to educate drivers about driver distractions and demonstrates a state commitment to ensuring motorists in their state drive safely and responsibly. Distracted driving infractions are considered secondary infractions.

Other states have addressed the specific issue of handheld texting while driving and use of in-vehicle technology by young or novice drivers:

Maryland: in 2009, the Maryland legislature enacted Senate Bill 98 ([chapter law 194](#)) an Act concerning Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition which was a broad sweeping bill to ban the behavior of texting while driving. Specifically, this law prohibits a person from using a text messaging device to write or send a text message while operating a motor vehicle in motion or in the travel portion of the roadway; specifying exceptions for use of a global positioning system, or text messaging to contact a 9-1-1 system; etc. This law makes texting while driving a misdemeanor subject to a fine of not more than \$500.

Colorado: In 2009, the Colorado legislature enacted House Bill 1094 ([chapter law 375](#)) which prohibited drivers under the age of 18 from using a wireless telephone to text or make phone calls while driving. Violations constitute a Class A traffic infraction, with a penalty of \$50. Fines increase for subsequent violations.

These three bills combined target the areas of largest concern for distracted driving and can serve as templates for other states to model. The bills target certain behaviors while driving such as texting and youth access as well as establishing a general fact that driving while distracted is dangerous. As the driver distraction issue is multifaceted, the three different pieces of legislation noted above provide reasonable, fact-based approaches to increasing roadway safety.

Additional Resource: [100-Car Naturalistic Study Fact Sheet](#) by the [Virginia Tech Transportation Institute](#).

Submitted by:  
Consumer Electronics Association

Comment:

Disposition: 14-31B-01A  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

Disposition: 14-31B-01B  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

Disposition: 14-31B-01C  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

Disposition: 14-31B-01D  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

Disposition: 14-31B-01E  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

Disposition: 14-31B-01F  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments

Disposition: 14-31B-01G  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

Disposition: 14-31B-01H  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
     next task force mtg.  
     next SSL mtg.  
     next SSL cycle  
 Reject

Comments/Note to staff:

This Act adds a provision to state law requiring the chief administrator of the state motor vehicle commission to develop and distribute to people who hold special learners permits two removable, transferable, highly visible, reflective decals indicating that the driver of a vehicle may be the holder of a special learners permit. The decals shall be designed by the chief administrator, in consultation with the division of highway traffic safety in the department of law and public safety. The decals shall be displayed in a manner prescribed by the chief administrator, in consultation with the division of highway traffic safety in the department of law and public safety, and shall be clearly visible to law enforcement officers. The holder of an examination permit shall not operate a vehicle unless the decals are displayed. The decals shall be removed once the driver's examination permit period has ended. The chief administrator may charge a fee for the decals not to exceed the cost of producing and distributing the decals.

Submitted as:

New Jersey

[S2314/A3069 – P.L. 2009, Chapter 37](#)

Status: Enacted into law in 2009.

Comment: An April 15, 2009 press release from the governor's office states:

CHESTER -Governor Jon S. Corzine today signed Kyleigh's Law, making New Jersey the first state in the nation to have a teen driver decal law. Named in honor of 16-year old Kyleigh D'Alessio, S-2314/A-3069 requires the use of an identifier on vehicles driven by teens holding a permit or provisional license.

"Having a driver's license is an awesome responsibility for any teenager," Governor Corzine said. "The legislation I am signing today initiates several preventative measures to help avoid further teen driving tragedies like Kyleigh's, while ensuring that our young people are better prepared to safely take to the roadways."

The new law also will assist police in identifying young drivers who may be in violation of the Graduated Driver License (GDL) restrictions.

"As a father I cannot even begin to imagine what the pain is like for family and friends of Kyleigh D'Alessio and the thousands of other teenagers who die in automobile accidents each year," said Senator Thomas H. Kean, Jr. (R-Essex, Morris, Union). "This legislation is designed to encourage our young drivers to drive safely and to comply with the rules of the road. It will also assist law enforcement personnel in identifying new drivers that might not be complying with the rules and thus, putting themselves, passengers and other drivers at risk. Through education and action we can save lives and help avert another tragedy."

Governor Corzine also signed S-16/A-3070, revising nighttime driving and passenger restrictions on permit and provisional drivers. New Jersey's Graduated Driver License (GDL) law currently restricts teens on a provisional license from driving between midnight and 5 a.m. Although only 15 percent of miles driven by 16 and 17-year-olds are between 9 p.m. and 6 a.m., more than 40 percent of their fatal crashes occur during this time period. The bill also renames the provisional license "probationary."

"We live in the most densely populated state in the nation in an era of constant distractions," said Senator Richard J. Codey (D-Essex). "Over the last few years, we've witnessed

a number of tragic accidents that could have been avoided. Hopefully these changes will make sure that inexperienced drivers have greater supervision and less distractions while they're still learning the ropes."

"Statistics show that 40 percent of fatal teen car accidents occur between the hours of 9 p.m. and 6 a.m.," said Senator Fred H. Madden, (D-Camden, Gloucester). "This new law will work to protect all drivers by reducing these numbers, while also making it easier for law enforcement officers to identify teen drivers. This bill isn't about profiling, but instead ensuring that parents, young drivers and police officers are able to take an active role in protecting our roadways."

The bills signed today address four recommendations contained in the Teen Driver Study Commission's March 2008 report. Three of those recommendations are essential for stemming the tide of teen driver crashes that last year claimed 60 teen lives - 37 drivers and 23 passengers.

"Every nine minutes a teen crashes in New Jersey," Division of Highway Traffic Safety Director Pam Fischer said. "The legislation signed today by Governor Corzine will help to ensure that young drivers, who clearly face a higher risk on our roadways, remain safe during the most dangerous time of their lives. These bills will help reduce teen crashes and ultimately save young lives."

According to the NJ Teen Driver Study Commission Report, a teen driver is 158 percent more likely to be killed in a crash while carrying two passengers. The risk increases to 207 percent when there are three passengers in a teen driver's car. The increased risk is often the result of distraction and others in the car encouraging the teen driver to take risks with most teen crashes in NJ occur after school.

"The only way to become better at anything is through practice, and driving is no exception," said Assemblyman John Wisniewski (D-Middlesex), chairman of the Assembly Transportation, Public Works and Independent Authorities Committee. "Providing teen drivers with adequate behind-the-wheel time, standardized driver education and a healthy respect for the consequences of bad driving will help make them safer, more responsible motorists."

"We need to give newly minted drivers the tools they need to become safe, responsible motorists," said Assemblyman Anthony Chiappone (D-Hudson).

"Encouraging safe driving practices, enhancing penalties for bad driving and increasing the amount of time required behind the wheel will go a long way toward that goal."

In total, the report outlines 47 recommendations to help reduce teen crashes, and ultimately save lives. While the State has the oldest minimum driving age in the nation (17) and a strong Graduated Driver License (GDL) law that addresses teen risk factors (i.e., passengers, nighttime driving, cell phones, and seat belts), the Commission determined that more can and must be done to reduce teen driver crashes and save lives.

"Like learning any other skill, learning to drive well takes time," said Assemblyman Peter J. Barnes III. (D-Middlesex) "Ensuring our teens have the technical ability and good measure that come with practice will make them safer and more careful when they're on the road."

Between 2002 and 2008, more than 400 teen drivers and teens who were passengers in teen-driven vehicles, died on the state's roadways.

"This package will help reinforce the message to teens that driving is a privilege, not a right," said Assemblywoman Pamela R. Lampitt (D-Camden). "We need to better impress upon teens that getting behind the wheel carries with it real and tremendous responsibility for their passengers, other drivers and, most importantly, themselves."

"Making sure that our teenagers understand the serious responsibility that comes along with obtaining a drivers license is imperative," said Assemblyman John F. McKeon. (D-Essex) "Distinguishing learning teen drivers from the rest of the driving community will make our roads safer for everyone."

"Despite having a strong Graduated Driving Licensing law, we have experienced a rash of fatal crashes involving teenage drivers during the past few years," said Assemblywoman Mary Pat Angelini, (R-Monmouth). "This legislation the governor has signed today will enhance and strengthen that law and provide constructive and improved guidelines that will ultimately save lives."

Kyleigh's Law was sponsored by Senators Fred H. Madden, Jr. (D-Camden, Gloucester) and Thomas H. Kean, Jr. (R-Essex, Morris, Union); Assemblymen Anthony Chiappone (D-Hudson), Peter J. Barnes, III (D-Middlesex), John F. McKeon (D-Essex), Michael J. Doherty, (R-Warren, Hunterdon) and Assemblywoman Mary Pat Angelini (R-Monmouth).

S-16/ A-3070 was sponsored by Senators Richard J. Codey (D-Essex) and M. Teresa Ruiz (D-Essex, Union), Assemblywomen Pamela R. Lampitt (DCamden) and Mary Pat Angelini (R-Monmouth) as well as Assemblymen John S. Wisniewski (D-Middlesex), Anthony Chiappone (D-Hudson) and Michael J. Doherty, (R-Warren, Hunterdon).

Disposition: 14-31B-02

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act defines electric autocycles. It authorizes electric autocycles to be licensed and registered as motorcycles and it sets standards for operating electric autocycles on public roads. The latter addresses who can drive autocycles, seat belts, helmet requirements, and passengers.

Submitted as:

Arkansas

[Act 636](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

14-31B-04 Traffic Congestion: Motor Vehicle Registration Fees CA

Existing law provides for the imposition by certain districts and local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the department of motor vehicles.

This Act authorizes countywide transportation planning agencies to impose an annual fee of up to \$10 on motor vehicles registered within the county for programs and projects to mitigate traffic congestion and motor vehicle induced pollution. It defines “congestion mitigation programs and projects” to include, but not be limited to, “programs and projects identified in an adopted congestion management program or county transportation plan; projects and programs to manage congestion, including, for example, high-occupancy vehicle or high-occupancy toll lanes; improved transit services through the use of technology, bicycle and pedestrian improvements; improved signal coordination, traveler information systems, highway operational improvements, and local street and road rehabilitation; and transit service expansion.” It defines “pollution mitigation programs and projects” to include, but not be limited to, “programs and projects carried out by a congestion management agency, a regional water quality control board, an air pollution control district, an air quality management district, or another public agency that is carrying out the adopted plan of a congestion management agency, a regional water quality control board, an air pollution control district, or an air quality management district.”

The bill requires the state department of motor vehicles, if requested, to collect the additional fee and distribute the net revenues to the transportation planning agency, after deducting specified costs, and limits the agency’s administrative costs to not more than 5% of the distributed fees. The bill requires that the fees collected may be used only to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan.

Submitted as:

California

[Senate Bill 83 / Chapter 554](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act generally defines an “automotive mobility dealer” as a person who engages exclusively in the business of selling, modifying, or servicing vehicles which are designed to be operated by people with disabilities. It provides that automotive mobility dealers must be licensed with the secretary of state and directs the secretary of state to set such licensing requirements. It also requires automotive mobility dealers maintain a bond as a condition of licensing.

Submitted as:

Indiana

[House Enrolled Act No. 1376](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This bill adds text messaging and instant messaging to the list of Internet crimes such as luring a child, sexually exploiting a child, and disseminating indecent material to a child.

Submitted as:

Colorado

[HB 09-1132](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act authorizes a person acting under color of law to intercept the wire or electronic communications of a suspected computer trespasser transmitted to, through, or from a computer or any other device with Internet capability under certain circumstances. Under the bill, such interception would be authorized if:

- the owner or operator of the computer or other device authorizes the interception;
- the person acting under color of law is lawfully engaged in an investigation;
- the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's wire or electronic communications will be relevant to the investigation; and
- such interception does not acquire communications other than those transmitted to or from the computer trespasser.

The Act defines "computer trespasser" as "a person who accesses a computer or any other device with Internet capability without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the computer or other device."

The Act sets out procedures for people to challenge an interception. It provides that any aggrieved person in any trial, hearing, or proceeding in or before any court or other authority of the state may move to suppress the contents of any wire or electronic communication intercepted in accordance with the Act, or evidence derived there from, on the grounds that the communication was unlawfully intercepted or the interception was not made in conformity with the Act.

Submitted as:

New Jersey

[A-3761 / S-2697 / P.L. 2009, Chapter 142](#)

Status: Enacted into law in 2009.

Comment: An October 20, 2009 press release from Gov. Jon Corzine's office states in part:

Further enhancing the State's aggressive Internet Safety initiatives, Governor Jon S. Corzine today signed two bills that will increase Internet security and aid Internet crime prevention in New Jersey.

"With all of the benefits that evolving technologies provide us, there remains to be unfortunate opportunities that exist for the exploitation of children and adults through the use of the Internet," Governor Corzine said. "These two measures will help to close that door on these dangerous situations and prevent Internet predators from perpetrating these criminal encounters." According to the National Center for Missing & Exploited Children, approximately one in seven young people online (10 to 17-years-old) were solicited or approached over the Internet.

"The Internet serves as a hub for communication, learning, and socialization, but use of the Internet is not without risk," Attorney General Anne Milgram said. "Sexual solicitation, harassment, bullying, and exposure to violent and inappropriate online content represent consistent threats to the safety of our children. That is why this legislation is so important and why my office has employed an aggressive, multi-pronged approach ranging from criminal and civil investigations to cooperative efforts with networking sites and service providers to education initiatives aimed at teachers, school administrators, parents and students."

The first bill, A-3761 / S-2697, authorizes wire or electronic communications of a suspected computer trespasser to be intercepted under certain circumstances. Authorized circumstances include direct approval from the owner or operator of the computer; the information's relevance to an investigation and if the seizure does not acquire communications other than those transmitted to or from the computer trespasser.

"Online stalkers who target children cannot be treated lightly," said Assemblyman Fred Scalera (D-Essex/Bergen/Passaic.) "We need to be able to go after these individuals swiftly and bring the full force of the law to bear."

"This helps give law enforcement the tools they need to better protect children who use the Internet for education and recreation," said Assemblywoman Linda Greenstein (D-Middlesex/Mercer). "No longer will Web sites be the playgrounds of criminals looking to prey on vulnerable children."

"Every parent worries when their child logs onto a computer and enters that new world that has evolved on the Internet," said Assemblyman Matthew Milam (D-Atlantic/Cape May/Cumberland). "It can be a wonderful tool for education and keeping in touch with friends and loved ones, but it can also be a dangerous place. These bills aim to give authorities what they need to keep pace with the criminals."

Disposition: 15-31B-02

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act establishes penalties for intentionally posting defamatory information on the Internet about someone or using the Internet or other electronic media to threaten someone. This includes revealing without their consent someone's name, domain address, phone number, or other item of identifying information belonging to the person.

Submitted as:

Texas

[HB 2003](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act creates provisions relating to zombies and botnets. The Act defines a “zombie” as a “computer that, without the knowledge and consent of the computer's owner or operator, has been compromised to give access or control to a program or person other than the computer's owner or operator.” A “botnet” is defined as a “collection of two or more zombies.” The Act prohibits a person who is not the owner or operator of a computer from knowingly causing or offering to cause the computer to become a zombie or part of a botnet. It prohibits a person from knowingly creating, having created, using, or offering to use a zombie or botnet to perform certain actions. It prohibits a person from purchasing, renting, or otherwise gaining control of a zombie or botnet created by another person or providing to another person access to or use of a zombie or botnet.

The Act permits a civil action to be brought against a person who violates the Act's provisions by a person who is acting as an Internet service provider and whose network is used to commit a violation, or by a person who has incurred a loss or disruption of the conduct of the person's for-profit or not-for-profit business activities as a result of the violation. The Act entitles a person bringing an action to obtain injunctive relief, damages, or both injunctive relief and damages, and it prescribes the amount of damages. The Act authorizes the court to increase an award of damages to an amount not to exceed three times the applicable damages if the court finds that the violations constitute a pattern or practice. The Act entitles a plaintiff who prevails in an action to recover reasonable costs of litigation and declares that a remedy authorized by the bill's provisions is in addition to any other procedure or remedy provided for by law. The Act establishes that its provisions may not be construed to impose liability on certain service providers with respect to a violation committed by another person.

Submitted as:

Texas

[SB 28](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act restricts how third parties can add charges to telephone bills.

Submitted as:

Illinois

[Public Act 096-0827](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act is intended to encourage the legal profession to make further efforts to meet its professional responsibilities and other obligations by providing pro bono legal services and financial support of nonprofit legal organizations that provide free legal services to underserved communities.

The Act prohibits a person or organization that is not a specified type of legal aid organization, as defined, from using the term “legal aid,” or any confusingly similar name in any firm name, trade name, fictitious business name, or other designation, or on any advertisement, letterhead, business card, or sign. The Act subjects a person or organization that violates this prohibition to specified civil liability.

The Act directs the state Judicial Council to set up a pilot program to appoint legal representation for unrepresented low-income parties in civil matters involving critical issues, such as domestic violence, child custody and elder abuse. Projects conducted under the program will be partnerships between courts, qualified legal services that will serve as the lead agencies for case assessment and direction, and other legal services providers in the community which are able to provide the services for the projects. The Act requires the lead legal services agency, to the extent practical, to identify and make use of pro bono services in order to maximize available services efficiently and economically. The bill specifies that the court partner is responsible for providing procedures, personnel, training, and case management and administration practices that reflect best practices.

The Act requires a local advisory committee be formed to facilitate the administration of local projects under the program and ensure those fulfill program objectives. The bill requires the Judicial Council to study the effectiveness of the program and report its findings and recommendations to the governor and legislature.

The Act directs that part of the fees collected for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment, issuing an abstract of judgment, recording or registering any license or certificate, issuing an order of sale, and filing and entering an award under the Workers' Compensation Law, be used by the Judicial Council for the expenses of the Judicial Council in implementing and administering the program.

Submitted as:

California

[AB 590 / Chapter 457](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act defines “cold case” as a homicide or a felony sexual offense that remains unsolved for one year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.

The Act requires law enforcement agencies establish and maintain a cold case register consisting of the names of any victim, victim’s family member, or other lawful representative of a victim of a cold case who requests that the person’s name be included in the cold case register. The Act requires a law enforcement agency that maintains a cold case register to provide notice of the law enforcement agency’s cold case register to any victim, victim’s family member, or other lawful representative of a victim of a cold case. It directs law enforcement agencies to provide cold case registrants with the contact information for the law enforcement agency and information on any new developments or reviews of the cold case in a timely manner. It encourages registrants to contact the law enforcement agency if the registrant is aware of any new information related to the cold case.

This bill requires the name of a victim, a victim’s family member, or any other lawful representative of a victim to remain in the register for three years. Law enforcement agencies must make reasonable efforts to provide notice to the registrant of the end of the three-year period. The Act requires law enforcement agencies, on request, to extend a person’s registration for an additional three years.

This bill requires law enforcement agencies give priority to any cold case that is associated with a name in the cold case register unless there is a compelling reason to give priority to a cold case that is not associated with a name in the cold case register.

It specifies that the cold case register is not a public record and exempts the cold case register from public records requirements.

Submitted as:

Arizona

[Chapter 132 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act enables a person who reasonably believes that their identity has been stolen and falsely used by someone else in a criminal, civil violation or traffic infraction proceeding in which a final judgment has been entered to file a written motion in the underlying criminal, civil violation or traffic infraction proceeding seeking a court determination of factual innocence and correction of the court records and related criminal justice agency records. The same motion may also be filed on behalf of such a person by an attorney for the state or by the court.

The Act directs the judge or justice to whom the motion was assigned pursuant to the Act to hold a hearing on the motion. If the court finds that the person who filed the motion has established by clear and convincing evidence relative that they are not the person who committed the crime or infraction, the court must find the person factually innocent of that crime, civil violation or traffic infraction, and issue a written order certifying this determination. If at the conclusion of the hearing the court finds otherwise as to the motion, the court must deny the motion and shall issue a written order certifying this determination. The order must contain written findings of fact supporting the court's decision granting or denying the motion. A copy of the court's written order granting or denying the motion must be provided to the person.

Submitted as:

Maine

[Chapter 287, 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act creates a system to collect information about the type and use of family leave policies in the public and private sectors throughout the state to help determine the need for a paid family leave system in the future that complements other caregiver services. It is aimed at helping people who care for elderly family members.

Submitted as:

Hawaii

[Act 7 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

19-31B-02A Virtual Visitation

NC

This Act pertaining to custody of a minor child defines visitation to include visitation by electronic communication.

Submitted as:

North Carolina

[Session Law 2009-314](#)

Status: Enacted into law in 2009.

Comment: North Carolina is the fifth of six states to enact laws permitting virtual visitation as way for divorced parents to stay in contact with their children. The Utah was the first. Other states include Florida, Illinois, Texas and Wisconsin.

19-31B-02B Virtual Parent-Time

UT

This Act defines virtual parent-time as facilitated by tools such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the Internet or other communication media to supplement in-person visits between a noncustodial parent and a child or between a child and the custodial parent when the child is staying with the noncustodial parent. The Act adds virtual parent-time to the parent-time guidelines and schedules for divorced parents in state law and it encourages parents to use the technology if it is available to them.

Submitted as:

Utah

[HB 82 \(Enrolled version\)](#)

Status: Enacted into law in 2004.

Comment:

Disposition: 19-31B-02A

Disposition: 19-31B-02B

SSL Committee Meeting: 2011B

SSL Committee Meeting: 2011B

Include in Volume

Include in Volume

Defer consideration

Defer consideration

next task force mtg.

next task force mtg.

next SSL mtg.

next SSL mtg.

next SSL cycle

next SSL cycle

Reject

Reject

Comments/Note to staff:

Comments/Note to staff:

This Act authorizes a new initiative to enable students to earn a bachelors degree at a state college or university within three years.

Submitted as:

Rhode Island

[H5286/S1052](#)

Status: Enacted into law in 2009.

Comment: A December 2, 2009 press release from the governor's office states:

“Governor Donald L. Carcieri joined Senate President M. Teresa Paiva Weed, Representative Joseph McNamara, Board of Regents Chairman Robert Flanders, Commissioner of Elementary and Secondary Education Deborah A. Gist, Acting Commissioner of Higher Education Steven J. Maurano, and several education and community leaders at a bill signing ceremony at Rhode Island College for several pieces of legislation related to education, including H5286/S1052, an act authorizing the “Bachelor’s Degree in Three” program.

The Governor, members of the General Assembly, Justice Flanders, and Commissioner Gist spoke to a number of legislative initiatives that will continue to advance education improvement in Rhode Island and the state’s efforts to compete for federal Race to the Top funds.

“Enhancing education and ensuring that all students have the knowledge and skills they need to succeed in the 21st century workplace continue to be priorities for our state,” said Governor Donald L. Carcieri. “We have implemented rigorous standards and a statewide assessment for elementary, middle and high school students that are directly tied to these standards. To ensure that a high school diploma is meaningful, we have set new high school graduation requirements. Additionally, due to the work of my Urban Education Task Force we have a blueprint to follow to enable each and every student in our urban communities to excel in school and realize their dreams.”

“Today, I commend the leadership of the General Assembly, the Department of Education and Higher Education for working together to further accelerate our efforts to push our education agenda forward, provide students with the necessary tools to be successful in school and beyond, and address the need for continued education reform including educator quality,” continued Carcieri.

The “Bachelor’s Degree in Three” program allows Rhode Island students to earn a bachelors degree at a state college or university within three years and complements the Governor PK-16 Council’s initiative to provide students with dual credit and dual enrollment opportunities so that they can better transition from high school to college and successfully complete their higher education degree.

“Nothing is more important to the future economic vitality of our state than the investments we make in education,” said President of the Senate M. Teresa Paiva Weed (D – Dist. 13, Newport, Jamestown). “These legislative initiatives will help to improve education at all levels, and better position Rhode Island for success in the 21st century.”

Representative Joseph McNamara, chairman of the House Committee on Health, Education and Welfare and lead sponsor of the “Bachelor’s Degree in Three” legislation, said, “Many Rhode Island families are challenged when they attempt to finance a college education.

Reducing degree completion time is one important way to save money for students and their families. The state will also benefit because students who earn a degree in three years will enter the workforce sooner, which is important to our long-term economic viability.”

“I want to thank Governor Carcieri for signing the ‘Bachelor’s Degree in Three’ legislation. I also especially want to congratulate House Health Education & Welfare Chairman Joseph McNamara and Senator Bea Lanzi for their respective roles in shepherding this legislation through the General Assembly,” said Acting Commissioner of Higher Education Steven J. Maurano.

“Allowing high school students to move forward into the rigor of higher education coursework and providing a pathway for any student who is academically ready for this work is a sound and solid step forward for Rhode Island. The lesser cost and reduced time-to-degree will help expand student access to college and increase the likelihood of students actually enrolling in college and completing their degree. That is absolutely consistent with the Rhode Island Board of Governors for Higher Education’s mission to provide greater college access for students and to help keep that access as affordable as possible.”

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act provides for additional compensation for math and science teachers under certain conditions.

Submitted as:

Georgia

[Act 51 / HB 280 \(As Passed House and Senate\)](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This bill requires school districts adopt procedures to allow students with disabilities who have completed four years of high school to participate in their graduation ceremonies and related activities. The Act requires school districts provide timely notice of the procedures to students with disabilities and to their parents or guardians.

Submitted as:

Missouri

[Senate Committee Substitute for House Committee Substitute for House Bill No. 236](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

20-31B-04 Graduation Coaches

OK

This Act directs the state department of education to encourage school boards and districts to develop programs to recruit and train mentors to help middle and high school students stay in school and get a diploma.

Submitted as:

Oklahoma

[Enrolled House Bill No. 1050](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

20-31B-05 Higher Education Credit Card Marketing Statement IL

This first part of this Act requires institutions of higher education which enter into agreements to market credit cards to students pursuing an education, or that allow their student groups, alumni associations, or affiliates to enter into agreements, to make a financial education program available to all students. The program must explain the consequences of not paying credit card balances in full within the time specified by the billing statement. It must explain the methods employed by credit card issuers to compute interest on unpaid balances. It must explain common industry practices which negatively impact consumer credit card holders; give examples illustrating the length of time it will take to pay off various balance amounts if only the minimum monthly payment required under the agreement is paid. The program must explain credit related terms, provide information about how to participate in the federal government's opt-out program to limit credit card solicitations, and explain the potential consequences of misusing debit cards.

The Act requires institutions of higher education to disclose certain agreements with credit card companies. It restricts using gifts to entice students to sign up for credit cards. It restricts higher education institutions from providing personally identifiable information about students to organizations for the purpose of marketing credit cards to students.

Submitted as:

Illinois

[Public Act 096-0261](#)

Status: Enacted into law in 2009.

Comment: This Act is not in the docket 31B bill packet because it is 49 pages.

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act establishes criteria by which high schools, colleges, and technical institutes throughout the state can use open-source textbooks. The Act defines an “open-source textbook” as “an electronic textbook that is available for downloading from the Internet at no charge to a student and without requiring the purchase of an unlock code, membership, or other access or use charge, except for a charge to order an optional printed copy of all or part of the textbook. The term includes a state-developed open-source textbook.” The bill addresses printing, buying, and distributing open-source textbooks.

Submitted as:

Texas

[HB 2488](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

20-31B-07 Preparing Low-Income Students for  
High-Demand Occupations

TX

This Act creates a fund and program to make grants to public junior colleges, public technical institutes, and eligible nonprofit organizations to prepare low-income students for careers in high-demand occupations, with an emphasis on jobs in the renewable energy field or energy efficiency field.

Submitted as:

Texas

[HB 1935](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act directs the state department of education to compile information via a pilot program about teachers' classroom performance over a 5 year timeframe. The department will collect the information through a system that assigns a unique identifier number to teachers and matches teachers to students. The state will use the information to help identify ways to improve teacher effectiveness and to close the "teacher gap." The Act defines "teacher gap" as the "documented phenomenon that a poor or minority student is more likely to be taught by a less-qualified or less-experienced teacher than the student's more advantaged peers."

Submitted as:

Colorado

[HB 09-1065](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act defines “persistently low-achieving schools” and sets up emergency mechanisms to allow third parties such as the state board of education to intervene in the management of such schools to reverse the performance of such schools.

The Act requires persistently low-achieving schools engage one of following options: external management; re-staff; close; or transform. External management transfers day to day management of the school to an external organization approved by the state board of education. The organization could be for-profit or nonprofit. Under re-staffing, the principal, school-based decision making council, and about half of the faculty and staff of a low-achieving school would be replaced and a plan enacted that uses research-based school improvement initiatives designed to turn around student performance. School closure requires the closure of an existing school and the transfer of its students to other schools within the district that are meeting their accountability measures, reassignment of the school's faculty and staff to available positions within the district, and which may result in nonrenewal of contracts, dismissal, demotion, or a combination of these personnel actions. Transformation means replacing the school principal who led the school prior to commencement of the transformation option and replacing the school council members unless certain audit reports recommended otherwise and instituting an extensive set of specified strategies designed to turn around the identified school.

Low-achieving schools can also use other models recognized by the federal No Child Left Behind Act of 2001, 20 U.S.C. secs 6301 et seq., or its successor to improve school performance.

Submitted as:

Kentucky

[HB176](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act authorizes the state department of education and a variety of state educational institutions and interest groups to enter into interagency agreements to facilitate the implementation of a longitudinal education data system and the transfer of education data.

This Act establishes a Science, Technology, Engineering, Math, and Career Technical Education Educator Credentialing Program to provide alternative routes to credentialing in accordance with the guidelines for the federal Race to the Top Fund. It requires the state education commission develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. The bill authorizes the commission to assess a fee on community-based and nongovernmental organizations that are seeking approval to participate in the program.

The federal Family Educational Rights and Privacy Act (FERPA), requires schools and educational agencies receiving federal financial assistance to comply with specified provisions regarding the release of pupil data. This Act authorizes the state department of education, to the extent permissible under FERPA and state law to conduct pupil data management on behalf of local educational agencies. It requires the department to establish an education data team to act as an institutional review board to review and respond to all requests for pupil data. The Act makes the department responsible for data management decisions for data under its jurisdiction and make the department and a local educational agency jointly liable for any data management decisions in which the department and the local educational agency participate jointly, as specified. The Act requires the department to develop appropriate policies and procedures for the education data team that includes fees or charges that shall be imposed upon research applicants.

This Act requires the state superintendent of public instruction and the state board of education make recommendations to the legislature and the governor about establishing a method to generate a measurement of group and individual academic performance growth by using individual pupil results from a longitudinally valid achievement assessment system.

The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. This Act authorizes the state superintendent of public instruction and the president of the state board of education to enter into a memorandum of understanding with a local educational agency to implement the Race to the Top program in the state. The Act requires the governor, the superintendent, and the state board, in collaboration with participating local educational agencies, develop a high-quality plan or plans to submit as part of an application for federal Race to the Top funds.

This Act requires the superintendent public instruction and the state board of education to establish a list of low-achieving schools and persistently lowest-achieving schools. It requires the superintendent to notify the governing board of a school district, county superintendent of schools, or the governing body of a charter school or its equivalent, if one or more of the schools in its jurisdiction is identified as a persistently lowest-achieving school. It requires the governing board of a school district, county office of education, or the governing body of a charter school or its equivalent to implement, for any school identified by the superintendent as persistently lowest-achieving, one of four interventions for turning around lowest-achieving schools described in federal regulations and guidelines for the Race to the Top program. The Act authorizes a

persistently lowest-achieving school implementing specified intervention models to participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher-achieving school.

This Act requires the state education information system be used to report data pursuant to federal programs and authorizes data in that system to be used by local educational agencies to evaluate teachers and administrators.

Other state law requires the superintendent of public instruction to design and implement a statewide pupil assessment program, and it requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, certain achievement tests, including a standards-based achievement test pursuant. This Act expresses the intent of the legislature that the reauthorization of the statewide pupil assessment program includes a plan to transition to a system of high-quality assessments, as defined in the federal Race to the Top guidelines and regulations. The Act establishes an Academic Content Standards Commission to develop academic content standards in language arts and mathematics for approval by the state board of education.

This Act requires the superintendent, the state board, and any other entity or individual designated by the governor to participate in the Common Core State Standards Initiative consortium sponsored by the National Governors Association and the Council of Chief State School Officers or any associated or related interstate collaboration to jointly develop common high-quality standards or assessments aligned with the common set of standards.

Submitted as:

California

[SBX5\\_1](#)

Status: Enacted into law in 2010.

20-31B-09C Race to the Top, Parent Intervention Trigger

CA

This bill establishes an Open Enrollment Program authorizing a pupil enrolled in a low achieving school to attend any higher achieving school in the state. It also establishes a Parent Empowerment Program that authorizes parents to sign a petition requiring a local educational agency to implement a school intervention model.

Submitted as:

California

[SBX5\\_4](#)

Status: Enacted into law in 2010.

The Act directs the state commission on higher education, in consultation with the state department of military and veterans' affairs, to establish a program to help public institutions of higher education in the state provide a comprehensive array of services to help veterans go to college. Such services include helping vets apply for state and federal student financial aid, counseling, appointing a campus veterans' assistance officer and establishing an online resource specifically for veterans attending college.

Submitted as:

New Jersey

[Chapter 125](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

According to its legislative summary, House Bill 3 amends Education Code provisions relating to public school accountability, curriculum, and promotion requirements. The bill includes open-enrollment charter school best practices in the online clearinghouse of best practices information established by the Texas Education Agency (TEA); requires TEA to determine the appropriate topic categories for which a campus, district, or charter school may submit best practices; and expands the scope of the clearinghouse information to include best practices of campuses, districts, and charter schools that demonstrate significant improvement in student achievement.

The bill clarifies that a principal required to participate in the school leadership pilot program for principals is a principal who was employed as a principal at a campus rated academically unacceptable in the preceding school year, and it removes a provision that previously required such a principal's replacement to participate in and complete the program.

The bill requires the State Board of Education (SBOE) to adopt rules requiring students in grades six through eight to complete at least one fine arts course as part of a district's fine arts curriculum during those grade levels, beginning with the 2010-2011 school year. The bill also requires the SBOE, each time the Texas Higher Education Coordinating Board revises its official statewide inventory of workforce education courses, to revise the essential knowledge and skills of any corresponding career and technology education curriculum. The bill enumerates specific factors a district must consider in determining a student's promotion and requires each district to make public the requirements for student advancement by the start of the 2009-2010 school year.

House Bill 3 removes a prohibition against promoting a student to fourth grade if the student did not pass the statewide standardized third grade reading test but requires a student who fails to perform satisfactorily on a statewide standardized test in grades three through eight to be provided accelerated instruction in the applicable subject area and requires such a student to complete the accelerated instruction before being promoted to the next grade.

The bill requires the SBOE to designate the specific courses in the foundation curriculum required for the minimum, recommended, or advanced high school program but prohibits the board from designating a specific course or a specific number of credits in the enrichment curriculum as requirements for the recommended program, and it adds specific eligibility requirements for a student to be permitted to take courses in the minimum program. The bill also amends course credit requirements for high school graduation in the recommended and advanced high school programs. The bill requires TEA to establish a pilot program allowing a student attending school in a county that meets certain population requirements to earn the fine arts credit by participating in a fine arts program not provided by the school district. The bill provides for a student to earn the physical education credit by participating in a private or commercially sponsored physical activity program on or off campus and outside the regular school day.

The bill establishes a pilot program to provide for the award of a high school diploma to a student who demonstrates early readiness for college under an agreement between a research university and a school district in which the district will assess a student's mastery of certain subject areas and of a language other than English in accordance with the standards filed by the university regarding specific competencies indicating mastery of those areas and that language.

House Bill 3 requires TEA to establish a student assessment data portal through which a student or the student's parent can access the student's individual test data, a district teacher or

employee can access individual students' test data to develop strategies for improving student performance, an authorized employee of a public college or university can access individual test data of students applying for admission, and the public can access general student test data. The system must allow a student or parent to track the student's progress on test requirements for graduation, provide test data beginning with the 2007-2008 school year, and make such data available on or before the first day of school following the year in which it is collected.

The bill requires the commissioner of education and the commissioner of higher education to study the feasibility of allowing students to satisfy end-of-course requirements by successfully completing a dual credit course through an institution of higher education.

In addition to the performance standard set by the commissioner for satisfactory performance on required tests, the bill requires a college readiness performance standard set jointly by the commissioner of education and the commissioner of higher education for the Algebra II and English III end-of-course tests and indicating the level of preparation a student must attain in English language arts and mathematics to enroll and succeed, without remediation, in an entry-level college credit course in the same content area. The bill requires TEA to develop a required test in a manner that allows a student's score to provide reliable information relating to a student's satisfactory performance for each performance standard and an appropriate range of performances to serve as a valid indication of growth in student achievement. The bill requires TEA and the coordinating board to gather data and conduct studies to establish correlation between test performance on the Algebra II and English III end-of-course tests and college readiness, requires the two commissioners to set college readiness standards for those tests, and requires TEA and the coordinating board to ensure that, beginning with the 2011-2012 school year, the tests are capable of measuring college readiness. The bill requires TEA and the coordinating board to continue gathering data and to conduct studies at least once every three years.

The bill requires TEA and the coordinating board to conduct similar studies for science and social studies end-of-course tests and authorizes the two commissioners, if the studies substantiate a correlation between a certain level of test performance and college readiness, to establish college-readiness performance standards for science and social studies end-of-course tests. The bill requires TEA and the coordinating board to report to the legislature on the feasibility of setting college readiness performance standards for science and social studies and to conduct additional correlative studies to align student performance on end-of-course tests with postsecondary credentials, college readiness, and tests for subsequent grade levels, as applicable.

House Bill 3 authorizes a campus-level planning and decision-making committee to limit the administration of locally required tests designed to prepare students to take a statewide standardized test to a lower percentage of instructional days than the percentage set by statute, and it extends the one-year test exemption for certain students of limited English proficiency by an additional four years for an unschooled asylee or refugee student. The bill requires TEA to determine the annual improvement required each year for a student to perform satisfactorily on the fifth and eighth grade statewide tests and to provide that information to school districts.

House Bill 3 revises a number of provisions relating to public school accreditation, including a requirement for the commissioner to adopt and regularly review a set of indicators of the quality of learning and student achievement, replacing the existing academic excellence indicator system as the basis for district and campus accreditation and ratings. The bill requires the commissioner to raise periodically the state standard for the student achievement indicator relating to the college-readiness performance standard as necessary to reach certain goals by the

2019-2020 school year. The bill requires the exclusion of certain students from computing required dropout and completion rates and from student achievement indicators for purposes of accreditation and accountability, establishes methods and standards for evaluating school district and campus performance, and eliminates the gold performance rating program. The bill also adds to the circumstances requiring the authorization of special accreditation investigations.

House Bill 3 extends the scope of the financial accountability rating system to include open-enrollment charter schools and prohibits the system from including any performance measure that requires a district to spend at least 65 percent or any other specified percentage of its operating funds for instructional purposes or that lowers a district's rating for failure to spend such a percentage of its operating funds on instruction. The bill requires the comptroller of public accounts to identify districts and campuses with resource allocation practices contributing to high student achievement and cost-effective operations, to rank the relative performance of districts and campuses, and to identify areas for improvement. The bill requires TEA to develop a process for anticipating each district's future financial solvency and a software program that districts can use to submit data to TEA and that alerts TEA of related factors. The bill requires each district to post its budget on its website and maintain it for a period of three years.

The bill revises procedures and requirements concerning accreditation interventions and sanctions, including the assignment of a campus intervention team and the implementation of a campus improvement plan, and procedures for the reconstitution, repurposing, alternative management, and closure of underperforming campuses. The bill also provides for transitional interventions and sanctions for the period of transition to the new accreditation system, which, except as otherwise provided, applies beginning with the 2011-2012 school year, and authorizes the commissioner of education to suspend the assignment of accreditation statuses and performance ratings for that year. The transitional provisions expire September 1, 2014.

House Bill 3 requires the commissioner of education to establish a recognized and exemplary rating for awarding districts and campuses an academic distinction designation and sets forth specific rating criteria. The bill requires the commissioner to award a campus a distinction designation if it is ranked in the top 25 percent of campuses in annual improvement in student achievement in core curriculum subjects, to award such a designation if a campus demonstrates an ability to significantly diminish or eliminate performance differentials between student subpopulations and is ranked in the top 25 percent of campuses under those criteria, and to award a designation for specific programs or specific categories of performance. The bill also requires the commissioner to establish separate committees to develop criteria for each component of the program or performance category designation. The bill also requires the commissioner to adopt and regularly review indicators of quality learning for the purpose of preparing reports for districts, parents, and teachers.

The bill authorizes the commissioner of education and the commissioner of higher education, in consultation with the comptroller and the Texas Workforce Commission, to award grants of up to \$1 million to colleges and universities to develop advanced mathematics and science courses that prepare high school students for employment in a high-demand job. A college or university must work with at least one school district and one business entity and receive matching funds from one or more entities in the industry for which students are being trained.

House Bill 3 requires the comptroller to establish and administer the Jobs and Education for Texans (JET) fund as a dedicated account in the general revenue fund to provide grants to public junior colleges, technical institutes, and eligible nonprofit organizations to develop,

support, or expand programs of nonprofit organizations, educational programs, and scholarships that prepare low-income students for careers in high-demand occupations.

Submitted as:

Texas

[HB3](#)

Status: Enacted into law in 2009.

Comment: This Act is not in the docket 31B bill packet because it is 180 pages.

Disposition: 20-31B-11

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act reforms state school assessment standards by:

- adding an expectation relating to performing arts;
- restating the purposes and components of a balanced assessment program including both formative and summative assessments;
- requiring writing portfolios be maintained for each student in grade 5 to 12;
- requiring an on-demand assessment of student writing one time within the elementary, middle, and high school grades, respectively;
- requiring writing assessments consisting of multiple-choice items emphasizing mechanics and editing one time within the elementary, middle, and high school, respectively;
- requiring each school council to develop policies relating to the school's writing program;
- eliminating practical living and vocational studies from the assessment program but requiring a program evaluation of practical living and career studies annually;
- eliminating arts and humanities student testing from the assessment program but requiring a program evaluation of arts and humanities annually;
- requiring that accelerated learning be provided any student whose scores on any of the assessments indicate skill deficiencies;
- requiring each school to devise an accelerated learning plan;
- requiring individual reports to parents on the achievement of their children compared to school, state, and national results;
- limiting state core content testing to the last seven days of a local district's school calendar and limiting the number of days of testing to no more than five during that period;
- providing that a local board of education may adopt the use of commercial assessments for making formative judgments;
- requiring the state department of education to assist districts in selection of commercial products that address the state's core content;
- requiring the state board of education to recommend at least three companies or products to the state board for approval; and
- requiring the state school curriculum, assessment, and accountability council to provide recommendations relating to the identification of academic skills and deficiencies of individual students.

Submitted as:

Kentucky

[SB1](#)

Status: Enacted into law in 2009.

Comment: This Act is not in the docket bill packet because it is 76 pages.

Disposition: 20-31B-12

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act permits colleges and universities to collect surplus and unused items from students at the end of the school year and donate those items to non-profit organizations. Such items include home furnishings, canned and non-perishable foods, factory sealed and/or originally-packaged toiletries, clothing, cookware, and electronics.

Submitted as:

New York

[Chapter 8 of 2009](#)

Status: Enacted into law in 2009.

Comment: The governor's approval memorandum states:

“This legislation permits the State's institutions of higher learning to develop and implement a program for the collection and distribution of the many items left behind by college students. It will allow public and private colleges and universities to encourage recycling, avoid unnecessary waste and encourage student involvement in a valuable community service--providing community not-for-profit entities a new resource for new and lightly used items. College credits may be issued to student members of organizations involved with a campus-wide charitable donation program.

Students today--more so than previous generations--wish to have a personal impact on their environment, their communities and their futures. Despite this interest, however, college students in New York rank 49th in the United States for levels of volunteerism, as disclosed in the final report of the New York State Commission on Higher Education. We must do more to focus and coordinate students' commitment and energies if higher education is to serve public needs in years to come. This bill helps advance that goal.

This bill permits the distribution of collected items to local community organizations, and permits the sale of such items for the benefit of a charitable cause if there is no viable not-for-profit organization that may accept these goods. However, the bill is written ambiguously and it is not clear whether it is the intention of the sponsor to permit a broader use of the funds received by the sale of these goods. I do not understand the bill to permit any other use of these funds beyond that specifically delineated in the bill. The sponsors have confirmed that it is their intention in drafting this legislation that all proceeds collected during a campus-wide sale shall be provided to a charitable cause.”

The bill is approved. “DAVID A. PATERSON”

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act defines whole-grade sharing as “a sharing arrangement for students among participating school districts that allows resident students at any one or more grade levels within one school district to attend school in one or more of the other participating school districts.” The Act allows school districts to enter into contracts to provide whole-grade sharing of students. Whole-grade sharing can be one-way whereby a participating school district sends all of its students at one or more grade levels to attend school in one or more of the other participating school districts without receiving any students in return. Whole-grade sharing can also be two-way whereby a school district sends all of its students at one or more grade levels to attend school in one or more of the other participating school districts, and in return receives students at one or more grade levels from one or more of the other participating school districts.

Submitted as:

South Dakota

[SB 140](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act creates a pilot program to equip school buses with computers and Internet access to enable schools to teach math and science courses via the Web during the students' commute to and from school.

Submitted as:

Arkansas

[Act 827 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act generally prohibits rescinding an individual health care service plan contract or individual health insurance policy for any reason, or from canceling, limiting, or raising the premiums of the plan contract or policy due to any omission, misrepresentation, or inaccuracy in the application form, after 24 months following the issuance of the plan contract or policy.

Submitted as:

California

[AB 108 / Chapter 406](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act authorizes a person to elect not to provide certain health care services which violate their conscience, to the extent that patient access to health care is not compromised. It further protects people from punitive measures such as liability, discrimination, adverse employment action, prejudice, or general damage for refusing to provide certain health care services. The Act defines “conscience” as “a sincerely held religious belief or moral conviction” and “health care service” as “being limited to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.”

This Act directs that it shall not prevent any employer or patient from inquiring whether a person declines to participate in certain health care services. The Act directs that when a patient requests certain health care services, a person, shall identify in writing, their declination to provide those services.

The bill provides that the provisions of the Act shall not be construed to relieve any health care provider from providing emergency care as required by law.

This legislation provides that people who have a sincerely held religious belief or moral conviction and who seek employment at a health care facility shall notify the prospective employer of the existence of such belief. Any health care facility that employs a person with a sincerely held religious belief or moral conviction shall ensure that the facility has sufficient staff to provide patient care.

The Act provides that a person shall notify their employer in writing as soon as practicable of any health care service which violates their conscience. Under the Act, a person shall notify any patient before providing any consultation or service to the patient.

This Act authorizes the state department of health and human services agency to accept intergovernmental transfers from local governing bodies, for the purpose of enhancing the delivery of health care services for the uninsured and Medicaid patients. It provides that the department of health and humans services may establish a methodology utilizing a pool, to facilitate distribution of any transfers received in addition to any federal financial participation earned through the use of transfers. The law requires the methodology to be created with the intent to maximize the return to the providers within the jurisdiction of the local governing body from which transfer is derived.

Submitted as:

Louisiana

[Act 372 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act addresses using the Internet and other wireless communications devices to acquire health-related information about minors and then using that information unscrupulously. The Act makes it unlawful to solicit or collect health-related information about a minor without the express written consent of the minor's parent or guardian. It makes it unlawful to transfer any health-related information that identifies a minor or to use any of that information to market a product or service to a minor regardless of whether or not the information was lawfully obtained. The bill provides three remedies for a violation: relief as an unfair trade practice, a private right of action, and a civil violation with substantial monetary fines.

Submitted as:

Maine

[LD 1183](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act requires insurance carriers provide notice to policyholders when a policy has been reinstated and following a cancellation notice for nonpayment of premium.

It requires carriers to provide notice to plan enrollees about any exclusions or limits of coverage for childhood immunizations.

The bill requires health insurance carriers post at least five individual and five small group health plans on the carriers' publicly accessible websites for comparison purposes and sets minimum standards the documents carriers use to explain benefits.

The bill establishes standards for provider profiling programs used by insurance carriers.

The Act extends the notice period for carriers to notify policyholders of proposed rate increases. It also permits the state attorney general to request a rate hearing about proposed rate increases for individual health plans.

This legislation increases the minimum loss ratio for individual and small group health plans to 85%. It also requires health maintenance organizations disclose loss information upon request from contract holders in the same manner as insurance companies. The bill authorizes the state superintendent of insurance to adopt rules requiring small group health carriers to offer standardized small group health plans. It requires the superintendent of insurance to undertake market conduct exams of health insurance companies no less frequently than once every 3 years, beginning in 2010.

This Act requires a carrier replacing a previous carrier to honor any prior authorizations for prescription drugs for an enrollee undergoing a course of treatment until the replacement carrier conducts a review of that prior authorization with the enrollee's prescribing provider.

Submitted as:

Maine

[Public Law, Chapter 439, LD 1205](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act creates the professional classification of clinical pharmacist practitioner. It defines a clinical pharmacist practitioner as “a licensed pharmacist in good standing who:

- is certified by the state pharmacy board, in concurrence with the state board of medical examiners, to provide drug therapy management, including initiating, modifying, or discontinuing therapies, identifying and managing drug-related problems, or ordering tests under the direction or supervision of a prescriber;
- has additional education, experience, or certification as required by the state pharmacy board in concurrence with the state board of medical examiners; and
- has in place a collaborative pharmacy practice agreement.”

The bill defines “collaborative pharmacy practice” as “the practice of pharmacy by a pharmacist who has agreed to work in conjunction with one or more prescribers, on a voluntary basis and under protocol, and who may perform certain patient care functions under certain specified conditions or limitations authorized by the prescriber.”

The Act specifies that only a pharmacist certified by the state pharmacy board may legally be identified as a clinical pharmacist practitioner.

Submitted as:

Montana

[SB 174](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act defines “adverse determination” as a determination by a health carrier or its designee utilization review organization that an admission, availability of care, continued stay, or other health care service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care, or effectiveness, and the requested service or payment for the service is therefore denied, reduced, or terminated. The Act defines “final adverse determination” as “an adverse determination involving a covered benefit that has been upheld by a health carrier, or its designee utilization review organization, at the completion of the health carrier's internal grievance process procedures as set forth by state law.” The Act provides uniform standards for an independent, external review of an adverse determination or final adverse determination.

The Act requires that at the same time a health carrier sends written notice of a covered person's right to appeal a coverage decision upon an adverse determination or final adverse determination, a health carrier must notify a covered person and a covered person's health care provider in writing of the covered person's right to request an external review. The bill establishes procedures to request an external review and establishes criteria to expedite that review. This Act sets timelines and criteria for conducting external reviews.

The Act makes an external review decision binding on health carriers. It makes external review decisions binding on the covered person except to the extent the covered person has other remedies available under applicable federal or state law. The Act prohibits a covered person or the covered person's authorized representative from filing a subsequent request for external review involving the same adverse determination or final adverse determination for which the covered person has already received an external review decision pursuant to this Act.

The bill requires the state director of insurance to approve an independent review of organizations eligible to be assigned to conduct external reviews under the Act and establishes eligibility requirements for such organizations.

Submitted as:

Illinois

[Public Act 096-0857](#)

Status: Enacted into law in 2010.

Comment: This bill is not in the docket 31B bill packet because it is 58 pages.

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act requires general hospitals, nursing homes, and diagnostic and treatment clinics with an operating certificate from the state to make available to the public information about nurse staffing and patient outcomes. It directs state commissioner of health to promulgate rules and regulations about the information that must be disclosed under the Act.

Submitted as:

New York

[Chapter 422 of 2009](#)

Status: Enacted into law in 2009.

Comment: The governor's approval memo states:

“This bill would require all facilities licensed by the Department of Health (DOH) under Article 28 of the Public Health Law - which include general hospitals, nursing homes, and diagnostic and treatment clinics - to make available to the public information regarding nurse staffing and patient outcomes, as specified in regulations to be issued by the Commissioner of Health, and to provide such information to any State agency responsible for licensing or accrediting the facility or overseeing the delivery of services. In brief, the Commissioner's regulations will require each facility to disclose certain nursing quality indicators, as appropriate to the particular facility or category of facility, consisting of information about the number of registered nurses and licensed professional nurses providing direct care, the ratio of fulltime nursing staff to patients, the number of unlicensed persons providing direct care, adverse patient care incidents including medication errors and patient injuries, the methods used by the facility to determine and adjust staffing levels, and data regarding complaints filed with state or federal regulatory agencies or accrediting agencies.

While there appears to be widespread support for efforts to provide consumers with information to assist in making informed decisions regarding their health care, a number of concerns have been raised about this bill. In particular, hospitals have argued that staffing needs are affected by a variety of interrelated factors, such as the needs of the patient population, the experience and education of the staff, the use of technology, the physical layout of a unit, and the number and competencies of other clinical and non-clinical staff who provide care.

Because there are no standardized measurement tools, staffing ratios for different facilities cannot be meaningfully compared, leading many to question whether such information would have any value to consumers. Moreover, many have asserted that the bill is unnecessarily duplicative of other state and federal reporting requirements. This is true of hospitals and even more so of nursing homes, as the federal Centers for Medicare and Medicaid Services maintains a website that allows members of the public to examine a variety of quality indicators and to compare nursing homes. The bill also encompasses certain diagnostic and treatment centers that provide primary care and outpatient services, some of whom have reasonably questioned the need for the detailed information about staffing in such settings.

Health care facilities also believe that the bill will impose additional administrative burdens and costs upon them at a time when they are facing significant economic challenges, and I am very sympathetic to this concern. Further, to the extent this bill can be read as requiring the

development of a complex methodology for making adjustments for case mix and acuity, it would require the hiring of additional DOH staff, and thereby have a fiscal impact on the State.

Fortunately, the sponsors assure me that they did not intend the disclosures sought by the bill to be overly complex. The bill entrusts the Commissioner of Health with ample authority and responsibility to appropriately tailor its application, allowing the Commissioner to require reporting in a simple way that will give consumers access to comprehensible information about nursing quality indicators, while minimizing any undue burden on Article 28 facilities that could divert facility resources away from patient care.

In particular, the bill states that disclosure is limited to what is "specified by the Commissioner," and that disclosure is to be what is "appropriate to the reporting facility." This grants the Commissioner discretion in the determination of what items would be exempted or limited from disclosure for a particular class of reporting facility - whether a hospital, a nursing facility or a diagnostic and treatment center. For example, if the Commissioner, in consultation with relevant stakeholders, determines that certain measures are not appropriate for assessing nursing care quality in diagnostic and treatment centers that offer primary care, the Commissioner may exempt or limit their disclosure in regulation. I have confirmed with the sponsors that this is their understanding of the legislation.

Neither the sponsors of the bill nor the executive Branch are interested in burdening Article 28 facilities with unnecessary, inappropriate, or unproductive requirements. The Commissioner will work with stakeholders to draft and promulgate regulations that capture appropriate indicators for nursing care quality protection. Moreover, the sponsors of the bill have assured me that if it turns out that modification of the new law is necessary, they will work with this Administration and interested parties to draft and enact it. With this understanding, and to further the important purposes of transparency and enhancing consumer understanding, I am pleased to sign this bill into law."

The bill is approved. (signed) DAVID A. PATERSON"

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act authorizes a health insurance company to deny a claim or recoup a payment for services within six months of the date of the claim from a provider only if a patient is discovered by the insurer to be covered under a policy from another health insurance entity at the time the services were provided. The bill extends the beginning of the timeframe in which a provider may submit a claim to the second health insurance entity to the date that the claim is originally denied or the date the original health insurance entity recoups payment.

The Act specifies that if the provider provides services based upon the health insurance entity or an agent verifying eligibility; submits a clean claim in good faith and in a timely manner; the health insurance entity denies payment or retroactively recoups payment within six months of the date of payment for a claim on the basis that the individual is not a covered person; and the person was subsequently identified to be covered by a second health insurance entity after the date of service, then the timeframe in the provider's contract with the second health insurance entity for submitting a claim would begin not with the date of service but with the date the claim is either denied or the date the original health insurance entity recoups payment. The health insurance entity subsequently identified to be responsible for the insurance coverage of the patient on the date of service may not deny reimbursement for not filing timely or following its required procedures for prior authorization or pre-certification if:

- the provider followed all of the required procedures in getting a prior authorization or pre-certification from the health insurance entity thought in good faith to be responsible on the date of service;
- a clean claim was timely filed with the original health insurance entity; and
- a clean claim and documentation from the original health insurance entity reflecting the date for denial of coverage are subsequently timely filed with the second health insurance entity, unless fraud was committed by the health care provider.

Under this bill, if the provider provides services based on the health insurance entity or an agent verifying eligibility, submits a clean claim in good faith and in a timely manner, and the health insurance entity subsequently learns after the date of service that the individual was not covered on the date of service and had no other third-party coverage, the health insurance entity would treat the claim as if the individual were covered and make appropriate payment to the health care provider. The health care entity is authorized to bill the patient directly to recoup its expenses in the absence of a responsible health insurance entity.

Submitted as:

Tennessee

[Public Chapter 462 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act provides that zoning ordinances must consider temporary family healthcare structures for use by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver at their residence as a permitted accessory use in any single-family residential zoning district. It prohibits requiring a special use permit or other local requirements for such structures beyond those imposed upon other authorized accessory structures. The legislation requires a caregiver be related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom the caregiver is caring.

Submitted as:

Virginia

[H 1307 \(Enrolled version\)](#)

Status: Awaiting governor's action as of March 24, 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act mandates health insurance policies cover routine patient care costs incurred for cancer treatment in an approved cancer clinical trial to the same extent that such policy or contract provides coverage for treating any other sickness, injury, disease, or condition covered under the policy or contract, if the insured has been referred for such cancer treatment by two physicians who specialize in oncology and the cancer treatment is given pursuant to an approved cancer clinical trial.

Submitted as:

Iowa:

[HF 2075 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

21-31B-11A Health Freedom Act

ID

This Act codifies as state policy that every person in the state is and shall continue to be free from government compulsion in the selection of health insurance options, and that such liberty is protected by the Constitutions of the United States and the state constitution. The bill removes the authority of any state official or employee from enforcing any penalty which violates the policy. It also tasks the office of the Attorney General with seeking injunctive or other appropriate relief, or defending the state and its officials and employees against laws, enacted by any government, which violate the policy.

Submitted as:

Idaho

[HB 391](#)

Status: Enacted into law in 2010.

Comment:

21-31B-11B Mandatory Health Insurance Requirement

VA

This Act provides that a resident of the state shall not be required to obtain or maintain a policy of individual insurance coverage. This applies regardless of whether the person has or is eligible for health insurance coverage under any policy or program provided by or through their employer or a plan sponsored by the state or federal government. The measure also states that no provision renders a resident liable for any penalty, assessment, fee, or fine as a result of their failure to procure or obtain health insurance coverage. The measure does not apply to people voluntarily accepting coverage under a state-administered Medicare or Medicaid program.

Submitted as:

Virginia

[HB 10](#)

Status: Enacted into law in 2010.

Comment: According to an Associated Press article, more than thirty states had introduced similar legislation to this Idaho bill by mid-March 2010. Idaho and Virginia were among or are the first states to enact such legislation into law.

21-31B-11C Reporting on Federal Health Reform

UT

This Act prohibits a state agency or department from implementing any provision of the federal health care reform legislation passed by the United States Congress after March 1, 2010, unless a state agency reports to the legislature about:

- whether the federal Act compels the state to adopt the particular federal provision;
- consequences to the state if the state refuses to adopt the particular federal provision; and
- the impact to the citizens of the state if reform efforts are implemented or not implemented.

The legislation also prohibits an individual in the state from being required to purchase health insurance.

Submitted as:

Utah

[HB 67 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Friday, April 2, 2010 – Utah Governor's Office

SALT LAKE CITY - Governor Gary R. Herbert has signed HB67, which requires the Utah Department of Health to carefully analyze federal healthcare reform efforts prior to implementation and to report to the Legislature potential impacts on Utahns and to the state's own healthcare reform efforts.

"States must take reasoned, proactive steps to keep themselves in control of their own reform efforts," Governor Herbert said. "With last night's passage of federal healthcare reform legislation, it is more important than ever that we stand up to the federal government. States simply cannot afford an unfunded mandate of this magnitude that creates yet another unmanageable federal entitlement program."

"In addition, every Utahn should be concerned about the impact of this legislation on our economic recovery, the chilling effect on job creation for small businesses, and the added burden to an already unacceptable and growing national debt."

One possible response to the expected signing of the legislation by President Barack Obama is a lawsuit against the federal government, such as that proposed Monday by Utah Attorney General Mark Shurtleff.

"In light of the concerns shared by many people in Utah and around the country, it is entirely appropriate that the Attorney General and his counterparts across the nation consider every option on this issue," Governor Herbert said. "A lawsuit puts into action concerns over a federal government overreach that is unprecedented and possibly unconstitutional."

Of particular concern to the Governor is the possibility that the federal legislation will supersede Utah's own healthcare reform efforts, which have been ongoing for several years and are beginning to show great promise toward increasing transparency, access and choice in Utah's healthcare system.

"I have consistently said that one-size-fits-all federal solutions do not address states' unique circumstances, on this issue or any others," Governor Herbert said. "We must recognize the differences that exist throughout the country and develop customized solutions to healthcare reform that addresses the needs of our citizens."

Disposition: 21-31B-11A

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

Disposition: 21-31B-11B

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

Disposition: 21-31B-11C

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

21-31B-12 Abortion and Criminal Homicide of an Unborn Child

UT

This bill clarifies the difference between an abortion and criminal homicide of an unborn child. It also removes prohibitions against prosecuting a woman for killing an unborn child or committing criminal homicide of an unborn child.

This Act provides that, for aggravated murder, the aggravating factor of the victim being under the age of 14 years does not apply to the homicide of an unborn child. It provides that a person is not guilty of criminal homicide of an unborn child if the sole reason for the death of the unborn child is that the person refused to consent to medical treatment or a cesarean section or failed to follow medical advice. It provides that a woman is not guilty of criminal homicide of her own unborn child if the death of her unborn child is caused by a criminally negligent or reckless act of the woman and is not caused by an intentional or knowing act of the woman.

The bill defines terms, including amending the definition of abortion to relate only to a medical procedure carried out by a physician, or through a substance used under the direction of a physician, with the consent of the woman on whom the abortion is performed. The law clarifies that a woman is not criminally liable for seeking to obtain, or obtaining, an abortion that is permitted by law.

Submitted as:

Utah

[HB 462 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act restricts insurers of a Medicare Supplement policies or certificates from denying a policy, conditioning the issuance of a policy, or excluding benefits under a policy, based on a preexisting condition or genetic information of a person. It also prohibits such entities from discriminating in the pricing of the policy or certificate, including the adjustment of premium rates, of an individual on the basis of the genetic information with respect to that individual.

The Act does not limit the ability of an insurer, to the extent otherwise permitted by law, from denying or conditioning the issuance or effectiveness of a policy or certificate or increasing the premium for a group based on the manifestation of a disease or disorder of an insured or applicant or increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy. The manifestation of a disease or disorder cannot be used as genetic information about other group members and to further increase the premium for the group.

Submitted as:

Michigan

[Act 219 of 2009](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This purpose of this Act is to expand access to the health insurance market, increase market flexibility, and provide greater transparency in the health insurance market. This bill:

- prohibits balanced billing by certain health care providers in certain circumstances;
- revises the basic benefit plan used for consumer comparison of health benefit products;
- requires the state insurance department to include in its annual market report a summary of the types of plans sold through an Internet portal, including market penetration of mandated “lite” products;
- allows insurers to offer lower cost health insurance products that do not include certain state mandates in the individual market, the small employer group market, and in the conversion market;
- creates a NetCare Plan, a low cost health benefit plan as an alternative to federal COBRA, state mini-COBRA, and conversion products;
- requires health insurance brokers and producers to disclose their commissions and compensation to their customers prior to selling a health benefit plan;
- modifies the number and type of products an insurer must offer in the small employer group market and the individual market;
- establishes a defined contribution arrangement market available on an Internet portal which will be available to small employer groups and large employer groups and offers a wider range of choices of health benefit plans to employees;
- establishes a board within the state insurance department that with the responsibility to develop a risk adjustment mechanism that will apportion risk among the insurers participating in the Internet portal defined contribution market to protect insurers from adverse risk selection;
- requires insurers who offer health benefit plans on the Internet portal to provide greater transparency and disclose information about the plan benefits, provider networks, wellness programs, claim payment practices, and solvency ratings;
- establishes a process for a consumer to compare health plan features on the Internet portal and to enroll in a health benefit plan from the Internet portal;
- requires the state office of consumer health services to convene insurers and health care providers to monitor and report to a Health Reform Task Force and to the legislature about progress towards expanding access to the defined contribution market, greater choice in the market, and payment reform demonstration projects;
- establishes limited rulemaking authority for the state office of consumer health services to assist employers and insurance carriers with interacting with the Internet portal and facilitate the receipt and payment of health plan premium payments from multiple sources; and
- authorizes the state office of consumer health services to establish a fee to cover the transaction cost associated with the Internet portal functions such as sending and processing an application or processing multiple premium payment sources.

Submitted as:

Utah

[HB 188](#)

Status: Enacted into law in 2009.

Comment:

Massachusetts and Utah were among the first states to set up health insurance exchanges. Similar entities were subsequently referenced as health benefit exchanges in Subtitle D, Part II of the federal [Patient Protection and Affordable Care Act of 2010](#).

[Massachusetts Chapter 58 of 2006](#) is highlighted in the [2008 Suggested State Legislation](#) volume. Among other things, that law created a [Health Connector](#) to facilitate the availability, choice and adoption of private health insurance plans to eligible individuals and groups.

Utah HB188 is presented as a Statement on docket 31B because it is 67 pages.

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act generally establishes a high-risk pool to offer insured health benefit coverage to eligible citizens of the state who presumably otherwise cannot secure affordable coverage by other means. The Pool must offer at least two types of benefit plans, including preferred provider organizations with different levels of deductibles and cost-sharing, and at least one choice of a health savings account. The covered services and benefit levels may vary between the types of benefit plans, but at least two types of benefit plans must, at a minimum, cover the benefits and services outlined in the National Association of Insurance Commissioners' Model Health Pool for Uninsurable Individuals Act and be consistent with comprehensive coverage generally available to people who are eligible for individual health insurance other than Medicare. All benefit plans offered by the Pool must include disease or case management services.

Submitted as:

North Carolina

[SESSION LAW 2007-532](#)

Status: Enacted into law in 2007.

Comment:

More than thirty states have high risk health insurance pools. This 2007 North Carolina legislation is on SSL Docket 31B because it relatively recent legislation, the pool it creates became operational in 2009, and because state high risk insurance pools are referenced in the [Patient Protection and Affordable Care Act of 2010](#). Interested readers can get more information about state insurance risk pools from the [National Association of State Comprehensive Insurance Plans](#).

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

This Act requires data collectors comply with certain standards or use encryption to protect information that is either transmitted electronically or contained on a data storage device that is moved beyond the controls of the data collector. The bill also renders a data collector not liable for a breach of the security of the system data in certain circumstances.

Submitted as:

Nevada

[Senate Bill 227 / Chapter 355](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

- 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 Radio Frequency Identification Device(s) (RFID) to track the movement or identity of students on school grounds, at school functions, or while being transported to and from school grounds or functions.

Submitted as:

Rhode Island

[Chapter 371 of 2009](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

According to a summary by the Research staff of the Missouri House of Representatives, this Act prohibits the state department of revenue from amending procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act of 2005 and from selling any data derived from a person's license or permit application for commercial purposes.

Under the Act, an applicant for a driver's license, nondriver's license, or instruction permit cannot have his or her privacy rights violated in order to obtain or renew the license or permit.

The Act directs that any biometric data previously collected, obtained, or retained by any state department or agency responsible for motor vehicle registration or operation or the issuance or renewal of driver's licenses or identification cards must be retrieved and deleted from all databases. This does not apply to data collected, obtained, or retained for purposes other than complying with the federal act.

The Act requires the state department of revenue to verify that an applicant for a driver's license is a resident of the state or national of the United States or a noncitizen with a lawful immigration status before accepting the application. The license cannot be issued for a period that exceeds the duration of the applicant's lawful immigration status.

The Act establishes that a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department, including any United States military identification or discharge papers, will be sufficient proof of citizenship in the state for renewing a noncommercial driver's license, noncommercial instruction permit, or nondriver's license.

The bill directs that if an applicant for the renewal of a noncommercial driver's license or instruction permit or a nondriver's license is not at least 65 old with a previously issued state noncommercial license or instruction permit or nondriver's license or does not have the required documents to prove state residency, United States naturalization, or lawful immigration status but has held a state noncommercial license or instruction permit or nondriver's license for at least 15 years, the department may issue a one-time only, one-year renewal license or permit.

Submitted as:  
Missouri  
[Truly Agreed to and Finally Passed House  
Committee Substitute For  
House Bill No. 361](#)  
Status: Enacted into law in 2009.

Comment:

Disposition:  
SSL Committee Meeting: 2011B  
 Include in Volume  
 Defer consideration  
 next task force mtg.  
 next SSL mtg.  
 next SSL cycle  
 Reject

Comments/Note to staff:

This Act provides legislative findings about agricultural industrial areas and creates a process for amending local government comprehensive plans to designate and expand existing agricultural industrial uses or facilities located in rural agricultural industrial centers or to expand existing centers to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and existing uses and facilities. The Act defines “rural agricultural industrial center” as “a developed parcel of land in an unincorporated area on which there exists an operating agricultural industrial facility or facilities that employ at least 200 full-time employees and process and prepare for transport, farm products or biomass material that could be used for the production of fuel, renewable energy, bioenergy, or alternative fuel.”

The center may include land contiguous to the facility site not used for the cultivating crops, but on which other existing activities essential to the operation of the facility are located or conducted. The land must be located within, or in reasonable proximity to, not to exceed 10 miles, a rural area of critical economic concern. The bill provides that nothing in the bill shall be construed as conferring the status of a rural area of critical economic concern on any land area not otherwise designated as such pursuant to the current statutory process. A landowner located within a rural agricultural industrial center may apply for an amendment to the local comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses or facilities located in the center or expanding the existing center to include industrial uses or facilities that are not dependent upon but are compatible with agriculture and the existing uses and facilities. The bill provides conditions such applications for local government comprehensive plan amendments must meet. Within six months after receiving such an application, the local government must amend the applicable sections of its comprehensive plan to include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas.

Submitted as:

Florida

[HB 7053 \(Enrolled version\)](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff:

24-31B-02 Agricultural Operations and Sustainable Agriculture KY

This Act enables agricultural operations to incorporate sustainable agricultural practices without necessarily being deemed a nuisance by local ordinances or zoning regulations. The Act requires any administrative regulation promulgated by any agency that establishes standards for harvesting or producing agricultural crops in a sustainable manner shall be based on principles outlined in Act. Such practices can include science-based practices that are supported by research and the use of technology, demonstrated to lead to broad outcomes-based performance improvements that meet the needs of the present, and that improve the ability of future generations to meet their needs while advancing progress toward environmental, social, and economic goals and the well-being of agricultural producers and rural communities.

Submitted as:

Kentucky

[HB 486 \(Enrolled version\)](#)

Status: Awaiting governor's action as of April 8, 2010.

Comment:

Disposition:

SSL Committee Meeting: 2011B

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

Comments/Note to staff: