

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

2012 CYCLE
DOCKET BOOK A

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

CSG AND TRENDS

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

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

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

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

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

TRENDS AND SUGGESTED STATE LEGISLATION

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

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

Megatrend: Aging population

- *Trends:* buying habits, elder care, health care, workforce gaps when baby boomers retire

Megatrend: Immigration/diversity

- *Trends:* government service provision, capacity to fill gaps in workforce

Megatrend: Population growth

- *Trends:* demands and effects on land, climate, water, government resources, schools

Megatrend: Suburbanization/sprawl

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 experience a long-term trend of a widening income gap. In other words, there is

increasing income inequality between the “haves” and the “have nots.” This trend 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 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.

Legislation and accompanying materials should be submitted to the Suggested State Legislation Program, The Council of State Governments, 2760 Research Park Drive, P.O. Box 11910, Lexington, Kentucky 40578-1910, (859) 244-8000, fax (859) 244-8001, or ssl@csg.org.

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	SOURCE
(*) Indicates item is carried over from previous SSL cycle.	
(01) CONSERVATION AND THE ENVIRONMENT	
01-32A-01 Water Smart Homes	CO
01-32A-02 Water Stewardship	GA
01-32A-03 Diesel Emissions	RI
01-32A-04 Bioprospecting	UT
(02) HAZARDOUS MATERIALS/WASTE	
02-32A-01 Universal Recycling	DE
02-32A-02 Solid Waste Management Planning for Residential Recycling	WA
02-32A-03 Biobased Products	OH
(03) ENERGY	
03-32A-01 New Energy Improvement District	CO
03-32A-02 Geothermal Energy	CO
03-32A-03 Community Solar Gardens	CO
03-32A-04 Financing Energy Efficiency Improvements	SC
03-32A-05 Energy Infrastructure Corridors	ME
(04) SCIENCE AND TECHNOLOGY	
*04-31B-01 Computer Merchandise Hoarding	IN
(31B-b) Revise summary and if applicable, note how this bill differs from 2009 SSL draft about reselling tickets.	
04-32A-01A Event Tickets: Prohibited Practices	MN
04-32A-01B Ticket Sales	TN
04-32A-02 Virtual Street Map	LA
(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY	
05-32A-01 Premise Alert Program	IL
(06) PROPERTY, LAND, HOUSING AND INFRASTRUCTURE, DEVELOPMENT/PROTECTION	
06-32A-01A Stays of Foreclosure Proceedings Against Military Veterans	IL
(31B-c) Add similar bills from Illinois and Virginia to next SSL docket.	
06-32A-01B Stays of Mortgage Foreclosure Proceedings Against Military Service Members	MI
06-32A-02 Free Exercise of Religion	AZ
06-32A-03 Stabilize Neighborhoods	MA
06-32A-04 Real Property Transfer Fee Covenants	IA
(07) GROWTH MANAGEMENT	

(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/
DEVELOPMENT

(09) BUSINESS REGULATION AND COMMERCIAL LAW

09-32A-01 Contracts With Automatic Renewal Clauses LA
09-32A-02 Simultaneous Regulatory, Licensing, and
Permitting Processes RI
09-32A-03 Fictitious Business Name Registration MS
09-32A-04 Limiting Swipe Fees VT
09-32A-05 Organized Retail Theft PA

(10) PUBLIC FINANCE AND TAXATION

*10-31B-01 The Model State Administrative Tax Tribunal Act ABA
(31B-e) If applicable, add similar Mississippi legislation to next SSL docket.
10-32A-01 State Debt Collection Coordinator IA

(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS
AND DEVELOPMENT

11-32A-01 Green Technology Education and Training CT

(12) PUBLIC UTILITIES AND PUBLIC WORKS

12-32A-01 Clean Air, Clean Jobs CO

(13) STATE AND LOCAL GOVERNMENT/INTERSTATE
COOPERATION AND LEGAL DEVELOPMENT

(14) TRANSPORTATION

*14-31B-05 Automotive Mobility Dealers IN
(31B-g) Get updated legislation from Indiana expanding the definition of automotive mobility
dealer.
14-32A-01 Indemnification Agreements and Motor Carrier
Transportation Contracts AK
14-32A-02 Tax Credit for Qualified Plug-In Electric Vehicles MD
14-32A-03 Plug-In Electric Vehicles Using High
Occupancy Vehicle Lanes MD

(15) COMMUNICATIONS/TELECOMMUNICATIONS

*15-31B-03 Online Harassment TX
(31B-h) Add California legislation to next docket and similar legislation from other states if
applicable.
15-32A-01A Online Impersonation CA
15-32A-01B Online Impersonation PA
15-32A-02 Advanced Broadband Collocation GA
15-32A-03 Private Shared Services MN

(16) ELECTIONS/POLITICAL CONDITIONS	
16-32A-01 Electronic Access to Ballot Materials	CA
16-32A-02 Campaign Finance Contributions, Independent Expenditures, and Attribution Statements	IA
(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE	
17-32A-01 Electronic Service of Process	CA
17-32A-02 Tampering with Surveillance, Accounting, Inventory, or Monitoring Systems	LA
(18) PUBLIC ASSISTANCE/HUMAN SERVICES	
18-32A-01 Enhanced, Special Foster Care	WV
18-32A-02 Homeless ID	IL
(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS	
(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
20-32A-01 Principal and Teacher Effectiveness	CO
20-32A-02 Charter School Collaborative	CO
20-32A-03 Twice-Exceptional Children	IL
20-32A-04 Summer School Tuition	NJ
(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
21-32A-01 Abortion Reporting	AZ
21-32A-02 Treating Human Embryos	AZ
21-32A-03 Protecting Human Egg Providers	AZ
21-32A-04 Preabortion Screening and Counseling	NE
21-32A-05 Transplant Medication Notification	IL
21-32A-06 Dispensing Medication through Contact Lenses	NJ
21-32A-07A Patient Protection and Affordable Care	CA
21-32A-07B Health Benefit Exchange	CA

(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
23-32A-01 Memorial Privacy	GA
23-32A-02 Tracking Devices	LA

(24) AGRICULTURE

*24-31B-01 Agricultural Industrial Centers	FL
*24-31B-02 Agricultural Operations and Sustainable Agriculture	KY
24-32A-01 Animal Welfare	KY

(25) CONSUMER PROTECTION

(26) MISCELLANEOUS

The Act requires a builder of new single-family detached residences, for which a buyer is under contract, to offer the buyer a selection of certain water-smart home options. Examples include water-efficient toilets, lavatory faucets, and showerheads; dishwashers and clothes washers that meet federal Environmental Protection Agency Energy Star program standards if they are to be financed, installed, or sold as upgrades through the home builder; a front yard landscaping design that follows specified best management practices to ensure both the professional design and installation such that water conservation will be accomplished; and a valve that limits static service water pressure in the residence to a maximum of 60 pounds per square inch.

Submitted as:

Colorado

[HB 10-1358 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act directs several state agencies to examine their practices, programs, policies, rules, and regulations in order to develop programs and incentives for voluntary water conservation and to make regular reports of measurable progress to the Governor, Lieutenant Governor, Speaker of the House, and General Assembly. It requires establishing best management practices by public water systems. It changes provisions relating to state and local watering restrictions. It provides for measuring and separate charging of water to units in certain new construction. It requires water conservation technology be installed in certain buildings, including high-efficiency toilets, shower heads, and faucets. It requires installing high-efficiency cooling towers for certain types of new buildings.

Submitted as:

Georgia

[SB 370 \(As Passed\)](#)

Status: Enacted into law in 2010.

Comment:

Governor Signs Water Stewardship Act

Wednesday, June 2, 2010 Contact: Office of Communications 404-651-7774

ATLANTA – Governor Sonny Perdue today signed the Water Stewardship Act of 2010. The Governor was joined by Lt. Governor Casey Cagle, House Speaker David Ralston, bill sponsors Sen. Ross Tolleson and Rep. Lynn Smith; and Water Task Force members including co-chairs John Brock and Tim Lowe at Buford Dam Park.

“The Water Stewardship Act is the next step forward as we continue building a statewide culture of conservation,” said Governor Perdue. “This legislation helps secure our water supplies by preparing for future growth, protecting our water-sensitive industries and equipping us to navigate future droughts that are sure to come.”

The Water Stewardship Act includes incentives for increasing water stewardship and new conservation requirements. Beginning in July 2012, the legislation requires efficient water fixtures in all new residential and commercial construction statewide as well as the installation of efficient cooling towers in new industrial construction. Also, for all new residential and commercial multi-unit projects, the bill will require sub-metering so that each unit will receive consumption reports and have incentive to practice conservation measures.

“Today marks a big step forward as we continue implementing policies that provide for smart growth initiatives, which guide Georgia's long-term water supply needs,” said Speaker Ralston. “We could not have crafted this bill without the hard work and collaboration of the General Assembly under the leadership of Representative Lynn Smith in the House, the private sector and Governor Perdue.”

“Today marks a significant milestone for our state as we become better stewards of our water and move forward with conservation measures that will safeguard our natural resources,” said Lt. Governor Cagle. “I’m very proud of Senator Ross Tolleson for his hard work and leadership in the Senate. This bill would not have been possible without the collaboration between the House, Senate and Governor Perdue as together we worked to position our state for future water needs.”

The legislation also instructs eight different state agencies to look at local government and water provider grant and loan programs to develop incentive criteria that would encourage retrofit programs on existing construction. For example, a community could receive an interest rate discount for a Georgia Environmental Facilities Authority (GEFA) loan or be able to apply for Community Development Block Grants (CDBG) annually instead of every two years. These incentive programs could range from retrofitting water fixtures to installing drought resistant landscapes to using grey water and implementing conservation pricing.

“This legislation furthers our ability to conserve water,” said Sen. Tolleson. “It will help guide future growth in our state.”

“This legislation gives us the tools we need to conserve as we grow,” said Representative Smith. “The Water Stewardship Act allows us to ably manage our most precious natural resource.”

“The Stewardship Act will help secure Georgia’s future,” said Representative Matt Ramsey, one of the Governor’s Floor Leaders who helped guide the legislation through the General Assembly. “Through the collaboration of the Governor, General Assembly and the business, agriculture and environmental communities, Georgia is safeguarding our water supply.” The legislation is based on recommendations from the Governor’s Water Contingency Task Force, a group of business, civic, government and environmental leaders that met last fall.

“The Governor and the General Assembly embraced the water-saving ideas outlined by the Water Contingency Task Force and created the Water Stewardship Act, which we are here today to celebrate,” said John Brock, chairman and CEO of Coca-Cola Enterprises and co-chair of the Water Contingency Task Force. “The act is a great demonstration of stakeholder involvement and consensus-building from the government, water providers and the agriculture, business and conservation community. Key stakeholders worked together to craft the final piece of legislation and support its passage.” “Without question, ensuring that Georgia businesses and families will have access to clean, plentiful water is critical to our state’s future. The passage of this legislation was a clear demonstration that our elected leaders understand the importance of water to our economic health and quality of life,” added Tim Lowe of Lowe Engineers and co-chair of the Water Task Force. “Now that the bill has been signed into law, the responsibility will lie upon all Georgians to meet the established levels of stewardship and support the state in this important effort.”

The bill also tasks the Georgia Environmental Protection Division with setting standards for water loss and leak detection for all medium and large public water systems. These systems serve 91 percent of Georgia’s water customers. Because data on water loss is currently not comparable from system to system, setting the standards will allow the state to assist water providers by identifying where the biggest losses are occurring.

The legislation also creates the Joint Committee on Water Supply to study new opportunities for enhancing water supply.

Disposition:

SSL Committee Meeting: 2012A

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 department of transportation to set up a pilot project to test the success of retrofitting heavy duty construction equipment to reduce diesel emissions. It requires the department to report to the General Assembly and the Governor 60 days after the pilot project is complete.

The legislation requires one percent of all state agency public works contracts specify that heavy duty diesel equipment used under those contracts must be retrofitted to reduce diesel emission. It allows contractors to choose the equipment to retrofit their equipment to achieve the greatest decrease in emissions at the lowest cost.

The Act directs the state department of environmental management to create a list of technology and equipment to retrofit heavy duty diesel equipment to reduce emissions. It directs that department to work with the construction industry and various environmental health organizations to determine how to address equipment built before 1993 because retrofitting such equipment is difficult and costly.

The bill allows the state to use federal money to pay to retrofit school busses with emissions reducing equipment.

Submitted as:

Rhode Island

[Chapter 184 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

01-32A-04 Bioprospecting

UT

This bill addresses requirements related to bioprospecting. Its provisions define terms, require registration, provide for the state's reservation of economic rights, and provide penalties.

Submitted as:

Utah

[SB 51 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act establishes universal recycling throughout the state. It requires the implementation of comprehensive residential and commercial recycling programs by municipalities and waste haulers. It establishes a fund to make grants and low-interest loans to people to help defray the costs of implementing universal recycling. It also sets up an advisory council to help local authorities comply.

Submitted as:

Delaware

[SB 234](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

02-32A-02 Solid Waste Management Planning for Residential Recycling

WA

The Act requires localities which update solid waste management plans to consider and plan for the following handling methods or services:

(a) Source separation of recyclable materials and products, organic materials, and wastes by generators;

(b) Collection of source separated materials;

(c) Handling and proper preparation of materials for reuse or recycling;

(d) Handling and proper preparation of organic materials for composting or anaerobic digestion; and

(e) Handling and proper disposal of nonrecyclable wastes.

The Act also directs that localities which update solid waste management plans to consider methods that will be used to address:

(a) Construction and demolition waste for recycling or reuse;

(b) Organic material including yard debris, food waste, and food contaminated paper products for composting or anaerobic digestion;

(c) Recoverable paper products for recycling;

(d) Metals, glass, and plastics for recycling; and

(e) Waste reduction strategies.

Submitted as:

Washington

[Chapter 154, Laws of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act requires the state director of administrative services to establish a biobased product preference program that incorporates specified requirements, and defines “biobased product.” The legislation requires the department of administrative services, other state agencies, and state institutions of higher education, when purchasing equipment, material, or supplies, to purchase biobased products in accordance with the program. It also requires the state director of transportation and educational institutions of the state to comply with the program even though those entities have purchasing authority separate from the state department of administrative services.

The legislation authorizes the director to determine that it is not possible for a biobased product to be purchased in accordance with the program if the director finds that the product is not available within a reasonable period of time, fails to meet certain performance standards, or is available only at an unreasonable price. The Act defines “unreasonable price” for such a purpose.

For any biobased product offered under the program, the Act requires a vendor to certify that the product meets the biobased content requirements for the designated item of which the product is an exemplar, and requires a vendor, upon request, to provide to the director information to verify the biobased content of a biobased product qualifying for purchase in accordance with the program.

This legislation requires the director to adopt necessary rules, including procedures that the department of administrative services and other state agencies must use to give preference to and purchase biobased products in accordance with the program.

It requires a state institution of higher education to purchase designated items in accordance with procedures established by the institution.

The bill authorizes a state agency or state institution of higher education to purchase a nonbiobased product that is functionally capable of meeting a specific need of the agency or institution if none of the designated items are capable of meeting that need, and states that such a purchase does not constitute failure to comply with the biobased preference program or preclude the agency or institution from otherwise participating in the program.

This Act exempts the purchase of motor vehicle fuel, heating oil, or electricity from the program's requirements.

The bill requires the director and the Chancellor of the Board of Regents to report to the governor and legislation about the number, types, and amount of money spent to buy biobased products under the program.

Submitted as:

Ohio

[SB 131 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

next task force mtg.

next SSL mtg.

Disposition: SSL Committee Meeting:
2012A

next SSL cycle

Reject

Include in Volume

Defer consideration

Comments/Note to staff:

This bill creates the Colorado New Energy Improvement District to administer and finance a New Energy Improvement Program for on-site energy efficiency and renewable energy improvements. The improvements will be financed by bonds issued by the district that are paid by special assessments levied on homes that choose to participate in the program. The total principal amount of bonds that can be issued by the district is limited to \$800 million and the duration of the bonds cannot exceed 20 years. Bonds are exempt from all taxation and assessments in the state, and do not constitute a debt or financial obligation to the state.

The amount of the assessment will be based on the cost of the home energy improvements to the district, including paying the contractors who make the energy improvements and district administrative costs. The amount of the assessment cannot exceed the value of the special benefit of the energy improvement made to the home, defined as any increase in market value of the property; any cost of completing the improvement defrayed by reimbursement; any reduction in energy bills resulting from completion of the improvement; and any value of the improvement to the property included in the program application.

The assessment can either be paid in full within 30 days of being levied or can be paid in installments, with interest, over a period not to exceed 20 years. The district's payment for an energy improvement, either to a homeowner or contractor, cannot exceed \$25,000, adjusted annually for inflation.

The New Energy Improvement District will include all residential properties that apply to and are accepted to join the district, and the district is authorized to charge program application fees. However, the program may be conducted only in counties where the board of county commissioners has explicitly authorized the program. The district will be a statutory public entity that is governed by a eleven-member board. It will not be an agency of state or local government or subject to administrative direction by any state or local government agency.

A utility can count the energy savings achieved resulting from its efforts with the district toward its demand side management targets or goals established with the Public Utilities Commission.

No later than June 30, 2014 and every 5 years thereafter, the bill requires the State Auditor's Office to conduct a performance audit of the district. The state auditor is required to prepare a report and present its findings to the Legislative Audit Committee. The bill is repealed, effective January 1, 2016, unless the district has issued bonds that have not been fully repaid as of that date.

The district is prohibited from accepting new applications for the program or issuing additional bonds on or after that date.

Finally, the bill creates the Clean Energy Improvement Debt Reserve Fund, to consist of up to \$10,000,000 of non-state money controlled by the Governor's Energy Office. Money in the fund is continuously appropriated to the State Treasurer in order to pay principal and interest on bonds issued by local improvement districts (LIDs). A LID that issues bonds payable with special assessments may rely on these moneys as a reserve for bonded debt in return for paying an annual fee to the State Treasurer. Such fees are considered to be part of the interest rate savings that the LID will realize from having the fund serve as a reserve. The bill also specifies conditions under which money will be expended from the fund to cover the bonds.

Submitted as:
Colorado
[HB 10-1328 \(Enrolled version\)](#)
Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act authorizes federal mineral lease revenues derived from geothermal resource development on federal lands to be used to provide grants to state agencies, school districts, and political subdivisions affected by geothermal development and production. Grants are to be awarded by the state department of local affairs primarily for planning and services necessitated by geothermal development and production, and secondarily to promote geothermal energy resource development.

The Act specifies that in cases where geothermal resources are “severed,” or separated from the land and sold or leased, the bill provides the geothermal resource owner the right to reasonably access these resources.

It requires the state engineer deny applications to appropriate groundwater for geothermal purposes if the appropriation will change the water temperature in a way that affects a valid, prior geothermal right.

The bill specifies that geothermal energy facilities must be valued for property taxes in the same manner in which wind and solar energy facilities are valued. These facilities are valued using the income approach, where the value is based on the projected gross revenue of these facilities.

This Act allows municipalities and counties to designate the use of geothermal resources as an activity of state interest.

The bill allows the state public utilities commission, at a utility's request, to give the fullest possible consideration to the cost-effective implementation of new energy technologies for geothermal energy generation.

Submitted as:

Colorado

[SB 10-174](#)

Status: Enacted into law in 2010.

Comment:

OFFICE OF GOV. BILL
RITTER, JR.
FOR IMMEDIATE RELEASE
FRIDAY, APRIL 30, 2010

CONTACTS

Megan Castle, 303.319.8513, megan.castle@state.co.us

Evan Dreyer, 720.350.8370, evan.dreyer@state.co.us

GOV. RITTER DEDICATES SALIDA’S TOUBER BUILDING AND PROMOTES
GEOTHERMAL ENERGY

Gov. Ritter was joined today by Sen. Gail Schwartz and local officials at the dedication of the new Toubler Building, named after former Salida Mayor Edward Toubler. The City of Salida and Chaffee County will use this historic building for office space.

“The Toubert Building is a shining example of the success that can happen when local and state governments and public and private entities pool their collective financial and creative resources,” said Gov. Ritter. “I know the struggles of Chaffee County, along with the rest of the state and the nation, have not been easy. Partnering together to build a complex like this that will house both city and county community services helps from a financial standpoint. Also, it is a 21st century solution towards building sustainable communities. The state was honored to partner with you on this solution.”

Immediately following the Toubert Building dedication ceremony, Gov. Ritter signed Senate Bill 174, sponsored by Sen. Gail Schwartz and Reps. Christine Scanlan and Tom Massey, which promotes geothermal energy in Colorado.

“Senate Bill 174 will help Colorado to begin to realize the potential of geothermal energy,” Gov. Ritter said. “Geothermal is a great clean renewable energy source, that can be a base load provider and help to bring the benefits of the New Energy Economy to rural Colorado.” “Geothermal energy will diversify Colorado’s energy portfolio. This bill will improve cooperation between the federal, state, and local governments, strengthen Colorado’s energy sector, and create jobs for Coloradans,” Sen. Schwartz said. “I would like to thank Chaffee County for their efforts on this bill and the broader water community for the work on protecting existing geothermal water rights and those in the future.”

“Geothermal is an exciting clean energy movement with the potential to exceed even solar and wind in supplying the US’s electricity needs in the future. In fact, the state Capitol will be moving towards using it next year for the building’s energy needs,” said Rep. Scanlan. “I am pleased that we have made a commitment to strengthen this energy sector.”

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

State regulations by the state public utilities commission provide for customer rebates and renewable energy credits. This bill directs the public utilities commission to begin a rulemaking proceeding by October 1, 2010, to adopt rules under which rebates and renewable energy credits can apply to solar generation facilities known as community solar gardens. The Act defines a community solar garden as an on-site solar electric generation facility with a capacity of up to 2 megawatts in which subscriptions are owned by 10 or more customers. It specifies that community solar gardens qualify as retail distributed generation as defined under state law, but that community solar garden renewable energy credits may not count for more than 20 percent of retail distributed generation in 2011 through 2013.

The Act allows subscriber organizations to create a community solar garden and limits the size of a subscription to 120 percent of the average annual electric consumption of each subscriber at the premises to which the subscription is attributed. It specifies that, from 2011 through 2014, qualifying investor owned utilities must purchase half of their total planned community solar garden purchases but are not obligated to buy more than 6 megawatts of generation.

The bill directs the public utilities commission to determine the minimum and maximum purchases of community solar garden generation in 2014 and thereafter. It adopts rules governing transfers of ownership of subscriptions and allocation of renewable energy credits. It determines a reasonable charge allowing a utility to recover the costs of delivering community solar garden generation, and it specifies that cooperative electric associations and municipally-owned utilities are exempt from the bill.

Submitted as:

Colorado

[HB 10-1342](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act enables gas and electric utility customers in the state to finance the costs of installing equipment and making repairs to their homes to conserve energy by paying an additional “Meter Conservation Charge” as part of their monthly utility bills. Utility customers must permit the utilities to perform an energy audit on their homes before they can sign a contract initiating the charge. The energy audit must be conducted by an energy auditor certified by the Building Performance Institute or similar organization. The audit must provide an estimate of the costs of the proposed energy efficiency and conservation measures and the expected savings associated with the measures, and it must recommend measures appropriately sized for the specific use contemplated.

Contracts to create a Meter Conservation Charge must state plainly the interest rate to be charged to finance the costs of the energy efficiency and conservation measures. The interest rate must be a fixed rate over the term of the agreement and must not exceed four percent above the stated yield for one-year Treasury bills as published by the Federal Reserve at the time the agreement is entered. Customers can pay off their contracts without incurring penalties anytime before their contracts expire.

The Act requires that a utility must file a notice that a meter conservation charge has been imposed on a residential account, so that account holders will be aware of the financing arrangement. However, the Act explicitly provides that notice of a meter conservation charge does not constitute a lien on the property.

Such contracts must also specify the measures to be completed and the contractor responsible for completion of the measures. The choice of a contractor to perform the work must be made by the owner of the residence. Upon request, the electricity provider or natural gas provider must provide the owner of the residence with a list of contractors qualified to do the work.

Upon completion of the work, it must be inspected by an energy auditor certified by the Building Performance Institute or similar organization. Any work that is determined to have been done improperly or to be inappropriately sized for the intended use must be remedied by the responsible contractor. Until the work has been remedied, funds due to the contractor must be held in escrow by the electricity provider or natural gas provider.

Submitted as:

South Carolina

[Act 141 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Dear Members of the Suggested Legislation Subcommittee:

As Chairman of the S.C. Senate Judiciary Committee and President Pro Tempore of the Senate, and as one of the primary sponsors of the legislation, I am submitting Suggested State Legislation that provides for the on-bill financing of energy efficiency improvement by utility customers. The legislation was enacted by the South Carolina General Assembly as Act 141 of 2010. The new law provides a way for utility customers in South Carolina to borrow money for energy

efficiency improvements and repay the loans on their utility bills. The law contains strong consumer protections, such as “bookend energy audits” which are designed to ensure that utility customers will be able to repay their energy efficiency loans with actual savings on their electricity bills. The legislation is an innovative way for state governments to help their citizens meet the challenge of rising energy costs and conservation. On-bill financing legislation could easily be adopted by other states, and Congress is currently considering legislation which would provide low interest financing to utilities in states which have on-bill financing programs.

Thank you for your consideration of this legislation.

Sincerely,

Glenn F. McConnell
Chairman, Senate Judiciary Committee
President Pro Tempore of the S.C. Senate
Post Office Box 142
Columbia, South Carolina 29202
(803) 212-6610 office; (803) 212-6606 fax

ON-BILL FINANCING FOR ENERGY EFFICIENCY UPGRADES (S.C. Act 141 of 2010)

The Problem:

- Too many utility customers live in homes that are inadequately sealed and insulated, or are heated and cooled with outdated and inefficient equipment.
- When severe weather comes -- particularly cold weather -- residents in these homes can experience extremely high electric bills.
- Frequently, customers with high bills are visited by energy auditors who explain what measures can be taken to cure these problems, but many of these customers do not have access to the capital necessary to make these changes.
- Pending regulation of greenhouse gas emissions by the EPA will result in higher costs for utility customers, and low-income customers, who can least afford to invest in energy efficiency, will be hit the hardest.
- Fannie Mae and Freddie Mac recently announced that they will not allow their mortgagors to use PACE financing for energy efficiency improvements, because a PACE lien has priority over mortgage loans.

The Solution:

- Create a low-interest loan program that is widely available to customers in order to weatherize or otherwise upfit their homes with energy efficiency and conservation measures.
- Make the barriers to entry as low as possible, “secure” the loan to the utility meter so that the only question to answer for the utility is “can we save energy in this residence?”
- Ensure that there are appropriate protections for consumers and adequate notice for subsequent purchasers and lessees.
- Ensure that financed improvements will deliver the promised savings by employing “bookend audits” to determine which improvements will deliver energy savings in a

cost-efficient manner and then verify that the job is done properly and will deliver the promised savings.

How the program will work:

- Customer requests an energy audit.
- Energy audit is performed by a trained energy efficiency auditor. If there are enough energy savings to be gained, a detailed proposal* is given to the customer listing specific measures that can be performed, how much it will cost and the proposed payback schedule, which is lengthened so that the customer will realize savings immediately (provided there is no change in use levels, cost of fuel, government regulation, etc.).
- The customer may choose to participate or not.
- If the customer chooses to participate, he or she picks a contractor (from a list of qualified contractors, if requested).
- Once the contractor has performed the specified work, another energy audit is performed to make sure that the work has been done properly and the results have been achieved.
- If the work has not been done properly, the contractor is given the opportunity to remedy the situation and the payment is held in escrow until he or she does so.
- If the work has been done properly, the contractor is paid for the work by the utility.

* Note that South Carolina made the policy decision not to finance improvements which would entail the customer changing the fuel source for his electricity (i.e. electric to gas or vice versa); however each state could reach its own determination on this issue.

Consumer Protections:

- Bookend energy audits, one before and one after, performed by a qualified auditor who has earned accreditation from a national entity such as BPI.
- Customer picks contractor.
- Contractor isn't paid until work is confirmed with an energy audit.
- Maximum interest rate of one year T-bill plus 4 percent.
- No pre-payment penalty in any contract.
- Preserves the customer's rights and remedies under the law for poor workmanship and breach of warranties.
- Both landlords and tenants must agree for new agreements and tenants must be notified of existing agreements.
- If tenants aren't properly notified, they are entitled to deduct the cost of the meter conservation charge from their rent for half of the rent term.

Notice Provisions:

- A notice filing must be made with the county (at the utility's expense) to notify any potential purchasers. However, the filing does not encumber the property's title, and will not have any priority over mortgage liens.
- The filing must show how someone can find out the amount of the charge, how much longer it will remain in effect, and what notice requirements exist for subsequent tenants.
- Sellers of property must disclose the existence of a meter conservation charge on the seller's disclosure required to list their property.

Community Action Agencies:

- Community action agencies, their sources of funding, and their administration of those funds, are specifically protected by this legislation.**

** Note that South Carolina made the policy decision to protect the funding sources of community action agencies; however, each state can make its own determination on this issue.

Congressional Support:

- On September 16, 2010, the U.S. House of Representatives passed H.R. 4785, the Rural Energy Savings Program (also known as “Rural Star”), legislation which would provide low interest financing for home energy efficiency loans. This legislation also contains a complimentary urban component known as “Loan Star”. Loan Star and Rural Star are now pending in the United States Senate.

- Rural Star and Loan Star are premised on the widespread adoption of on-bill financing programs which would allow consumers to take advantage of the programs.

President Obama’s New Plan:

- This program is not related to President Obama’s new Home Star plan.
- People who use this program will still be able to participate in the Home Star’s rebate plan if they meet its qualifications.

Examples (for illustrative purposes only)

Typical weatherization:

- Cost: \$1,250
- Estimated monthly savings: \$18.00 (a little over 10% of an average bill)
- Normal payback period from savings: 5.8 years
- Co-op plan: customer keeps \$6.00 (1/3) and repays \$12.00 (2/3)

- Heat pump from resistance heat: Cost: \$4,500
- Estimated monthly savings: \$86.00
- Normal payback period from savings: 4.4 years
- Co-op plan: customer keeps \$28.67 (1/3) and repays \$57.33 (2/3)

Disposition: 03-32A-04

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act addresses energy infrastructure development and the establishment of energy infrastructure corridors within the State.

Part A of the law designates the Interstate 95 corridor, the Interstate 295 corridor and the Searsport-Loring Corridor as “statutory corridors” and continues a process in current law for the designation of "petitioned corridors" by petition to the Public Utilities Commission. It establishes an interagency review panel to oversee the use of the statutory corridors including soliciting, accepting and evaluating proposals for the use of the corridors and it establishes standards for approval of proposals to ensure that they are in the long-term best interests of the State. For energy infrastructure projects within a statutory corridor, it requires projects to obtain a long-term occupancy agreement with the Interagency Review Panel, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the Public Utilities Commission. For energy infrastructure projects within a petitioned corridor, it requires projects to obtain a corridor use certificate from the Public Utilities Commission, a consolidated environmental permit from the Department of Environmental Protection and, if the project is a transmission line, a certificate of public convenience and necessity from the commission. It specifies that an energy infrastructure proposal may be approved by the Interagency Review Panel or the Public Utilities Commission, as appropriate, only if the proposal meets certain criteria related to transmission opportunities for in-state energy generation, impacts on electric rates or other energy costs and the long-term public interest of the State. It also amends the laws governing the approval of electric transmission lines by the Public Utilities Commission to designate certain lines as "high-impact electric transmission lines" and to require the commission to review petitions for such lines using the same decision criteria that govern approval of proposals to development energy infrastructure within statutory corridors and petitioned corridors.

Part A of the law requires the Maine Turnpike Authority to negotiate and enter into a memorandum of agreement with the Department of Transportation to govern the conditions under which the authority will grant an occupancy agreement for use of the authority's property as part of the Interstate 95 corridor and it specifies requirements regarding the terms of that memorandum of agreement. It also prohibits the Public Utilities Commission from designating a petitioned corridor in the Maine Turnpike.

It also moves the repeal date for the energy infrastructure corridor laws forward from July 30, 2011 to July 30, 2015.

Part B of the law establishes an energy infrastructure benefits fund, which consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development. It provides that each fiscal year, 20% of the revenues collected in the energy infrastructure benefits fund be transferred to the Transportation Efficiency Fund to be administered by the Department of Transportation and used by the department to increase the energy efficiency of or reduce reliance on fossil fuels within the transportation system. The other 80% of the revenues are transferred to the Efficiency Maine Trust for expenditure on energy efficiency initiatives and alternative energy resources initiatives. The director of the Trust is required to report annually on the use of the revenues from the fund as part of the annual report of the Trust.

Part B of the law also directs the Executive Department, Governor's Office of Energy Independence and Security to convene two working groups to examine and make

recommendations regarding the use of revenues generated by energy infrastructure development in energy infrastructure corridors. One working group is designed to focus on the use of these funds for transportation efficiency initiatives and the other is designed to focus on the use of these funds for alternative energy resources initiatives. Each working group is required to submit a report by March 1, 2011.

Part C of the law requires the director of the Governor's Office of Energy Independence and Security as part of the comprehensive state energy plan to identify transmission capacity and infrastructure needs and recommend actions to support the new renewable energy generation. It also requires the director to advise state agencies regarding energy-related principles, consistent with the decision criteria for energy infrastructure development, to be considered in conjunction with the sale, lease or allowance of use of state-owned land or assets for energy infrastructure development.

It requires the joint standing committee of the Legislature having jurisdiction over utilities and energy matters to review the implementation of the provisions of this bill during the First Regular Session of the 125th Legislature. In addition, it requires the Department of Transportation to report to the joint standing committees having jurisdiction over transportation matters and over utilities and energy matters by January 15, 2011 regarding current and potential uses of abandoned railroad corridors for energy infrastructure development.

Submitted as:

Maine

[Public Law, Chapter 655](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

*04-31B-01 Computer Merchandise Hoarding

IN

This Act is aimed at restricting ticket brokers from using software to buy large blocks of tickets for events immediately after the tickets go on sale and then reselling those tickets at more than face value. The practice, also known as ticket sniping, can prevent the general public from being able to buy tickets at face value and force them to get tickets from a broker. This Act differs from a 2009 *SSL* draft entitled “Reselling Tickets.” That 2009 draft Act prohibits reselling tickets within a certain distance from the event and requires ticket resellers give refunds when events are cancelled.

Submitted as:

Indiana

[House Enrolled Act No. 1180](#)

Status: Enacted into law in 2009.

Comment: CSG staff revised the summary of this Act to better describe what it does and how it differs from a 2009 *SSL* draft about reselling tickets, per notation 31B-c.

04-32A-01A Event Tickets: Prohibited Practices

MN

This Act requires an initial seller of event tickets over the Internet to sell tickets under the control of the initial seller in the manner directed by the provider of the event or venue. It prohibits the initial seller from diverting tickets to be sold in any other manner. The Act also prohibits a seller or reseller of event tickets over the Internet from selling or reselling event tickets before they are offered for sale as authorized by the provider of the event or venue.

Submitted as:

Minnesota

[Chapter 61 -- H.F. No. 819](#)

Status: Enacted into law in 2009.

04-32A-01B Ticket Sales

TN

This Act makes it an offense to knowingly sell, give, transfer, use, or distribute, or possess with intent to sell, give, or distribute, any software that is primarily designed or produced for the purpose of interfering with the operations of any ticket seller that sells, over the Internet, tickets of admissions to a sporting event, theater, musical performance, or place of public entertainment or amusement, by circumventing any security measures on the ticket seller's Web site or circumventing any controls or measures that are instituted by the ticket seller on its Web site to ensure an equitable ticket buying process; offense is Class B misdemeanor punishable only by a fine of not more than \$5,000 or any profits made or tickets acquired in the course of the violation, whichever is greater.

Submitted as:

Tennessee

[Chapter 731 of 2008](#)

Status: Enacted into law in 2008.

Disposition: *04-31B-01

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

Comment:

Disposition: 04-32A-01A

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

Comment:

Disposition: 04-32A-01B

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

04-32A-02 Virtual Street Map

LA

This Act prohibits using an Internet, virtual, street-level map to commit a crime or terrorism.

Submitted as:

Louisiana

[Act No. 62](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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 guide public safety workers in responding to and assisting those people with special needs or disabilities or both with whom they will have contact in the performance of their duties and responsibilities. The bill sets criteria for entering data into, publicizing, and using a computer aided dispatch database of individuals with special needs maintained by public safety agencies.

Submitted as:

Illinois

[Public Act 096-0788](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

06-32A-01A Stays of Foreclosure Proceedings Against Military Veterans

IL

This Act enables a court to issue a 90 day stay of a foreclosure proceeding when the defendant is a person who was deployed to a combat or combat support posting while on active military duty and serving overseas within the previous 12 months.

Submitted as:

Illinois

[Public Act 096-0901](#)

Status: Enacted into law in 2010.

Comment: CSG staff added this and Michigan PA 138 to this docket per notation 31B-c. However, according to Virginia legislative staff, as of August 2010, Virginia had not enacted legislation similar to Alabama SB 242.

06-32A-01B Stays of Mortgage Foreclosure Proceedings Against Military Service Members

MI

This Act provides for a court to stay mortgage foreclosure proceedings for six months after the end of a defendant's military service, if the defendant were a service member and either had entered into the mortgage or land contract before becoming a service member or were deployed in overseas service. (This refers to a "defendant" in an action to foreclose a mortgage on real estate or a land contract.)

The Act invalidates a foreclosure by advertisement or the sale of mortgaged property under a power of sale during a period of military service or within six months after the end of military service, if the mortgagor were a service member who entered into the mortgage before becoming a service member or is deployed in overseas service.

It prohibits a person from selling or foreclosing real estate if the person knew the foreclosure or sale was invalid, and prescribes a civil fine of \$2,000 for a violation.

The Act allows the Attorney General to file an action in circuit court to collect a civil fine under the bill, and require civil fine revenue to be deposited into the Military Family Relief Fund as prescribed in Public Act 363 of 2004. The bill does not apply to a mortgage or land contract entered into before the bill's effective date.

The Act defines "service member" as an individual who is in military service and is a member of the armed services or reserve forces of the United States or a member of the Michigan National Guard. The bill also would define "military service," "active duty," and "period of military service."

Submitted as:

Michigan

[Public Act 138 of 2008](#)

Status: Enacted into law in 2008.

Disposition: 06-32A-01A

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

Disposition: 06-32A-01B

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act generally limits how governments can impose restrictions on land used for religious purposes. It prevents a government from imposing or implementing a land use regulation that imposes an unreasonable burden on a person's exercise of religion, unless the government demonstrates that the exercise of religion at a particular location violates religion-neutral zoning standards enacted into law at the time of the person's application for a permit; the exercise of religion at a particular location would be hazardous due to toxic uses in adjacent properties; or the existence of a suitable alternative property the person could use for the exercise of religion.

The bill stipulates that a government, regardless of a compelling interest, shall not impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with nonreligious assembly or institution discriminates against an assembly or institution on the basis of religion, or completely excludes a religious assembly or institution from a jurisdiction or unreasonably limits religious assemblies institutions or structures within a jurisdiction.

Submitted as:

Arizona

[Chapter 323 of 2010](#)

Status: Enacted into law in 2010.

Comment: An Arizona State Senate final analysis of the bill as enacted states:

“The U.S. Congress enacted the Religious Land Use and Institutionalized Persons Act (RLUIPA) in 2000. RLUIPA prohibits zoning and landmarking laws that substantially burden the religious exercise of churches or other religious assemblies or institutions, unless implementation of such laws is the least restrictive means of furthering a compelling governmental interest. RLUIPA prohibits zoning and landmarking laws that: a) treat churches or other religious assemblies or institutions on less than equal terms with nonreligious institutions; b) discriminate against any assemblies or institutions on the basis of religion or religious denomination; c) totally exclude religious assemblies from a jurisdiction; or d) unreasonably limit religious assemblies, institutions, or structures within a jurisdiction.

The Department of Justice (DOJ) is authorized to investigate alleged RLUIPA violations and, as such, DOJ may file a lawsuit to enforce the statute or obtain injunctive relief. Individuals, houses of worship, and other religious institutions are also permitted to file a lawsuit in federal or state court to enforce RLUIPA.

There is no anticipated fiscal impact to the state General Fund.

Provisions

1. Prohibits a governmental entity from imposing or implementing a land use regulation, regardless of a compelling governmental interest, that:

a) imposes an unreasonable burden on a person's exercise of religion, unless the governmental entity demonstrates one of the following:

(i) the exercise of religion at a particular location violates religion-neutral zoning standards in effect at the time of application for a permit;

(ii) the exercise of religion at a particular location would be hazardous due to toxic uses in adjacent properties; or

(iii) the existence of a suitable alternative property that could be used for the exercise of religion.

b) treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution;

c) discriminates against an assembly or institution on the basis of religion; or

d) completely excludes a religious assembly or institution from a jurisdiction or unreasonably limits religious assemblies, institutions or structures within a jurisdiction.

2. Allows a city or town governing body to approve an exemption from distance restrictions for a church or charter school located in an entertainment district with the following limitations:

a) a city or town with a population of at least 500,000 may not designate more than three entertainment districts within its boundaries.

b) a city or town with a population of at least 200,000 but less than 500,000 may not designate more than two entertainment districts within its boundaries.

c) a city or town with a population of less than 200,000 may designate no more than one entertainment district within its boundaries.

3. Defines entertainment district, nonreligious assembly or institution, person, religion-neutral zoning standards, suitable alternate property and unreasonable burden.

4. Makes a conforming change.

5. Becomes effective on the general effective date.

Amendments Adopted by Senate Committee of the Whole

1. Allows a city or town governing body to approve an exemption from distance restrictions for a church or charter school located in an entertainment district.

2. Specifies the ratio for population to entertainment district designation restrictions.

3. Defines entertainment district.”

Disposition:

SSL Committee Meeting: 2012A

() Include in Volume

() Defer consideration

() next task force mtg.

() next SSL mtg.

() next SSL cycle

() Reject

Comments/Note to staff:

The Act generally addresses several aspects of foreclosure. It requires 150-day cure period unless lender negotiates in good faith to modify the loan, in which case the cure period is 90 days. Starting January 1, 2016, only a 90-day cure period is required. It provides eviction protections to tenants in foreclosed properties who pay rent and comply with tenancy obligations. The legislation provides additional consumer protections for reverse mortgages and allows exemption from property taxes for nonprofits that rehabilitate foreclosed properties. The bill criminalizes mortgage fraud.

This Act creates several protections for people who hold mortgages and tenants. It prohibits mortgagees from making reverse mortgage loans to mortgagors unless the mortgagors affirmatively opt in writing for the reverse mortgage and at or before the closing of any reverse mortgage loan the mortgagees have received written certification from a counselor with a third-party organization that the mortgagors have received counseling in person relative to the appropriateness of the loan transactions from a state-approved third party organization. The Act states that a reverse mortgage executed with borrowers who have not received counseling by a third party approved by the state shall render the terms of the reverse mortgages unenforceable.

The Act grants a mortgagor of residential property, under certain conditions, a 150-day right to cure a default of a required payment in the residential mortgage or note secured by the residential property by full payment of all amounts that are due without acceleration of the maturity of the unpaid balance of the mortgage. It limits such right to cure a default of a required payment to once during any 3 year period.

The Act prohibits a foreclosing owner from evicting a tenant except for just cause or unless a binding purchase and sale agreement has been executed for a bona fide third party to purchase the housing accommodation from a foreclosing owner. It defines just cause as:

- the tenant has failed to pay the rent in effect prior to the foreclosure or failed to pay use and occupancy charges, as long as the foreclosing owner notified the tenant in writing of the amount of rent or the amount of use and occupancy that was to be paid and to whom it was to be paid;
- the tenant has materially violated an obligation or covenant of the tenancy or occupancy, other than the obligation to surrender possession upon proper notice, and has failed to cure such violation within 30 days after having received written notice thereof from the foreclosing owner;
- the tenant is committing a nuisance in the unit, is permitting a nuisance to exist in the unit, is causing substantial damage to the unit or is creating a substantial interference with the quiet enjoyment of other occupants;
- the tenant is using or permitting the unit to be used for any illegal purpose;
- the tenant who had a written bona fide lease or other rental agreement which terminated, on or after August 10, 2010, has refused, after written request or demand by the foreclosing owner, to execute a written extension or renewal thereof for a further term of like duration and in such terms that are not inconsistent with this chapter;
- the tenant has refused the foreclosing owner reasonable access to the unit for the purpose of making necessary repairs or improvement required by the laws of the United States, the state or any subdivision thereof, or for the purpose of inspection as permitted or required by agreement or by law or for the purpose of showing the unit to a prospective purchaser or mortgagee provided.

Submitted as:
Massachusetts
[Chapter 258 of the Acts of 2010](#)
Status: Enacted into law in 2010.

Comment: This Massachusetts law was written in part by students and staff with the Harvard Legal Aid Bureau and is reported to be one of the strictest of its kind in the nation.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act prohibits the running of a transfer fee covenant with the title to real property. The Act defines a transfer fee to mean a fee or charge payable upon the transfer of an interest in real property, or payable for the right to make or accept a transfer of an interest in real property, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the property, the purchase price, or other consideration given for the transfer. The Act defines a transfer fee covenant to mean a declaration or covenant purporting to affect real property which requires or purports to require the payment of a transfer fee to the declarant or other person specified in the covenant or declaration, or to their successors or assigns, upon a subsequent transfer of an interest in real property.

The Act provides that a transfer fee covenant shall not run with the title to real property and is not binding on or enforceable at law or in equity against any subsequent owner, purchaser, or mortgagee of any interest in real property. Any lien purporting to secure the payment of a transfer fee under a transfer fee covenant is void and unenforceable.

The Act specifies various types of consideration, commissions, interests, charges, fees, rent, reimbursement, taxes, assessments, or fines that do not constitute a transfer fee and would accordingly not be subject to the prohibition.

Submitted as:

Iowa

[SF 2192 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act requires language to automatically renew certain contracts for selling goods or services to consumers be clearly and conspicuously noted in the contract or contract offer.

Submitted as:

Louisiana

[Act 906 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

09-32A-02 Simultaneous Regulatory, Licensing, and
Permitting Processes

RI

This Act allows state agencies with regulatory or permitting authority over businesses to establish a process to allow one or more other state or local agencies to simultaneously review and approve business licenses and permits at the businesses' request. Businesses opting for simultaneous review may not recover any fees associated with the simultaneous review if those businesses fail to get the items under review approved.

Submitted as:

Rhode Island

[Chapter 258 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act establishes a centralized statewide system for voluntary registration of fictitious business names in order to provide the public with the actual identities of persons or entities doing business in the state.

Submitted as:

Mississippi

[Senate Bill No. 2003](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act limits the swipe fees for credit and debit cards that merchants must pay to handle customer transactions.

Submitted as:

Vermont

[Act No. 116](#)

Status: Enacted into law in 2010.

Comment: Vermont is reported to be the first state to enact the language in Sections 1 and 2 of this Act.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

According to the Federal Bureau of Investigation, organized retail theft losses have amounted to as much as \$30 billion. It is a growing problem for retailers, manufacturers and distributors in this state and throughout the United States. Organized retail theft is committed by professional theft rings which move across communities and states to pilfer merchandise from supermarkets, chain drugstores, independent pharmacies, mass merchandisers, convenience stores, warehouses and transporters, then resell that merchandise in venues including the Internet, at flea markets and to the stores from which it was stolen. Popular targets include infant formula, skin care products, heartburn medications and shaving products.

This Act defines and provides penalties for organized retail theft. The offense of organized retail theft is graded as a felony of the second degree if a person organizes, coordinates, controls, supervises, finances, or manages the activities of an organized retail theft enterprise. A second degree felony is punishable by up to 1 year imprisonment and/or a fine up to \$25,000.

The offense of organized retail theft is graded as a felony of the third degree if a person:

- takes possession of, carries away, transfers or causes to be carried away or transferred, any quantity of merchandise from a retail establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value and for the purpose of selling the merchandise to a person in the business of buying or selling stolen property;
- is employed by or associates with any organized retail theft enterprise, or conducts or participates, directly or indirectly, in the activities of such enterprise;
- acquires or maintains, directly or indirectly, any interest in any organized retail theft enterprise; or
- conspires to violate, or solicits another person to violate, any of the foregoing provisions.

A third degree felony is punishable by up to seven years imprisonment and/or a fine up to \$15,000.

A 2008 SSL draft Act entitled [Organized Retail Theft](#) creates three crimes. One addresses theft of property with a value of at least \$250 from a mercantile establishment with intent to resell. Another makes it a crime to possess stolen property from a mercantile establishment with a value of at least \$250. The third addresses theft of property from a mercantile establishment when the person leaves through an emergency exit, uses a device designed to overcome security systems, or commits theft at 3 or more mercantile establishments within 180 days. Finally, this Act adds theft with intent to resell and organized retail theft to a list of offenses that can be “criminal profiteering” when punishable as a felony and by imprisonment for more than one year. This SSL draft Act is based on Washington Chapter 277 of 2006.

A 2009 SSL draft Act entitled [Organized Retail Crime](#) allows for the amount of goods stolen to be aggregated into one charge before a defendant goes to trial. The Act also allows grouping multiple offenses together to meet a threshold that imposes stiffer charges on people who commit organized retail theft. This legislation requires establishments which accept large amounts of items for resale to make a reasonable attempt to determine if the items are stolen. This SSL draft Act is based on Delaware HB 121, which was enacted into law in 2007.

Submitted as:

Pennsylvania

[HB 1720](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

*10-31B-01 The Model State Administrative Tax Tribunal Act MODEL

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: Per 31B-e, if applicable, add similar Mississippi legislation to next SSL docket.

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: 2012A

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

Comments/Note to staff:

This Act establishes the Office of State Debt Coordinator and relates to the collection of state debt. The Act establishes a process for the coordinator to file a notice of a lien in a civil action where a person who owes a debt obligation to the state may have a claim against a third party. The Act establishes a process to settle the lien prior to the payment of any claim by the third party to the person owing a debt obligation to the state. The Act allows the coordinator viewing access to the state Court Information System for the purpose of collecting personal identifying information and coordinating debt collection efforts.

The Act allows a county treasurer to collect delinquent state taxes from a person who is applying for a renewal of motor vehicle registration. Current law requires the person to address the debt before the county treasurer can renew the registration of the person's vehicle. The Act also allows the Centralized Collection Unit of the Department of Revenue to lift the motor vehicle registration hold on a person who enters into a payment plan with the unit to pay court debt.

This bill establishes the priority of payment in circumstances where a lien filed in a civil action encompasses multiple claims by state entities. The Act provides that the payment made to the coordinator to settle the lien shall first be a credit against any tax due under certain state law, and the remaining balance shall be distributed in accordance with Code Section 8A.504.

The legislation requires the coordinator, in consultation with the superintendents of Banking and Credit Unions, to study the feasibility of developing a data match system using automated data exchanges or other means to identify people who owe delinquent obligations to the state.

Submitted as:

Iowa

[Senate File 2383 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act requires higher education institutions in the state to publicize green technology initiatives in higher education and collaborate in furthering these initiatives. It requires the Department of Higher Education and the Department of Education to develop annually and publish on its website a list of every green jobs course and academic program in a public higher education institution or a regional vocational-technical school in the state and an inventory of green jobs-related equipment in these schools. Additionally, the Act requires the Community-Technical Colleges (CTC) Board of Trustees to have uniformly named green jobs academic programs in the CTC.

The Act also requires institutions to hold meetings to explore possible ways to collaborate on green initiatives and support efforts to develop career ladders in the green technology industry.

The Act requires the Connecticut Employment and Training Commission and Connecticut Energy Sector Partnership annually to solicit and publicize information on efforts made by Connecticut higher education institutions to promote the green technology industry. This includes the development of new courses and academic programs and initiatives to align green jobs programs with employer needs.

The Act defines a “green job” as one that uses green technology and may include the occupation codes identified as green jobs by the United States Bureau of Labor Statistics and any codes identified as green jobs by the departments of Labor and Economic and Community Development. It defines “green technology” as technology that promotes clean energy, renewable energy, or energy efficiency; reduces greenhouse gases or carbon emissions; or involves the invention, design, and application of chemical products and processes to eliminate the use and generation of hazardous substances.

The Act requires each regional vocational-technical school and public higher education institution to develop, in a manner prescribed by the commissioners of education and higher education, equipment-sharing agreements for students in green jobs courses or academic programs, including solar photovoltaic installation.

It also requires quarterly meetings between staff from the state university’s Center for Clean Energy Engineering and another university’s Institute of Sustainable Energy to explore possible collaboration on green technology and green jobs initiatives. It requires staff from other public higher education institutions and centers focusing on clean or sustainable energy that are affiliated with these institutions and in the same geographic region to meet in order to promote collaboration with respect to the green technology industry.

Finally, the Act requires public higher education institutions to consult with regional workforce development boards in supporting efforts to develop career ladders and lattices in the green technology industry. It specifies that special attention be given to workers who entered these fields as a result of the 2009 American Recovery and Reinvestment Act.

Submitted as:

Connecticut

[Public Act No. 10-156](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

In anticipation of emission requirements of the federal Clean Air Act, this state Act requires by August 15, 2010, all regulated utilities (IOUs) that own or operate coal-fired electric generating units submit to the state Public Utilities Commission (PUC) an emissions reduction plan for those units. The plan is required to cover 900 megawatts or 50 percent of the utility's generating capacity, whichever is less. The plan must give primary consideration to conversion of the units to natural gas or other low-emission resources, and may not cover any units already planned for retirement prior to January 1, 2015.

The PUC will provide the state Department of Public Health and Environment (DPHE) with an opportunity to comment on the utility's plans. Specifically, the DPHE must determine whether any new or repowered generating unit will emit more than 1,100 pounds of carbon dioxide (CO₂) per megawatt of generation, and whether the plans comply with applicable federal and state clean air laws. Plans must be fully implemented by December 31, 2017.

The PUC must also evaluate and approve, modify, or deny the plans by December 15, 2010, considering the following factors:

- the emission reductions achieved;
- the use of existing natural gas generation capacity;
- whether the plan promotes economic development;
- any potential rate impacts;
- whether the plan preserves reliable electric service for consumers; and compliance with federal and state renewable energy requirements.

The bill requires the state air quality control commission to incorporate the reductions derived from the plans into the regional haze element of the state implementation plan. Any reduction achieved through a compliance strategy before it is mandated by federal law count as voluntary for purposes of early reduction credits. Utilities are required to certify annually the comparative carbon dioxide emission rate of retired and replacement electric generation resources, comparative unit utilization rates, and the overall volume of CO₂ emissions reduced.

Finally, the PUC is authorized, after January 1, 2012, to approve interim rates that take effect within 60 days after a rate increase filing. The PUC is also directed to require a utility to rebate rates if the final rate is lower than the interim rate.

Submitted as:

Colorado

[HB 10-1365](#)

Status: Enacted into law in 2010.

Comment:

CONTACTS

Evan Dreyer, 720.350.8370, evan.dreyer@state.co.us

Megan Castle, 303.319.8513, megan.castle@state.co.us

GOV. RITTER SIGNS HISTORIC CLEAN AIR-CLEAN JOBS ACT

Bipartisan measure will cut air pollution, create jobs & boost Colorado natural gas sector

Gov. Bill Ritter today signed into law the historic Colorado Clean Air-Clean Jobs Act, landmark legislation that gives other states and the entire nation a new roadmap to a sustainable energy, economic and environmental future. “This law is a template for tomorrow that allows us to transform our energy portfolio, our economy and our environment by working strategically and collaboratively,” Gov. Ritter said. “By shifting our oldest and least efficient coal plants to cleaner, Colorado-produced natural gas, we send a strong message to the rest of the country that we absolutely can cut air pollution and protect public health while also creating jobs and protecting ratepayers.”

Gov. Ritter was joined at the Capitol signing ceremony by members of a broad coalition that supported House Bill 1365, including Xcel Energy Chairman and CEO Dick Kelly, lawmakers, power producers and conservationists. The bill’s main sponsors were Reps. Judy Solano (D-Brighton) and Ellen Roberts (R-Durango) and Sens. Bruce Whitehead (D-Hesperus) and Josh Penry (R-Grand Junction.)

The Colorado Clean Air-Clean Jobs Act requires Xcel to cut nitrogen oxide emissions by up to 80 percent from several Front Range coal plants by the end of 2017, most likely sooner. Xcel will work with the Colorado Department of Public Health and Environment to submit a plan to the Public Utilities Commission by Aug. 15, detailing how it will retire or retrofit 900 megawatts of coal-fired capacity. Xcel will give primary consideration to replacing or repowering those plants with natural gas, renewables, greater efficiencies and other cleaner energy sources. “HB 1365 will help us comply with looming federal clean air standards in a way that is pro-active and makes sense for Colorado,” Gov. Ritter said. “By using Colorado-produced, homegrown energy sources, we will jumpstart our natural gas sector the same we are driving Colorado’s solar and wind industries.

“This legislation brings economic, energy and environmental benefits together in one package,” the Governor said. “It will set a national example and serve as the exclamation point on Colorado’s New Energy Economy, which now also features a 30 percent Renewable Energy Standard and a new set of balanced, responsible and modern drilling rules.”

The Governor thanked Xcel Energy for its national leadership and for partnering with Colorado to create a more diverse and secure energy portfolio, strengthen Colorado’s economy and protect the state’s environment.

“This law gives us a great opportunity to address the issues of regional haze and ozone in a comprehensive fashion, with some certainty for our customers,” said Xcel Energy Chairman and CEO Dick Kelly.

The federal Clean Air Act requires Colorado to submit a plan to address regional haze by early next year or the EPA will write its own plan for Colorado. The Clean Air-Clean Jobs Act will allow investor-owned utilities like Xcel Energy to help craft their own plans for how to meet new regional haze guidelines, as well as new mandates for ozone, mercury and carbon dioxide in one comprehensive analysis that will minimize costs and maximize emissions reductions.

“This bill has national implications,” Rep. Solano said. “Robert Kennedy Jr. has said this bill will be a model for other states and for Congress. HB 1365 gives us a chance to clean the air, to create jobs and to improve the health of our children. The bottom line is that we’re not waiting for Washington’s federal regulations. We are solving the problem on our own, on Colorado terms – today.”

“Prioritizing Colorado’s energy policies ahead of federal regulations and putting people back to work in high-paying, stable jobs is a win-win Solution for Colorado,” Rep. Roberts said.

“I am proud to have worked with the broad coalition that brought this bill together. This new law is a pro-active step toward strengthening Colorado's energy policy for generations to come.”

“With the signing of HB 1365, Colorado is creating jobs by phasing out older technology and replacing it with cleaner burning energy sources,” Sen. Whitehead said. “This will not happen overnight, but this is a necessary step towards building Colorado’s economy and improving Colorado's air quality for future generations. To act proactively is to act responsibly, and that’s a Colorado that I'm proud to be a part of.”

“More drilling, less federal intrusion in Colorado – that's the reason so many Republicans supported this bipartisan compromise,” Senate Minority Leader Penry said. “It was a pleasure to work with Gov. Ritter on this important public policy victory.”

“Today marks that critical fork in the road when Colorado takes a new and giant step towards a 21st century energy future. HB 1365 brings together two key policy imperatives -- energy independence and harmful pollution reductions -- which are made possible and are inextricably linked by home-grown natural gas. HB 1365 serves as a model for what is possible when disparate interests come together for the common purpose of creating new, high-quality Colorado jobs and cleaning our air for future generations,” said three natural gas companies that helped craft the legislation, EnCana, Noble and Anadarko.

Several environmental organizations also were involved in advancing the act, including Environmental Defense, Western Resource Advocates and Environment Colorado.

“This legislation is a badly needed breath of fresh air in the effort to move Colorado away from coal and toward a cleaner and healthier energy future,” said Pete Maysmith, executive director of Colorado Conservation Voters. “Thanks to unlikely allies working together, including environmentalists, natural gas companies, utilities, Republicans and Democrats, Coloradans can all breathe easier today.”

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

*14-31B-05 Automotive Mobility Dealers

IN

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: Per 31B-g, CSG staff did not find Indiana legislation updating this Act.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act voids contractual provisions in motor carrier transportation contracts that require the motor carrier to indemnify the shipper for the shipper's own negligent or intentional acts or omissions. The bill also prohibits motor carriers from forcing shippers to indemnify and hold the carriers harmless against their negligence. It exempts certain uniform intermodal (sea, land, rail, and air) access agreements to ensure uniformity in those agreements and the continuation of existing insurance policies within that industry.

Submitted as:

Alaska

[HB 366 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Comment:

ALASKA STATE LEGISLATURE
716 WEST FOURTH AVENUE
ANCHORAGE, ALASKA 99501
REPRESENTATIVE CRAIG JOHNSON AND REPRESENTATIVE MAX GRUENBERG

HB 366

Chapter 21 SLA 10

Some shippers require motor carriers to indemnify and hold them harmless from their own negligence and intentional acts.

Shifting liability through such clauses is unfair, particularly when those shippers have control over the process and the drafting of the contracts, and the motor carriers have little bargaining power.

This new law voids contractual provisions in motor carrier transportation contracts that require the motor carrier to indemnify the shipper for the shipper's own negligent or intentional acts or omissions.

The bill also prohibits motor carriers from forcing shippers to indemnify and hold the carriers harmless against their negligence, so it promotes fairness both ways.

The bill exempts certain uniform intermodal (sea, land, rail, and air) access agreements. This exemption ensures both (1) uniformity in those uniform intermodal agreements, and (2) the continuation of existing insurance policies within that specialized industry.

The legislation exemplifies legislation pending or recently enacted in Virginia, Maryland, Kansas, Colorado, Connecticut, Missouri, and Tennessee. A Texas trial court also recently held that such clauses violate that state's public policy.

The Alaska bill was strongly supported by the motor carrier industry.

Disposition: 14-32A-01

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

14-32A-02 Tax Credit for Qualified Plug-In Electric Vehicles MD

This Act repeals an obsolete tax credit against the motor vehicle excise tax for qualified hybrid vehicles and electric vehicles and allows a \$2000 tax credit against the state motor vehicle excise tax for qualified plug-in electric drive vehicles. The Act generally defines qualified plug-in electric vehicles as battery-powered motor vehicles made primarily for use on public roads which can reach at least 55 miles per hour.

The Act transfers money from a state Strategic Energy Investment Fund to a state Transportation Trust Fund in specified fiscal years to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles.

Submitted as:

Maryland

[Chapter 490 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Maryland legislative staff summary:

Sponsored By:

The Speaker (By Request - Administration) and Delegates Rosenberg, Hixson, Doory, Cardin, Bartlett, Frick, Kaiser, Ross, F. Turner, Beidle, Bobo, Bronrott, Carr, DeBoy, Haddaway, Hecht, Levy, Love, Malone, Manno, Mathias, Niemann, Reznik, Shewell, Stein, Gilchrist, Ivey, Rice, Murphy, Howard, Barve, Walker, Olszewski, and Stukes.

Synopsis:

Allowing a tax credit against the motor vehicle excise tax for qualified plug-in electric drive vehicles; repealing an obsolete tax credit against the motor vehicle excise tax for qualified hybrid vehicles and electric vehicles; providing for the transfer of specified money from the Strategic Energy Investment Fund to the Transportation Trust Fund in specified fiscal years to offset a reduction in revenues from the vehicle excise tax credit for qualified plug-in electric drive vehicles; etc.

Overview:

As automobile manufacturers steadily increase the production of electric vehicles in the U.S., sales or excise tax exemptions are important to help spur consumer adoption of the new technology. By providing state-specific incentives, states will increase the likelihood that the first mass-produced plug-in vehicles will be enjoyed by their citizens.

As with any new advanced technology, the initial costs to deploy early generations of plug-in vehicle technology are quite high. Public policy support is essential to implement these technologies, and incentives will encourage many stakeholders to move forward. Additionally, as each new generation of the technology evolves, consumers will see a reduction in costs.

State policies focusing on reducing the overall purchase and operating cost to the consumer can encourage citizens to purchase advanced technology vehicles, which are typically

more fuel efficient, reduce our dependence on foreign oil and have a smaller impact on the environment. Purchase incentives that reduce the cost directly to the consumer at the point of sale are most impactful, such as excise and sales tax.

The federal government has successfully provided consumer tax incentives to stimulate the acceptance of advanced technology vehicles, but state support can offer an even more impactful advantage for consumers. Consumer tax incentives have proven successful in promoting the use of these vehicles.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

14-32A-03 Plug-In Electric Vehicles Using High
Occupancy Vehicle Lanes

MD

This Act authorizes plug-in electric vehicles to use high occupancy vehicle (HOV) lanes under certain circumstances. It requires the state motor vehicle administration, the state highway administration, and the state police to consult and design a permit to enable such vehicles to use HOV lanes. It authorizes charging a fee to get a permit to use the lanes, and it also authorizes limiting the number of those permits.

Submitted as:

Maryland

[Chapter 491 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Maryland legislative staff summary:

Maryland House Bill 674 and Senate Bill 602

High Occupancy Vehicle (HOV) Lanes - Use by Plug-In Vehicles

Sponsored By:

Delegate Malone and Senators Raskin, Brochin, Pinsky, Forehand, Gladden, Jacobs, Simonaire, and Stone

Overview:

Since the introduction of conventional hybrid vehicles, High Occupancy Vehicle (HOV) lane access has been a contributing factor in the widespread adoption of the technology. Current programs in California and other states, which provide HOV lane access for qualifying conventional hybrid vehicles, have proven to be a tremendous success. States that currently offer this type of incentive have seen strong demand by consumers, and it became a deciding factor when they purchased their vehicle.

Now that manufacturers offer a wide variety of conventional hybrid vehicles, HOV lane access should now be applied to promote the next generation of advanced technology vehicles. This legislation allows early adopters of plug-in electric vehicles to be rewarded by letting them bypass congested roads and highways.

Giving buyers access to HOV lanes is a significant driver of consumer choice when considering an advanced technology vehicle that has a higher sticker price than a conventional vehicle. Also, allowing these vehicles to have access to HOV lanes helps boost the resale value. Making this access transferable when the vehicle is sold has also helped boost the resale value of these eligible vehicles.

Disposition: 14-32A-03

SSL Committee Meeting: 2012A

- 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: (31B-h) Add California legislation to next docket and similar legislation from other states if applicable.

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

15-32A-01A Online Impersonation

CA

This Act provides that any person who knowingly and without consent credibly impersonates another actual person through or on an Internet Web site or by other electronic means, as specified, for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a misdemeanor. The bill, in addition to the specified criminal penalties, authorizes a person who suffers damage or loss to bring a civil action against any person who violates that provision, as specified.

Submitted as:

California

[Chapter 335 of 2010](#)

Status: Enacted into law in 2010.

Comment: CSG staff added this California law and Pennsylvania bill to this docket per notation 31B-h. While many states have laws about harassing people online or electronically, Texas HB 2003, California Chapter 335, and Pennsylvania HB2075 seem to be the only states to enact and introduce legislation specifically prohibiting impersonating someone online without their permission and with the intention to harm them.

15-32A-01B Online Impersonation

PA

This bill states that a person commits the crime of online impersonation if the person:

(1) Uses the name or persona of another person to create a web page on or to post one or more messages on a commercial social networking site or sends an electronic mail, instant message, text message or similar communication without obtaining the other person's consent and with the intent to harm, defraud, intimidate or threaten any person.

(2) Sends an electronic mail, instant message, text message or similar communication that references a name, domain address, telephone number or other item of identifying information belonging to any person without obtaining the other person's consent, with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication and with the intent to harm or defraud any person.

(3) Uses the name or persona of a public official to create a web page on or to post one or more messages on a commercial social networking site or sends an electronic mail, instant message, text message or similar communication without obtaining the public official's consent and with the intent to induce another to submit to such pretended official authority, to solicit funds or otherwise to act in reliance upon that pretense to the other person's detriment.

Submitted as:

Pennsylvania

[HB 2075](#)

Status: Pending in Judiciary Committee as of October 12, 2010.

Comment:

Disposition: 15-32A-01A

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

Disposition: 15-32A-01B

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act establishes procedures to review applications to modify or collocate wireless communication facilities.

Submitted as:

Georgia

[Chapter 66 B of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act regulates telecommunications private shared services.

Submitted as:

Minnesota

[Chapter 247 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act authorizes county and city elections officials, under certain conditions, to establish procedures to allow a voter to opt out of receiving his or her sample ballot and other ballot materials by mail and instead obtain them via electronic means such as e-mail or accessing them from a county's or city's Internet Web site.

Submitted as:

California

[Chapter 119 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act relates to political campaign activities and independent expenditures by corporations and contains penalties. The Act creates new disclosure and other requirements in response to the decision of the U.S. Supreme Court in *Citizens United v. Federal Election Commission*. That decision held that corporations possess free speech rights allowing them to make independent expenditures on behalf of candidates for public office and on issues put to a public vote. An independent expenditure, such as a television commercial or a paid political advertisement, is made independently by the entity, with no coordination with a candidate or a political party.

The Act requires that a political committee and a candidate's committee receiving an in-kind contribution shall report the estimated fair market value of the contribution at the time it is provided. A person providing an in-kind contribution must notify the committee of the estimated fair market value of the in-kind contribution. The value of the in-kind contribution shall be reported regardless of whether the person has been billed for the cost of the in-kind contribution.

The Act requires that unions and corporations that make independent expenditures get authorization of a majority of the entity's organizational leadership body for an independent expenditure involving a candidate or ballot issue committee. The authorization must occur in the same calendar year in which the independent expenditure is incurred.

A foreign national cannot make an independent expenditure.

An entity making an independent expenditure must file an independent expenditure statement within 48 hours of the making of an independent expenditure in excess of \$750 in the aggregate and with the Ethics and Campaign Finance Disclosure Board; an initial report must be filed at the same time. Subsequent reports shall be filed if the entity making the independent expenditure either raises or expends more than \$1,000. The statement must contain a variety of information, including a certification by an officer of the corporation that the board of directors, executive council, or similar organizational leadership body expressly authorized the independent expenditure.

Published campaign material, which includes television, video, or motion picture advertising, must contain an attribution statement. If the entity responsible is a corporation, the words "paid for by," the name and address of the corporation, and the name and title of the corporation's chief executive officer must appear on the material. If the published material is the result of an independent expenditure, the published material must include a statement that the published material was not authorized by any candidate, candidate's committee, or ballot issue committee. The person responsible for the published material has the sole responsibility and liability for the attribution statement.

Generally, an insurance company, savings and loan association, bank, credit union, or corporation cannot make a monetary or in-kind contribution to a candidate or committee except for a ballot issue committee. They may solicit stockholders, administrative officers, professional employees, and members for contributions to a political committee sponsored by that entity. Other employees may voluntarily contribute to such a political committee but shall not be solicited for contributions.

An insurance company, savings and loan association, bank, credit union, or corporation may use its funds to encourage registration of voters and participation in the political process; to

publicize public issues; to expressly advocate the passage or defeat of ballot issues; to place campaign signs as permitted by law; and to make independent expenditures.

A person who violates these provisions is guilty of a serious misdemeanor.

Submitted as:

Iowa

[SF 2354](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act authorizes a court, in any action in which a party has agreed to accept electronic service, or in which the court has ordered electronic service, to electronically serve any document issued by the court that is not required to be personally served, in the same manner that parties electronically serve documents. The bill requires the state Judicial Council to adopt rules relating to the integrity of electronic service.

Submitted as:

California

[Chapter 156 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

17-32A-02 Tampering with Surveillance, Accounting,
Inventory, or Monitoring Systems

LA

This Act creates the crime of tampering with surveillance, accounting, inventory, or monitoring systems and increases penalties if the monitoring system is located on the premises of a correctional facility.

Submitted as:

Louisiana

[Act 351 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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 provide enhanced, special services to children between four and ten years old who are placed in foster care. The program is intended to reduce the emotional trauma to children who enter foster care.

Submitted as:

West Virginia

[Enrolled Committee Substitute for HB 4164](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act creates provisions for identification cards for homeless people in the state.

Submitted as:

Illinois

[Public Act 096-0183](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

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: This item was deferred from docket 31B.

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: 2012A

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

Comments/Note to staff:

*20-31B-02 Math and Science Teacher Step Up

GA

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

*20-31B-03 Students with Disabilities

MO

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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 item was deferred from docket 31B. This Act is not in the docket 32A bill packet because it is 49 pages.

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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

[HB 176](#)

Status: Enacted into law in 2009.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

*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.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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

[HB 3](#)

Status: Enacted into law in 2009.

Comment: This item was deferred from docket 31B. This Act is not in the docket 32A bill packet because it is 180 pages.

Disposition: 20-31B-11

SSL Committee Meeting: 2012A

- 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

[SB 1](#)

Status: Enacted into law in 2009.

Comment: This item was deferred from docket 31B. This Act is not in the docket 32A bill packet because it is 76 pages.

Disposition: 20-31B-12

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B. 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: 2012A

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: This item was deferred from docket 31B.

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-15 Mobile Learning

AR

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act requires that the State Board of Education adopt guidelines for a system to evaluate the effectiveness of teachers and principals. All school districts and boards of cooperative educational services (BOCES) must adjust their local performance evaluation systems to meet or exceed the adopted guidelines.

The bill codifies the State Council for Educator Effectiveness, originally established by executive order, sets the composition of the council, and requires that it make recommendations to the state board concerning the implementation and testing of the new performance evaluation system.

The recommendations must include an implementation cost analysis, developed in consultation with experts in school finance. The council must make its recommendations by March 1, 2011, and the board must adopt rules by September 1, 2011. The General Assembly is required to review the adopted rules in a separate bill during the 2012 session, and is given authority to repeal individual rules.

Beginning with the 2011-12 school year, the Colorado Department of Education (CDE) will work with districts to develop performance evaluation systems, and will provide a resource bank that identifies assessments, processes, tools, and policies that a district or BOCES may use to develop their local programs. The system must be beta-tested in the 2012-13 school year, implemented statewide in the 2013-14 school year, and finalized statewide in the 2014-15 school year.

Among many requirements, the adopted rules must ensure that:

- teachers and principals are evaluated using multiple fair, transparent, timely, rigorous, and valid methods;
- at least 50 percent of a teacher's evaluation is determined by the academic growth of the teacher's students; and
- teachers are provided an opportunity to improve their effectiveness through professional development; and
- at least 50 percent of a principal's evaluation is determined by a combination of the academic growth of the students and the demonstrated effectiveness of the teachers in the principal's school.

Under the new system, teachers shall earn tenure after 3 consecutive years of demonstrated effectiveness but lose tenure if they fail to demonstrate effectiveness for 2 consecutive years. The bill creates an appeals process for tenured teachers to contest unfavorable evaluations. The bill requires that each teacher's employment contract include a written provision that a teacher may be assigned to a particular school only with the consent of the principal and teacher representatives at the receiving school. If a tenured teacher is unable to secure a school assignment after two hiring cycles, the district shall place the teacher on unpaid leave. Each district must develop policies for removing tenured teachers and options for qualifying teachers to transfer to other positions in the district.

The bill creates the Great Teachers and Leaders Fund and permits the CDE to accept and spend federal grants for the fund. Moneys in the Great Teachers and Leaders Fund are continuously appropriated to the department for the direct and indirect costs of implementing the bill.

Submitted as:

Colorado
[SB 10-191 \(Enrolled version\)](#)
Status: Enacted into law in 2010.

Comment:

OFFICE OF GOV. BILL RITTER, JR.
WWW.COLORADO.GOV/GOVERNOR
FOR IMMEDIATE RELEASE
THURSDAY, MAY 20, 2010
CONTACTS

Megan Castle, 303.319.8513, megan.castle@state.co.us
Evan Dreyer, 720.350.8370, evan.dreyer@state.co.us

GOV. RITTER SIGNS BIPARTISAN EDUCATOR EFFECTIVENESS BILL

Gov. Bill Ritter today signed into law a landmark education reform measure that will lead to more high-quality, effective teachers and principals in every classroom in every school across Colorado. The bipartisan Senate Bill 191 was co-sponsored by Sens. Mike Johnston and Nancy Spence and Reps. Christine Scanlan and Carole Murray.

"This new law will advance Colorado's record as a national leader in education reform," Gov. Ritter said. "It marks another milestone and continues the significant progress we have made over the past few years, bringing us another step closer to the day when all children in Colorado have the ability to fulfill their God-given potential. Teaching is one of the noblest professions. We have all been blessed by an inspired teacher, and I look forward to continuing the partnership we have established with Colorado's educators." Senate Bill 191 builds on an executive order Gov. Ritter issued in January establishing the Colorado Council on Educator Effectiveness. Ultimately, the law will lead to a new system that links educators' performance evaluations to the performance of their students. The council must issue its first set of recommendations on the new performance evaluation system by March 2011, followed by State Board of Education adoption by September 10 and approval from the legislature in 2012.

"This is an important building block in our overall plan to ensure that all of Colorado's children will be well-prepared to succeed in postsecondary education and the workforce," Lt. Gov. Barbara O'Brien said. "I want to thank all the teachers that make a difference in the lives of our students every day. We have a common goal to raise student achievement, lower the dropout rate and graduate students that can succeed in higher education and the workforce."

"At the heart of this bill is an idea whose time has come," Commissioner of Education Dwight D. Jones said. "Connecting teacher evaluations with improved achievement places value on what matters most and that's the needs of students. Thanks go out to the leadership of Gov. Ritter, Lt. Gov. O'Brien, Sens. Mike Johnston and Nancy Spence, and Reps. Christine Scanlan and Carole Murray for their hard work on this cornerstone bill. The bipartisan support it drew, including unanimous backing from the State Board of Education, is significant. With this kind of ongoing support and the state board's leadership, the department staff is committed to making sure the plan is well-developed and implemented with care."

“We know that the two most important variables affecting the success of a child are the effectiveness of the teacher and the effectiveness of the principal,” Sen. Johnston said. “SB 191 ensures that every child in Colorado has a great teacher and a great leader, and starts a collaborative, deliberative process for defining and measuring educator effectiveness. The depth and breadth of the coalition that came together to support SB 191 is a moving testament to Colorado's deep commitment to make sure every child graduates college and is career ready.”

“This common-sense reform is about doing what’s best for Colorado’s students,” Sen. Spence said. “Linking teacher tenure to student achievement will improve the quality of education in our schools and better prepare our students for the future.”

“Twenty-five percent of all kids in Colorado drop out of school,” Rep. Scanlan said. “For poor and minority kids, it’s 50 percent. Colorado has one of the highest education levels in the nation, yet too many kids still drop out. It’s clear that something is not working. We know that the two most important factors in improving education are quality principals and quality teachers, and this new law addresses both. We worked tirelessly with many stakeholders -- from teachers and administrators to school boards and education reform advocates – to create good policy that makes Colorado's system student-centered.”

“Senate Bill 191 will place Colorado at the forefront of education reform in America,” Rep. Murray said. “With teachers and principals working together with the focus on student growth, Colorado students will be in a better environment than ever for academic success. I have no doubt in my mind that this new model will be successful and am pleased to see this common sense reform earn the governor's approval.”

Among many requirements, the adopted new evaluation system must ensure that:

- Teachers and principals are evaluated using multiple fair, transparent, timely, rigorous, and valid methods;
- At least 50 percent of a teacher's evaluation is determined by the academic growth of the teacher's students;
- At least 50 percent of a principal's evaluation is determined by a combination of the academic growth of the students and the demonstrated effectiveness of the teachers in the principal's school.

Probationary teachers are defined as those without three consecutive years of demonstrated effectiveness or a non-probationary teacher with two consecutive years of demonstrated ineffectiveness, as defined by rule adopted by the legislature.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act authorizes charter schools to contract with school districts, state colleges and universities, the state, school food authorities, and third parties to use and maintain facilities and the provide educational services. The Act permits charter schools to contract with each other to provide any function, service, or facility as authorized by law for each of the participating schools. Charter schools that contract with each other are considered a charter school collaborative, a public entity existing separately from the participating schools. A charter school does not need approval of its authorizing district to form or join a collaborative. The bill specifies the authority of a charter school collaborative and establishes minimum requirements for a contract that establishes a collaborative.

Submitted as:

Colorado

[SB 10-161](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act requires the State Advisory Council on the Education of Children with Disabilities and the Advisory Council on the Education of Gifted and Talented Children to research and discuss best practices for addressing the needs of "twice-exceptional" children, those who are gifted and talented and have a disability. It requires the Councils to then jointly make recommendations to the State Board of Education with respect to the State Board of Education providing guidance and technical assistance to school districts in furthering improved educational outcomes for gifted and twice-exceptional children. The Act also sets forth what the recommendations must include.

Submitted as:

Illinois

[Public Act 09-0382](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act would allow school districts to charge tuition under certain circumstances for summer school courses. The school district would be allowed to charge full tuition for a remedial or advanced course to a student from a household with a household income that exceeds the household income limit for the reduced price lunch program. If the student is from a household that is at or below the most recent federal poverty guidelines, the district may not charge any tuition. For a student from a household with a household income that exceeds the most recent federal poverty guidelines multiplied by 1.30 (the limit for the free lunch program), but is at or below the federal poverty guidelines multiplied by 1.85 (the limit for the reduced price lunch program), the district may charge 75% of the full tuition. For a student from a household with a household income that exceeds the most recent federal poverty guidelines, but is at or below the limit for the free lunch program, the district may charge 50% of the full tuition.

As is provided under the current State Board of Education regulation, a board of education may charge tuition to a student who resides in the district for an enrichment course provided during a summer school session. The bill also provides that a board of education may charge tuition for a remedial, advanced, or enrichment course provided to a student who does not reside in the school district, at an amount to be determined by the board.

The Act defines an “advanced course,” an “enrichment course,” and a “remedial course,” as those terms are defined in State board regulations.

Submitted as:

New Jersey

[P.L.2010, Chapter 73](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

Disposition:
SSL Committee Meeting: 2012A
 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

[Public Law, Chapter 230, LD 1183](#)

Status: Enacted into law in 2009.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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 item was deferred from docket 31B. This bill is not in the docket 32A bill packet because it is 58 pages.

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B. 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: 2012A

- 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: This item was deferred from docket 31B.

Disposition:
SSL Committee Meeting: 2012A
 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

[Chapter 296 of 2010](#)

Status: Enacted into law in 2010.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

*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: This item was deferred from docket 31B. 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: This item was deferred from docket 31B.

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: 2012A

- 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: 2012A

- 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: 2012A

- 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

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 because it is 67 pages.

Disposition:

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

More than thirty states have high risk health insurance pools. This 2007 North Carolina legislation is on SSL Docket 31B because it is 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: 2012A

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

Comments/Note to staff:

This Act establishes electronic reporting requirements related to abortion. Specifically, hospitals and facilities where abortions are performed must submit to the state Department of Health Services (DHS) information about the facility; the procedure; the unborn child; and the woman, including her age, race, ethnicity, marital status, education, prior pregnancies and abortions, medical conditions and residence. The bill requires health professionals who treat a woman that the health professional believes in good faith needs medical care because of complications from an abortion to submit an electronic report to DHS, including information about the woman, the facility where the abortion was performed, the procedure, complications and medical treatment. Additionally, DHS must prepare a comprehensive annual report based on those reports and on information provided by the courts on judicial bypass petitions. The name and information related to the woman is confidential and reports may only be disclosed to law enforcement on court order. The bill outlines penalties for willfully violating reporting requirements, disclosing confidential report information, and delivering false information to DHS.

Submitted as:

Arizona

[Chapter 111 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act prohibits a person from intentionally or knowingly creating or attempting to create an in vitro human embryo by any means other than fertilization of a human egg by a human sperm. It specifies that a person must not intentionally or knowingly create or attempt to create a human-animal hybrid; transfer or attempt to transfer a human embryo into a non-human womb, transfer or attempt to transfer a non-human embryo into a human womb; or transport or receive for any purpose a human-animal hybrid.

The bill mandates that a person shall not sell or offer to purchase or sell an in vitro human embryo and shall not advertise for the purchase or sale of an in vitro human embryo. It states that the prohibition on purchasing an in vitro human embryo does not prohibit payment to a physician by a patient or on a patient's behalf for otherwise lawful treatment of infertility. The legislation specifies that a person who violates the provisions outlined above is guilty of a Class 1 misdemeanor.

This legislation allows research that involves the use of transgenic animal models containing human genes and xenotransplantation of human organs, tissues or cells into recipient animals other than animal embryos as long as it does not violate the prohibition of creating a human-animal hybrid. It specifies that any person who intentionally or knowingly engages in destructive human embryonic stem cell research is guilty of a Class 6 felony.

Submitted as:

Arizona

[Chapter 281 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act establishes requirements for human egg donations and prohibits the purchase or sale of human eggs for purposes other than treatment of human infertility and clinical investigation.

An egg donor is a woman who provides several eggs (ova, oocytes) for another person or couples who wish to have a child through in vitro fertilization (IVF). A woman normally develops and releases one egg per month, a process regulated by hormones secreted by the pituitary gland. Stimulation medications are injectable drugs, called gonadotropins, taken once or twice daily. They replace the woman's natural and follicle-stimulating hormones to trigger a very precise, uniform stimulation that promotes production of multiple high quality mature eggs.

Egg donation carries risks for both donor and recipient. The egg donor may suffer complications from IVF, such as bleeding from the oocyte recovery procedure, ovarian hyperstimulation syndrome, rarely, liver failure, as well as unintended pregnancy.

This Act requires all human egg harvesting procedures be performed in a hospital, clinic or other medical facility that meets Department of Health Services' licensing standards. The bill requires a physician to comply with all requirements prescribed by the federal food and drug administration. It instructs the physician to provide the following information to a potential egg donor before performing the harvesting procedure:

- A description of all hormones and other drugs to be taken by the egg donor, including the dosage, frequency of administration, intended biochemical function and likely physiological response to each medication.
- A description of all procedures to be performed on the egg donor, including the purpose, duration and estimated recovery time for each procedure.
- Medically accurate disclosures concerning all potential risks of egg donation that a reasonable patient would consider material to the decision of whether to undergo the procedure, including the medical risks associated with the surgical procedure and the drugs, medications and hormones prescribed for ovarian stimulation during the process.
- A description of the effects that the surgical procedure and the drugs, medications and hormones may have on future attempts of the egg donor to become pregnant.
- Notice that the egg donor cannot be completely informed of all potential risks or effects because all potential risks or effects and the magnitude of those risks or effects may not be known.

The Act adds language stating that it will not require new informed consent procedures if the doctor's current procedures already meet the minimum standards established by the bill. Under the Act a physician must obtain written and oral informed consent for the procedure from the egg donor before performing any medical procedure that is not part of the screening process or prescribing any hormones or other drugs for the egg donor.

The legislation specifies that a physician who fails to provide the above information before conducting an egg harvesting procedure commits an act of unprofessional conduct and is subject to license suspension or revocation. It prohibits individuals from purchasing or offering to purchase human eggs for human somatic cell nuclear transfer or for any purpose other than treatment of human infertility or for clinical investigation by a physician or clinic whose primary practice is treatment of human infertility.

The bill allows compensation of egg donors who provide or agree to provide eggs for the treatment of human infertility or for clinical investigation by a physician or clinic whose primary practice is treatment of human infertility.

Submitted as:

Arizona

[Chapter 280 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act amends the provisions in state law about voluntary and informed consent for abortions. The Act requires women seeking an abortion be evaluated for certain factors (physical, psychological, emotional, demographic, or situational) before having the abortion. It authorizes civil remedies for failing to comply with the Act.

Submitted as:

Nebraska

[LB 594](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act applies solely to cases of immunosuppressive therapy when an immunosuppressant drug has been prescribed to a patient to prevent the rejection of transplanted organs and tissues and a prescribing physician has indicated on a prescription “may not substitute.” This Act does not apply to medication orders issued for immunosuppressant drugs for any in-patient care in a licensed hospital.

The Act directs that when a prescribing physician has indicated on a prescription “may not substitute,” a health insurance policy or health care service plan that covers immunosuppressant drugs may not require or cause a pharmacist to interchange another immunosuppressant drug or formulation issued on behalf of a person to inhibit or prevent the activity of the immune system of a patient to prevent the rejection of transplanted organs and tissues without notification and the documented consent of the prescribing physician and the patient, or the parent or guardian if the patient is a child, or the spouse of a patient who is authorized to consent to the treatment of the person.

The Act also generally directs that patient co-payments, deductibles, or other charges for the prescribed drug for which another immunosuppressant drug or formulation is not interchanged shall remain the same for the enrollment period established by the health insurance policy or plan.

Submitted as:

Illinois

[Public Act 096-0766](#)

Status: Enacted into law in 2009.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens.

Submitted as:

New Jersey

[Chapter 12](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

The federal Patient Protection and Affordable Care Act (PPACA), requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that facilitates the purchase of qualified health plans by qualified individuals and qualified small employers, as specified, and meets certain other requirements.

This bill enacts a Patient Protection and Affordable Care Act and creates a Health Benefit Exchange (the Exchange), specifies the powers and duties of the board governing the Exchange relative to determining eligibility for enrollment in the Exchange and arranging for coverage under qualified health plans, and requires the board to facilitate the purchase of qualified health plans through the Exchange by qualified individuals and qualified small employers by January 1, 2014.

The bill creates a Health Trust Fund as a continuously appropriated fund and makes the implementation of these provisions contingent on a determination by the board that sufficient financial resources exist or will exist in the fund, as specified.

The Act imposes various requirements on participating plans and insurers and, commencing January 1, 2014, on nonparticipating plans and insurers, as specified. Because a willful violation of these requirements by a health care service plan would be a crime, the bill imposes a state-mandated local program.

This Act empowers the state Health Facilities Authority to make loans under certain conditions from the continuously appropriated Health Facilities Financing Authority Fund to nonprofit corporations or associations for financing or refinancing the acquisition, construction, or remodeling of health facilities. The bill authorizes the authority to provide a working capital loan of up to \$5 million to assist in the establishment and operation of the Health Benefit Exchange. The bill requires that loans awarded under the bill be made from the Health Facilities Authority Fund and requires repayment of the loan by a specified date.

Submitted as:

California

[Chapter 655 of 2010](#)

Status: Enacted into law in 2010.

Comment:

This Act bill establishes a Health Benefit Exchange (the Exchange) within state government. The Act requires the Exchange to be governed by a board composed of the Secretary of Health and Human Services, or their designee, and 4 other members appointed by the Governor and the Legislature. The bill requires the board of the exchange, or the state Health and Human Services Agency, if a majority of the board has not been appointed, to apply for and receive federal funds for purposes of establishing the Exchange.

The bill requires the state Director of the Department of Managed Health Care and the Insurance Commissioner to review an Internet portal developed by the United States Department of Health and Human Services and to jointly develop and maintain an electronic clearinghouse of

coverage available in the individual and small employer markets if the federal Internet portal does not adequately achieve certain purposes.

Submitted as:

California

[Chapter 659 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Excerpted from -- 09/30/2010 GAAS:629:10

FOR IMMEDIATE RELEASE

Print Version | Share This

Gov. Schwarzenegger Signs Legislation Making California the National Leader on Health Care Reform

California is First State in the Nation to Create Health Benefit Exchange

Governor Arnold Schwarzenegger today signed AB 1602 by Assembly Speaker John Pérez (D-Los Angeles) and SB 900 by Senator Elaine Alquist (D-Santa Clara) creating the California Health Benefit Exchange, an entity that will help California consumers and small businesses shop for and buy affordable health insurance starting in 2014. The Governor's action makes California the first state in the nation to enact legislation creating a health benefit exchange under federal health care reform.

“For national reform to succeed, it will be up to the states to make it work, and California is moving forward on reforms that will provide affordable and quality health care insurance,” said Governor Schwarzenegger. “Choice and competition have the power to improve health care quality and reduce health care costs for California consumers. With the California Health Benefit Exchange, we will be able to create a competitive marketplace where consumers can choose among qualified health plans – all without relying on the state's General Fund.”

The Governor announced earlier this year that he is taking aggressive action to implement federal health care reform in California including helping develop the structure for an exchange to foster competition and make health insurance affordable. The Governor formed a Health Care Reform Task Force to implement key reform provisions and programs under health care reform this year, including the Exchange.

The California Health Benefit Exchange will make it easier for individuals and employees of small businesses to compare plans and buy health insurance in the private market using federal tax subsidies to make health coverage more affordable. Federal health care reform makes tax credits and subsidies available in 2014 to Californians with incomes between 133 and 400 percent of the federal poverty level (approximately \$29,000 to \$88,000 for a family of four).

The Exchange will be governed by a five-member board appointed by the Governor and the legislature. Between now and the end of 2013, the Exchange board and staff will develop procedures and criteria to enroll Californians in the Exchange and select qualified health plans to participate. Similar to the purchasing pool proposed as part of comprehensive health reform advanced by Governor Schwarzenegger in 2007, the Exchange will enhance competition and give

individuals and employees of small businesses the same advantages available to large employer groups including a more stable risk pool, greater purchasing power, more competition among insurers and detailed information regarding the price, quality and service of health coverage.

“We believe the Exchange will improve the way millions of Californians get health insurance in our state,” said California Health and Human Services Agency Secretary Kim Belshé, who chairs the Governor’s Task Force on Health Care Reform Implementation. “The Exchange will focus competition on price, quality and service – giving individuals and small business employees the same large-group purchasing advantages and more affordable options now enjoyed by those who work for large firms.”

The Exchange will work in partnership with agents and brokers, community organizations and other “navigators” to help consumers make informed decisions based on the price, quality and value. Once the Exchange opens in January 2014, California consumers will be able to use it to research their health coverage options and access federally-funded tax credits and cost-sharing subsidies. [Click here to read more on the California Health Benefit Exchange.](#)

The federal government announced today that California will receive \$1 million to fund the costs of preliminary planning efforts related to the development of an Exchange. Additional federal implementation grants are expected to be announced in the Spring of 2011. After 2014, the Exchange will be self-supporting from fees paid by health plans and insurers participating in the Exchange. No state General Funds are appropriated for operation of the Exchange.

Disposition: 21-32A-07A

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

Disposition: 21-32A-07B

SSL Committee Meeting: 2012A

- 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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

- 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 2010.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

*23-31B-03 Driver License Information and Federal Real ID Act
of 2005

MO

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: This item was deferred from
docket 31B.

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

The Act prohibits crime scene images which depict or describe the deceased's state of dismemberment, decapitation, or other form of mutilation from disclosure under the state Open Records Act under certain circumstances. The Act allows for a superior court to disclose such images in closed criminal cases only if the disclosure is in the public interest and outweighs the privacy interest of the next of kin. The Act provides that prior to releasing such crime scene images, the custodian must give the next of kin two weeks' notice. The Act does not apply to counsel in certain criminal actions and any expert or investigator assisting in court proceedings.

Submitted as:

Georgia

[House Bill 1322](#) (As Passed House and Senate)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

Include in Volume

Defer consideration

next task force mtg.

next SSL mtg.

next SSL cycle

Reject

Comments/Note to staff:

This Act prohibits tracking the location or movement of another person without their consent and establishes penalties for doing so.

Submitted as:

Louisiana

[Act 807 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Disposition:

SSL Committee Meeting: 2012A

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: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

- 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: Enacted into law in 2010.

Comment: This item was deferred from docket 31B.

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff:

This Act establishes an Equine Health and Welfare Council, a Livestock Care Standards Commission, and an Equine Health and Welfare Fund. The Act also requires the state board of agriculture adopt measures and promulgate administrative regulations in conformity with the provisions of the Act when they deal with on-farm livestock and poultry care standards. It prohibits, with some exceptions, local governments from having on-farm livestock or poultry care standards that exceed the standards of the state board.

Submitted as:

Kentucky

[Chapter 106 of 2010](#)

Status: Enacted into law in 2010.

Comment:

Governor Steve Beshear's Communications Office

Gov. Beshear signs nation's first legislation promoting humane treatment of horses, other farm animals

Press Release Date: Monday, June 07, 2010

Contact Information: Kerri Richardson

Jill Midkiff

502-564-2611

Kentucky's treatment of farm animals will be noticed globally during World Equestrian Games

LEXINGTON, Ky. – Gov. Steve Beshear, First Lady Jane Beshear and equine and agriculture officials today applauded the recent passage of legislation that creates the Kentucky Equine Health and Welfare Council, the first of its kind in the nation. The Governor signed House Bill 398 during a ceremony at the Kentucky Horse Park, the venue of the upcoming Alltech FEI World Equestrian Games (WEG).

“Ensuring the humane treatment of all animals is a principle we must show the more than 600,000 expected WEG attendees that Kentuckians take seriously,” said Gov. Beshear. “The creation of these two entities elevates the importance of how we care for all equine and farm animals each and every day. The Council has a very important task ahead as it works with the Kentucky Department of Agriculture to enact and enforce regulations concerning the treatment of these animals.”

“As a long-time, equine enthusiast, I fully support the humane treatment of the horses that have been such an important part of Kentucky's heritage,” said Mrs. Beshear. “Thanks to this bill, many endangered horses and farm animals will be saved from starvation and neglect. With WEG quickly approaching, the timing of this legislation is particularly appropriate.”

The legislation will, in part, give the Council and the Kentucky Livestock Care Standards Commission the authority to “undertake research, conduct public hearings, and collect data to determine prevalent equine health and welfare issues,” according to the Equine Health and Welfare Alliance Inc. The organization's website also states that Kentucky's legislation will

“strive to develop regional centers of care for unwanted, abused, neglected or confiscated equines; create a system of voluntary certification of equine rescue and retirement operations that meet industry-accepted standards for care of equines; research and offer suggestions for statutory changes affecting equine health, welfare, abuse and neglect issues; and assist veterinarians and others in maintaining the health and welfare of equines by identifying and referring to the appropriate authorities critical areas of need.

“On behalf of many veterinarians and supporters of the Equine Health and Welfare Alliance, we would like to thank our Governor and First Lady for their support. Along with the members of this legislature and administration, Kentucky has set the precedent for securing meaningful health and welfare for our trademark and signature industry,” said Dr. Frank Dwayne Marcum, DVM, an equine veterinarian from Versailles, Ky. And president of the Kentucky-based Equine Health and Welfare Alliance Inc.

HB 398 was sponsored by Rep. Tom McKee, of Cynthiana, chair of the House Agriculture and Small Business committee. “It is an honor to work with people so committed to the equine industry,” said Rep. McKee. “Thank you to everyone who has made this day possible. This is a very positive step for our signature industry in Kentucky.

“HB 398 also contains the language in SB 105 sponsored by Sen. David Givens,” added Rep. McKee. “Thank you, Senator Givens, for your sponsorship and thanks to everyone who worked so hard on this initiative to establish the livestock care standards board. The creation of this board ensures animal agriculture of a very positive future.”

“Our Kentucky farm families represent the backbone of our rural communities and remain a stable economic engine for Kentucky in good times and bad,” said Sen. Givens, of Greensburg. “Poultry growers, horse farms, dairy and beef producers and other livestock businesses will benefit from the passage of HB398-SB105. Basing animal care standards on proven, science-driven methods improves food safety while protecting our farmers’ investments and ability to do business.”

Comment:

Disposition:

SSL Committee Meeting: 2012A

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

Comments/Note to staff: