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

2015 CYCLE
DOCKET BOOK B
June 20, 2014

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

<table>
<thead>
<tr>
<th>Docket ID#</th>
<th>Title</th>
<th>State/source</th>
<th>Bill/Act</th>
</tr>
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</table>

**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 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
<table>
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<th>ITEM NO., TITLE OF ITEM UNDER CONSIDERATION</th>
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<tr>
<td>(*) Indicates item is carried over from previous SSL cycle.</td>
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(01) CONSERVATION AND THE ENVIRONMENT
01-35B-01 Water Resources Protection  WV
01-35B-02 Oil and Gas Well Inspections  CO
01-35B-03 Reducing Air Pollution Associated with Diesel Emissions  WA
01-35B-04 Water Stewardship  TX
01-35B-05 Water Conservation Methods in Homeowner Associations  TX

(02) HAZARDOUS MATERIALS/WASTE

(03) ENERGY
03-35B-01 Gathering Pipeline Regulation  ND
03-35B-02 Renewable Energy Battery Storage Requirements  CA
03-35B-03 Biodiesel Heating Fuel  RI
03-35B-04 Oil and Gas Production Flaring  ND
03-35B-05 Biomass Heat for Public Schools  WA
03-35B-06 Shared Renewables  CA
03-35B-07 Wind Energy Facilities Siting  NC
03-35B-08 Distributed Electricity  OK

(04) SCIENCE AND TECHNOLOGY

(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY
05-35B-01 Genetically Modified Food Labeling  VT

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

(07) GROWTH MANAGEMENT

(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/DEVELOPMENT
08-35B-01 Economic Development Tax Credit Accountability  RI

(09) BUSINESS REGULATION AND COMMERCIAL LAW
09-35B-01 Passenger Charter-Party Carriers’ Act  CA
09-35B-02 Crowdfunding for Entrepreneurs  ME
09-35B-03 e-Cigarettes  NJ

(10) PUBLIC FINANCE AND TAXATION
(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT
11-35B-01 Access to Social Media Accounts by Employers, Landlords, and Educational Institutions  WI
11-35B-02 Employer Access to Employee Social Media Accounts  AR
11-35B-03 Access to Social Media Accounts by Higher Educational Institutions  AR
11-35B-04 Access to Social Media Accounts by Employers or Educational Institutions  MI

(12) PUBLIC UTILITIES AND PUBLIC WORKS

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

(14) TRANSPORTATION
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14-35B-02 Automatic Traffic Enforcement Systems on School Buses  WY
14-35B-03 Automatic Traffic Enforcement Systems on School Buses  IL
14-35B-04 Adult Drivers Education Courses  IL
14-35B-05 Autocycles  VA
14-35B-06 Strategic Prioritization Funding Plan for Transportation Investments  NC
14-35B-07 Highway-Related Sponsorship Programs  NJ
14-35B-08 Bicyclist Safety  MN
14-35B-09 Use of Handheld Devices by Motorists  IL

(15) COMMUNICATIONS/TELECOMMUNICATIONS

(16) ELECTIONS/POLITICAL CONDITIONS

(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE
*17-35A-07 School Sentinel Program/Armed Personnel  SD
17-35B-01 Armed Personnel in Schools  KS
17-35B-02 Armed Personnel in Schools  TN
17-35B-03 Uniform Correction or Clarification of Defamation  WA
17-35B-04 Unlawful Tethering of Pets  OR
17-35B-05 Law Licenses for Illegal Immigrants  CA
17-35B-06 Enhanced Penalties for Scrap Metal Theft  AR
17-35B-07 Cannabidiol Oil for Epileptics  AL
17-35B-08 Firearms Regulation by Local Municipalities  KS
17-35B-09 Access to Cellphone Location in Emergency  NV
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17-35B-11 Police Custody Death Investigations  WI

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(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS
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20-35B-02 Pupil Rights: Sex-Segregated School Programs  CA
20-35B-03 Innovation Education Campus Fund  MO
20-35B-04 Flexible Pathways to High School Completion  VT
20-35B-05 Early Intervention Services  IL
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20-35B-07 Parental Rights and Accountability in Public Education  UT
20-35B-08 College Readiness Framework  WA

(21) HEALTH CARE
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21-35B-01 Licensing of International Mail Order Prescription Pharmacies  ME
21-35B-02 Mental Health First Aid Training Act  IL
21-35B-03 Hepatitis C Screening  NY
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21-35B-07 Dental Hygiene Therapists  ME
21-35B-08 Smoking in Car with Children Present  OR
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22-35B-01 Multi-State Internet Gaming Agreement  NV

(23) PRIVACY

(24) AGRICULTURE
24-35B-01 Animal Facility Interference  IA

(25) CONSUMER PROTECTION
25-35B-01 Active Duty Military Personnel Service Cancellations  OR

(26) MISCELLANEOUS
Summary: SB 373 establishes new regulatory programs that require registration and permitting for aboveground storage tanks. Fees will also be collected for registration and permitting and civil and criminal penalties are possible for violations. Storage tanks will be subject to annual inspections by state agencies and independent engineers.

Status: Signed into law April 1, 2014.

Comment: From Reuters (April 1, 2014)

West Virginia Governor Earl Ray Tomblin on Tuesday signed a bill regulating above-ground chemical storage tanks, a measure prompted by a spill in January that tainted water supplies for some 300,000 people.

The new law requires above-ground tanks in critical areas near public water supplies to be registered with the state Department of Environmental Protection, which will perform annual inspections.

Read more: http://www.reuters.com/article/2014/04/01/us-usa-west-virginia-spill-idUSBREA3020O20140401

From the Charleston Gazette (April 1, 2014)

The new law directs the Bureau for Public Health to conduct a long-term study of health effects from the January chemical spill. The law directs the health agency to search for funds, including federal grants, to pay for the study. The bureau must report back to the Legislature by Jan. 1, 2015.

Under the law, West Virginia American Water also must install an early-warning monitor system, which would identify foreign substances in the Elk River before they reach the treatment plant in Charleston. The water company has a detection device at its Huntington treatment plant. Lawmakers left many significant decisions — such as the details of tank safety standards — for the state Department of Environmental Protection to hash out by writing rules. Those rules are required to be written for legislative review during the 2015 regular session.

DEP Secretary Randy Huffman said last week that he plans to set up a process that would allow for more public involvement in those rule than as typical for most agency rules.

Read more: http://www.wvgazette.com/article/20140401/GZ01/140409893/1101
Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Oil and Gas Well Inspections

Bill/Act: **SB 202**

Summary: SB 202 requires a risk-based strategy be used for inspecting oil and gas well locations that targets operational phases most likely to contribute to spills, excess air emissions, and other types of violations. More in depth inspections would be prioritized based on findings.

Status: Signed into law May 24, 2013.

Comment: From *Natural Gas Intelligence Press* (April 22, 2013)

SB 202 would require the Colorado Oil and Gas Conservation Commission (OGCC) to use a risk-based strategy to identify factors most likely to contribute to spills, excess air emissions and other types of violations, according to its author, state Sen. Matt Jones.

Jones told local news media that the bill is intended to help lawmakers focus on their top priority of public safety. Senate officials said the risk-based approach should lead to more comprehensive OGCC inspections.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Reducing Air Pollution Associated with Diesel Emissions

Summary: Washington HB 2569 creates a self-funded loan account program where municipalities can apply for loans from the state to implement emissions reduction technology. When cities and counties pay off the debt, the funding goes back into account so that other governments can use it.

Status: Signed into law on March 27, 2014,

Comment: From Governing Technology (February 27, 2014)

House Bill 2569 creates a self-funded loan account program where municipalities can apply for loans from the state to implement emissions reduction technology. When cities and counties pay off the debt, the funding goes back into account so that other governments can use it.

The legislation is based on an idea tested a couple of years ago when Cummins Northwest Inc., a diesel engine manufacturer in Renton, Wash., placed a small generator on a fire engine. When the vehicle got to a location, the driver shut down the motor in favor of the generator, reducing emissions and saving fuel costs.

HB 2569’s financing mechanism enables local governments to conduct similar generator installations or other diesel idle reduction measures such as electrified parking spaces and truck stops, battery-powered systems and other projects that achieve emissions reductions.

In an interview with Government Technology, Hargrove explained that the savings derived from green technology can potentially lead to job creation. A portion of those savings would also be sent back to the state account to help build the fund. “To get any money out of the budget is always a challenge,” Hargrove said. “But if there’s money being created from the savings … it can fund things, money is returned to the account and it’s self-perpetuating.”


Disposition of Entry:

SSL Committee Meeting: 2015 B
  ( ) Include in Volume
  ( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
  ( ) Reject

Comments/Note to staff:
Summary: The legislation allows landowners to utilize a property valuation incentive they already qualify for, while incentivizing different land management strategies that will improve water conservation and quality. Very few states currently provide incentives for protecting water resources – and even fewer, if any at all, use the property valuation model proposed in the legislation.

Status: Signed into law on June 17, 2011. Note: The law could not go into effect unless the voters approved a constitutional amendment (SJR 16). In November 2011, the measure, known as Proposition 8, was defeated by voters and SB 449 did not go into effect.

Comment: From the Nature Conservancy
Currently, landowners can qualify for several property tax valuation options based on land management practices. One of the more commonly used options is the open space valuation option, commonly referred to as the “agricultural exemption.” While generally called an “exemption,” this valuation methodology does not exempt property from taxation. Instead, it simply allows the land to be appraised based on its use for agricultural or open space, which is generally a lower value than an appraisal for highest and best use. This usually results in lower property taxes for the landowner.

Among the many activities that fit the definition of agricultural use for the purpose of the open space valuation is wildlife management. Wildlife management was added to the definition of agricultural use, in part, to solve the problem of property owners over-grazing their property in order to maintain an open space valuation. As a compromise to appraisal districts, landowners must already qualify to obtain an open space appraisal at the time they add wildlife management as a land use. This made the addition of wildlife management as an eligible land use, “revenue neutral” to taxing entities.

SB 449 works hand-in-hand with Prop 8 and will create a water stewardship valuation option in statute similar to the wildlife management valuation option. Just like with wildlife management, the water stewardship valuation would flow through the open space valuation first, thereby making it revenue neutral. Essentially, it will give landowners another tool in the tool box to better manage their property and incentivize doing so in a way that is not cost prohibitive. This will help protect valuable open space land in Texas and keep family lands intact while also protecting water resources and advancing the State Water Plan.

Here are the activities that currently make up the statutory definition of wildlife management. To qualify, a landowner must do 3 and submit a plan to the appraisal district if requested.

A. habitat control;
B. erosion control;
C. predator control;
D. providing supplemental supplies of water;
E. providing supplemental supplies of food;
F. providing shelters; and
G. making census counts to determine population.

The Water Stewardship valuation option that would be added to statute by SB 449 (once Prop 8 is approved by the voters) would include the following criteria (again with the idea being that a landowner picks 3 to qualify):

A. erosion control;
B. habitat stewardship benefiting water quality or conservation;
C. restoration of native aquatic and riparian animal and plant species;
D. reductions in domestic and livestock water uses;
E. riparian and wetland habitat and buffer restoration and protection;
F. allowance of groundwater and surface water monitoring for data collection purposes in accordance with state water planning or groundwater management area planning;
G. invasive aquatic plant and animal control
H. donation of water rights to the Texas Water Trust; and
I. amendment of a water right to dedicate all or part of the right to environmental purposes

In addition, the law would establish that the Texas Parks and Wildlife, with the assistance of the Comptroller and local Chief Appraisers, will develop standards for determining whether land qualifies under these provisions and that the Comptroller will adopt these standards by rule, similar to what was done for the wildlife valuation option.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: **SB 198**

Summary: SB 198 establishes that a property owners’ association may not prohibit or restrict the use of drought-resistant or water-conserving turf. It allows associations to require an owner to submit a detailed plan for the installation of such landscaping or turf for review and approval to ensure maximum aesthetic compatibility with other landscaping in the subdivision.

Status: Signed into law June 14, 2013.

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Comment: From the *Dallas Morning News* (August 28, 2013):

The House approved a bill that would prevent homeowner’s associations from restricting drought-resistant landscaping, also known as xeriscaping. According to the bill by Sen. Kirk Watson, D-Austin, an association could require a plan for review or approval, but can’t unreasonably deny a landscaping design because it doesn’t fit with the other lawns in the neighborhood. The bill passed quickly and without debate on a voice vote. It will now go to the governor.

In March, East Dallas resident Burton Knight was told by the Dallas Landmark Commission that the water-saving lawn, which included cactuses, was not historically appropriate for the neighborhood. “Many Texans want to do their part to conserve water and it’s outrageous some busybodies in HOAs would stand in the way,” said Environment Texas Director Luke Metzger. “This legislation protects the rights of Texans to respond to the drought through smarter use of our limited water supply.”

A report by Environment Texas said that by replacing water-sucking lawns like turf grass that are native to wetter regions with native plants that can survive with the Texas heat without consuming too much water could save 14 billion gallons a year — enough to meet the water needs of 240,000 Texans by 2020.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
03-35B-01 Gathering Pipeline Regulation North Dakota

Bill/Act: HB 1333

Summary: Upon passage of the legislation, North Dakota became the first state to require that pipeline operators report the location of underground gathering lines to state regulators. According to the U.S. Pipeline and Hazardous Materials Safety Administration, a gathering pipeline transports “gases and liquids from the commodity's source - like rock formations located far below the drilling site - to a processing facility, refinery or a transmission (pipe) line.” The bill requires an underground pipeline operator to submit, at least 180 days prior to service, a shape file showing the centerline of the pipeline to the state Public Service Commission (PSC). A company would also have 180 days to report the abandonment of any gathering line to the PSC, as well as provide an updated shape file. Any lines put into service before August 1, 2011 would be exempt from the reporting requirement to the PSC. In addition to the new reporting requirements, the law expands the state’s mediation service to include siting and construction of pipeline infrastructure as well as additional funding for plugging abandoned wells/pipelines and spill remediation efforts.

Status: Signed into law in April 2013.

GO TO TABLE OF CONTENTS

Comment: The North Dakota Department of Mineral Resources estimates the state has 18,000 miles of gathering pipelines.

From Natural Gas Intel.co:

Oil and gas companies operating in North Dakota could soon be required to report the location of thousands of miles of underground gathering lines to state regulators.

Under the new rule -- officially, Chapter 38-08-26 of the North Dakota Century Code -- an owner or operator of an underground gathering line after Aug. 1, 2013, would be required to submit, at least 180 days prior to service, a shape file showing the centerline of the pipeline to the state Public Service Commission (PSC). They would also have 180 days to report the abandonment of any gathering line to the PSC, as well as provide an updated shape file.

The rule also stipulates that for gathering lines that entered service after Aug. 1, 2011, pipeline owners and operators would be required to submit shape files for all existing underground gathering pipelines, including any known abandoned pipeline. Gathering lines that entered service before Aug. 1, 2011 are exempt.

The PSC would be authorized to create a geographic information system database for collecting pipeline shape files, but the database is not open to the public; the bill authorizes access only to the PSC, property owners affected by the gathering lines and any applicable tax commissioners.

The new rule was contained in HB 1333, which passed both chambers of the North Dakota Legislative Assembly and was signed by Gov. Jack Dalrymple in April.
Alison Ritter, spokeswoman for the North Dakota Department of Mineral Resources (DMR), told NGI’s Shale Daily that the North Dakota Industrial Commission (NDIC) approved the new rules last week.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Renewable Energy Battery Storage Requirements

Summary: The bill directed the state Public Utilities Commission to adopt appropriate targets in phased out-years for utilities to procure battery storage capabilities for renewable energy. The bill exempts electrical corporation with 60,000 or fewer customers within the state and a public utility district that receives all of its electricity pursuant to a preference right adopted and authorized by Congress.

Status: Signed into law in September 2010.

Comment: From an October 2013 article in the San Jose Mercury-News (October 17, 2013)

In a bold move being closely watched by utilities, environmentalists and the clean technology industry, California on Thursday adopted the nation's first energy storage mandate. State regulators with the California Public Utilities Commission, meeting in Redding, unanimously approved Commissioner Carla Peterman's groundbreaking proposal that requires PG&E, Southern California Edison and San Diego Gas & Electric to expand their capacity to store electricity, including renewable energy generated from solar and wind. "The decision lays out an energy storage procurement policy guided by three principles: optimization of the grid, integration of renewable energy and reduction of greenhouse gas emissions," said Peterman, a rising star who was appointed to the agency by Gov. Jerry Brown in late 2012. The state's three investor-owned utilities must collectively buy 1.3 gigawatts -- or 1,325 megawatts -- of energy storage capacity by the end of 2020. That is roughly enough energy to supply nearly 1 million homes. The 1.3 gigawatts is a capacity target, because different storage technologies have different rates at which they can accept and discharge energy, and the mandate aims to be technology-neutral. . . . The impact on household utility bills won't be known until after the procurement process begins. Utilities must begin moving toward the 1.3 gigawatt goal by buying a combined 200 megawatts of energy storage technology by 2014.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: HB 5802

Summary: HB 5802 requires all heating oil sold in the state of Rhode Island contain five percent of a biobased product. Definitions are outlined for biobased liquid fuel, biodiesel fuel, renewable biomass, renewable diesel fuel and heating oil.

Status: Signed into law July 11, 2013.

Comment: From Biodiesel (July 18, 2013)
The governor of Rhode Island signed landmark legislation recently that will ensure all of the state's heating oil becomes Bioheat® by 2014. Starting July 1, 2014, every gallon of oil heat in the state will contain at least 2 percent biodiesel. The Bioheat blend is a greener heating oil gaining popularity in Northeastern and Mid-Atlantic states.

Although other New England states have passed similar bills, Rhode Island is on track to be the first to implement a statewide Bioheat requirement.

...The legislation gradually increases the blend from 2 percent to 5 percent by 2017. Biodiesel is a renewable fuel made from agricultural byproducts and co-products such as soybean oil and other fats and oils. It is the only domestically produced, commercially available advanced biofuel in the U.S., and supports 50,000 American jobs.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: HB 1134

Summary: HB 1134 allows a one year grace period for the flaring of oil and gas wells from first production. After one year expires flaring must cease and the well be capped, connected to a gas collection line, equipped with electrical generator that uses 75% of the well’s gas, utilize a system that consumes 75% of gas or natural gas liquids to use in a variety of alternative methods, or equip the well with other value-added processes approved by the commission that will reduce the intensity of the flare by 60%. HB 1134 also creates an oil and gas production tax exemption for a period of two years and thirty days from first production if the gas is collected and used at well sites by a generator that consumes at least 75% of gas at the well, or gas is collected at the well site that intakes 75% of gas and natural gas liquids volume from the well for beneficial consumption.

Status: Signed into law April 26, 2013

Comment: From Lexology (May 1, 2013)
On April 26, 2013, North Dakota Governor Jack Dalrymple signed House Bill No. 1134 (HB 1134) into law, amending the state's flaring and oil and gas production tax statutes to promote reduction of natural gas flaring at the state's oil and gas wells.

While earlier proposed versions of HB 1134 included a reduction in the flaring grace period from one year to six months, the final legislation maintains the one-year grace period.

Upon the end of this grace period, a well operator's options are currently limited under statute to either: 1) capping the well, 2) connecting the well to a gas gathering line or 3) equipping the well site with an electric generator consuming 75% of the gas from the well, all subject to an "economic infeasibility" exception.

The final version of HB 1134, which becomes effective July 1, 2013, expands the state's list of permitted activities for an operator to undertake at the end of the grace period to include:

Equipping the well site with a collection system that intakes at least 75% of the gas and natural gas liquids volume from the well for beneficial consumption by means of:

- Compression to liquid for use as fuel.
- Transport to a processing facility.
- Production of petrochemicals or fertilizer.
- Conversion to liquid fuels.
- Separating and collecting over 50% of the propane and heavier hydrocarbons.

Other value-added processes as approved by the North Dakota Industrial Commission that reduce the volume or intensity of the flare by more than 60%.
Read more at: http://www.lexology.com/library/detail.aspx?g=59368bcb-6b28-45e4-a2d6-bd8af4db547e

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: HB 5709 establishes a pilot program to demonstrate the feasibility of using densified biomass to heat public schools.

Status: Signed into law May 20, 2013.

Comment: From State Senator John Smith Press Release (May 21, 2013)

Signed Monday, Senate Bill 5709 is a measure that the governor said holds “great promise.”

Wood pellets – a heat source popular in Smith’s 7th Legislative District yet underutilized across the state, known as “densified biomass” in policy language – have the potential to save schools money on overhead costs. The bill creates a program to test the feasibility and money-saving results from using densified biomass to heat schools.

Washington State University’s energy program will spearhead a two-year pilot program in two Washington public schools to determine if schools and businesses all across the state could benefit from using densified biomass.

“This pilot program has the potential to not only save schools money, but also lead our state to energy independence while stimulating the economy and creating jobs,” Smith said. “The advantages of clean-burning, renewable, densified biomass are vast, and this is something that I am proud to support.”

Read here: http://johnsmith.src.wastateleg.org/two-smith-bills-to-study-wood-heat-technology-address-wolf-livestock-conflicts-signed-by-governor

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: **SB 43**

**Legislative Summary:** SB 43 would enact the Green Tariff Shared Renewables Program. The program would require a participating utility, defined as being an electrical corporation with 100,000 or more customers in California, to file with the commission an application requesting approval of a green tariff shared renewables program to implement a program enabling ratepayers to participate directly in offsite electrical generation facilities that use eligible renewable energy resources, consistent with certain legislative findings and statements of intent. The bill would require the commission, by July 1, 2014, to issue a decision concerning the participating utility’s application, determining whether to approve or disapprove the application, with or without modifications. The bill would require the commission, after notice and opportunity for public comment, to approve the application if the commission determines that the proposed program is reasonable and consistent with the legislative findings and statements of intent. The bill would require the commission to require that a participating utility’s green tariff shared renewables program be administered in accordance with specified provisions. The bill would repeal the program on January 1, 2019.

**Status:** Signed into law September 28, 2013.

**Comment:** From *Daily Democrat* (October 2, 2013)
After a three-year effort, renters, small businesses and millions of others utility customers throughout California will soon be able to utilize wind, solar, and other forms of clean and affordable renewable energy through their utility provider.

This weekend, Gov. Jerry Brown signed into law legislation from Sen. Lois Wolk, D-Davis, enabling Californians who cannot install their own solar, wind, or other renewable power generation system to obtain up to 100 percent renewable energy through PG&E, Southern California Edison, and San Diego Gas & Electric as soon as the fall of 2014.

"Finally, the 75 percent of Californians currently unable to utilize solar power or other renewable energy, all the renters in California, all the businesses who lease, all those living in apartments and condos, everyone with low income or poor credit scores, will now be able to do so," said Wolk, the author of signed Senate Bill 43, in a statement. "Without any state funds or shifting costs to consumers who choose not to participate, I look forward to seeing this unique and exciting program provide these Californians with access to clean renewable energy while creating thousands of jobs, encouraging more investment in an important sector of our state's economy, and helping the state to meet its renewable energy goals."

The law establishes the Green Tariff Shared Renewables Program, a program through which the three utilities will make 600 MW of renewable energy -- enough electricity to power about 360,000 homes -- available to customers who wish to subscribe for a higher percentage of clean, renewable energy than the 20 percent of renewables currently available through their utilities' power mix.
"SB 43 opens the door for thousands of renters and other utility customers to go solar for the first time," said Susannah Churchill, Policy Advocate with the Vote Solar Initiative. "We thank Gov. Brown, Senator Wolk and other legislators for their leadership in creating an innovative new model that will allow more Californians to choose 100 percent renewable energy."

Of the renewable energy projects that will provide the 600 MW, projects generating a total of 100 MW must be built within communities determined by the California Environmental Protection Agency (Cal/EPA) to be disproportionately affected by environmental pollution and other hazards that can harm the public's health.

Another 100 MW will be reserved for residential customers, including renters and those who can't afford solar panels or other means of generating renewable power.


From PV Magazine (September 13, 2013)
California’s Legislature has given the green light for the state’s "Green Tariff Shared Renewables Program", which is the largest of its kind in the U.S. and will allow rental tenants, schools, cities and many other interested parties to invest in California’s renewable energy projects.

The program gives businesses and individuals the option to switch to a 100% "Green Rate" at the utility, which guarantees that their energy use is tied to a newly built renewable energy system that the utility procures for all green rate customers. The program is tied to the renewable developments of three investor-owned utilities – Pacific Gas and Electric Co. (PG&E), San Diego Gas & Electric Co. (SDG&E), and Southern California Edison Co. (SCE) – in return for a greener electricity supply and, in the future at least, lower bills.

The bill, labelled S.B 43, was passed by the Assembly and the Senate and is now on its way to the governor.

"S.B. 43 will allow millions of Californians who cannot install their own solar unit, windmill or other renewable power generation system to obtain renewable energy through their utility," said Senator Lois Wolk, who drew up the bill’s details. "The bill will create thousands of jobs and encourage more investment in an important sector of California’s economy, while helping the state meet its renewable energy goals."

The ruling allows the investment of up to 600 MW in renewable energy, of which 100 MW must be made available to residential customers. It will be overseen by the California Public Utilities Commission (CPUC), who will decide which clean energy projects qualify for the program and oversee how the cost benefits will trickle through to the customer.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
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   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Wind Energy Facilities Siting

Bill/Act: HB 484

Summary: HB 484 creates a new statewide permitting system for wind development. The bill also requires a public notification and hearing process to capture comments from citizens, local governments, military installations and others about an applicant’s intentions.

Status: Signed into law May 17, 2013.

Comments: From Governor Pat McCrory Press Release (May 17, 2013)

Governor Pat McCrory signed into law landmark legislation (H.B. 484) today that creates a framework for the establishment of wind energy facilities in North Carolina and signals the governor’s continued support for an “all-of-the-above” energy plan.

“This law will help unleash our state’s energy resources to power our economy and enable us to harness those resources in a safe, reliable and cost-effective manner,” said Governor McCrory.

"Our pursuit of energy from biofuels, clean coal, natural gas, solar, nuclear and wind are part of a prosperous energy future in North Carolina. However, we could not have had such comprehensive legislation related to wind energy without strong support from the military, the wind industry, environmental groups and local communities.”

“The Permitting of Wind Energy Facilities” law states that the N.C. Department of Environment and Natural Resources must issue a permit before a wind energy operation can begin in North Carolina. The legislation provides a framework for the Department of Environment and Natural Resources to assist wind developers in identifying suitable locations for wind energy facilities in North Carolina and the steps that follow in the permitting process.

The law requires people pursuing wind energy projects to meet a timeline of requirements during the application process. It also establishes a public notification and hearing process to alert nearby citizens, local governments, military installations and others of an applicant’s intentions before an application is filed.

The Department of Environment and Natural Resources can deny a permit if there are issues that have adverse impacts to private landowners as well as the environment, natural resources, endangered and threatened species, cultural and recreational sites, or military operations and training.

Read more: http://www.governor.state.nc.us/newsroom/press-releases/20130517/governor-pat-mccrory-signs-wind-energy-bill-law-support-%E2%80%9Call-above%E2%80%9D
Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
SB 1456 directs retail electric suppliers to create a new class of retail customer for those who install distributed power generation, i.e. on-site electricity generation that is connected to the grid. The new class and its associated tariff must be created by December 31, 2015, but does not apply to customers with distributed power generation as of November 1, 2014.

Oklahoma Gov. Mary Fallin signed a bill Monday that would allow regulated electric utilities to establish a new customer class for users of rooftop solar panels or small wind turbines. In signing Senate Bill 1456, Fallin also took the rare step of issuing an executive order directing its implementation. SB 1456 would allow electric utilities to apply to the Oklahoma Corporation Commission to establish a higher base customer charge for users of rooftop solar or small wind turbines. The higher fixed charge would be used to recover some of the infrastructure costs to safely send excess electricity back to the grid.

Fallin’s executive order emphasized the importance of renewable energy in her Oklahoma First Energy Plan, which was released in 2011. “A proper and required examination of these and other rate reforms will ensure that Oklahoma appropriately implements the Oklahoma First Energy Plan while protecting future distributed generation customers,” Fallin wrote in the executive order.

SB 1456 drew opposition from solar advocates, environmentalists and some conservative groups opposed to what they saw as an unnecessary roadblock to solar development by regulated utilities. The bill goes into effect Nov. 1, and any new tariffs covering distributed generation users would have to be finalized before the end of 2015.

Genetically Modified Food Labeling

Vermont

Bill/Act: HB 112

Status: Signed into law on May 8, 2014.

Summary: (From Lexis/Nexus) Section 3403 sets forth the GMO labeling requirements in Vermont. Foods that are produced entirely or partially with genetic engineering must be labeled as follows:

- Packaged raw agricultural commodity (RAC): “produced with genetic engineering” on package.
- RAC that is not packaged: “produced with genetic engineering” posted on label on retail store shelf or bin.
- Processed food that contains a product or products of genetic engineering: “partially produced with genetic engineering,” “may be produced with genetic engineering,” or “produced with genetic engineering.”

Genetic engineering is defined as a process by which a food is produced from an organism or organisms in which the genetic material has been changed using rDNA technology or fusion cell techniques. One question raised by the legislation is whether it is drafted broadly enough to include processed foods that contain ingredients that were derived from GMOs even if the processed foods do not contain any detectable levels of GM material or protein. Are these foods truly partially produced with genetic engineering?

Prohibition on “Natural” Labeling
H.B. 112 would prohibit the manufacturer of foods produced with GMOs from labeling the food as “natural,” “naturally made,” “naturally grown,” “all natural” or similar terms that “would have a tendency to mislead a consumer.” The “natural” labeling prohibition would not apply, however, to any product subject to an exemption from the labeling mandate.

Exemptions
Like most other state GMO labeling bills, H.B. 112 provides exemptions from the labeling requirements to a number of products, including: food derived from animals fed GMO food, processed food that contains processing aids or enzymes produced with genetic engineering, alcoholic beverages, food containing less than 0.9% by weight of materials produced with genetic engineering, food certified by an independent organization as being GMO free, food intended for immediate human consumption or food served in restaurants, and medical food.

H.B. 112 would also exempt from the labeling requirements food produced without the knowing or intentional use of GMO ingredients. Food will only be deemed to be produced without the knowing or intentional use of GMO ingredients if a sworn statement is obtained from a supplier indicating the food was not knowingly or intentionally produced with genetic engineering and was segregated from food that may have been produced with genetic engineering.
Liability and Enforcement
Under H.B. 112, liability for failing to properly label food containing GMOs may result in civil penalties of $1,000.00 per day, per product. The Vermont Attorney General is vested with the authority to promulgate and enforce regulations specifying that violations of H.B. 112 constitute unfair or deceptive acts under Vermont’s existing consumer protection laws. Consumers would be entitled to a private right of action to enforce violations of any regulations promulgated.

Retailers would not liable for failure to label a manufacturer’s processed food that contains GMOs; however, a retailer may be liable for failing to label a GMO-based raw agricultural commodity.

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Comments: USA Today (May 8, 2014)
Standing on the Statehouse steps before a legion of activists, Vermont's governor signed a new law Thursday that could make the state the first to require labeling of foods containing genetically modified organisms — and also could make it the first to be sued over the issue.

The law would take effect in July 2016, giving the state Attorney General's Office time to prepare specific rules about the label. But supporters and opponents alike expect Vermont to be sued, possibly by food manufacturers who say the label would unfairly warn consumers away from genetically modified foods that they argue are safe.

"Today, we are the first state in America that says simply, 'Vermonters have spoken loud and clear: We want to know what's in our food,' " Gov. Peter Shumlin said, comparing the issue to other state laws that were first in the nation, banning slavery and allowing same-sex marriage. "We are pro-choice. We are pro-information."

Even as Shumlin and some 300 supporters of the law celebrated, the governor announced a website — www.foodfightfundvt.org — and encouraged people to donate to help pay legal expenses in case the law is challenged. "We will win the food fight," Shumlin said.

The national Grocery Manufacturers Association called the law "legally suspect" in a statement released Thursday. The statement also said the trade group will file suit in federal court to overturn the law. The group argues that GMOs are safe and that consumers seeking to avoid them may choose certified organic foods, which are GMO free.

Republicans in Congress also are working on a bill that would forbid states from passing and enforcing laws requiring GMO labeling.

State Attorney General Bill Sorrell said he has no doubt the law will be challenged but he will defend the state. The state lost a previous challenge to a milk-labeling law but won the challenge of a mercury-labeling law.

The new law requires most food sold in Vermont that contains genetically modified organisms to be labeled as of July 1, 2016. No other states have such laws in effect, but 64 countries require
labeling and Connecticut and Maine have laws that would take effect if neighboring states join in.

…Critics characterized the law as "irresponsible," based on scare tactics, costly and legally dicey:

- "Economic studies have shown that such a program could needlessly increase food costs on the average household by as much as $400 a year," said Cathleen Enright, executive vice president for food and agriculture with the Biotechnology Industry Organization.
- "These advocates willfully overlook the fact that GM foods have been principally responsible for increasing abundance and reducing the overall price of food," said Val Giddings, senior fellow with the Information Technology and Innovation Foundation, which supports genetically modified organisms.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: S 734 requires that economic development tax incentives undergo regular and rigorous evaluations including details on the scope, quality and frequency of those reviews and how evaluations should be linked to budget decisions.

Status: Signed into law July 11, 2013.

Comment: From The Pew Charitable Trusts (July 15, 2013)
Earlier this month, Rhode Island adopted a law requiring that economic development tax incentives undergo regular and rigorous evaluations. The legislation (S 734) passed the General Assembly with only one dissenting vote and was signed by Governor Lincoln Chafee.

Because of this legislation, Rhode Island is on track to become a leader among the states on the evaluation of economic development tax incentives—those tax credits, deductions, and exemptions meant to increase jobs and businesses. Rhode Island is now one of only a handful of states to establish an ongoing schedule for such evaluations and ensure that evidence from these reviews informs lawmakers’ decisions on whether and how to use tax incentives.

Among the notable features of Rhode Island’s law are:

- The scope of evaluation: Regular reviews—every three years for existing programs—are required for 17 tax incentive programs that together are projected to cost the state more than $45 million in fiscal year 2013. Incentives created in the future must also be evaluated.
- The quality of evaluation: Evaluators must measure the benefits and costs of each incentive including its impact on the state’s budget and economy. The analysis must consider whether the economic benefits stayed in the state or flowed elsewhere, a key part of determining any incentive’s success. Each report must also draw clear conclusions about the incentive’s effectiveness—whether it meets the goals lawmakers set for the program and how it might be improved.
- The link to budget decisions: Following each incentive’s review, the governor’s budget proposal must make a recommendation to continue, reform, or end the program, encouraging policymakers to consider the evaluation findings. Budget hearings in the Legislature will provide opportunities to discuss and compare the results and costs of tax incentives alongside other types of state spending. Rhode Island approved a law in 2013 that builds review of tax incentives into the annual budget process. Starting in 2014, each incentive will be evaluated by the state’s tax office every three years. Informed by the findings, the governor’s budget proposal will include a recommendation on whether to continue, change, or end the program. These gubernatorial recommendations will then be the subject of legislative hearings, providing lawmakers with opportunities to review evaluation results and consider tax incentives alongside other state spending.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: AB 45 regulates charter party-carriers (commonly known as party buses) to prevent underage drinking, by requiring chaperones for any party that has members under 21 if alcohol will be present. Chaperones must check IDs and are responsible for telling the driver if there is underage drinking.

Status: Signed into law on September 23, 2012.

Comments: From the _Santa Cruz Sentinel_ (September 24, 2012)

Party buses with alcohol and any underage passengers will require chaperones and ID checks starting in January as part of a new law signed Sunday by Gov. Jerry Brown. Authored by state Sen. Jerry Hill, D-San Mateo, the law brings drinking rules on party buses in line with current rules for limousines. It comes in the wake of the deaths of a Santa Cruz woman who died after falling out of a party bus in July and a 19-year-old Burlingame man who died in a collision after drinking on a party bus in 2010.

"In recent years, the party bus industry has expanded and not kept up with the times," Hill said in August. "These buses are essentially 'booze cruises' -- parties on wheels with dance floors, neon lighting, sound systems, lounging areas and dancing poles."

Starting Jan. 1, party bus companies must ask customers during booking whether there will be any passengers younger than 21 and whether alcohol will be served. If the customer says yes, then the customer has to designate a chaperone age 25 or older to check identifications. The chaperone also has to tell them that if alcohol is found, the trip will end and the money will be forfeited to the bus company.

Once the trip starts, the chaperone also will be responsible for notifying the bus driver if underage passengers are consuming alcohol. If anyone younger than 21 is caught drinking, the bus must return to where it started. The chaperone also has to make sure anyone suspected of drinking makes it home safely. Chaperones can face misdemeanor penalties if they break the rules.

The law also has new rules for bus drivers. On buses where there are underage passengers and there is supposed to be no alcohol, the driver must check for alcohol on board if it is suspected. If the driver finds alcohol, then the trip will be terminated unless the alcohol is locked under the bus. Bus drivers who break the rules also can face a misdemeanor. The party bus company also can be fined up to $2,000 and face a 30-day license suspension or license revocation.

Hill said he initially introduced the bill, adopted as AB45, in 2010 after Burlingame teen Brett Studebaker was killed. Studebaker had been drinking on a party bus on Feb. 6, 2010, during a friend's birthday celebration. He later drove into a sound wall on Highway 101 near San Mateo.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
     ( ) next SSL mtg.
     ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Creates a process by which businesses can raise capital by selling small amounts of
equity to individual investors, often referred to as “crowdsourcing.” Individual investors are
limited to an investment of $5,000 and the total amount to be raised by the business cannot
exceed $1 million. A business must register with the Maine Office of Securities and include a
target amount to be raised and a funding deadline. If the preset funding goal deadline is not
realized, all investors must have their funds returned to them.

Status: Emergency Enacted Without Governor’s Signature March 3, 2014.

Comment: From Portland Press Herald (March 6, 2014)

A measure allowing Maine businesses to raise up to $1 million through “crowd investing”
became law Monday.

The bill, L.D. 1512, “An Act To Increase Funding for Start-ups,” was approved overwhelmingly
in both the House and Senate last month and allowed to take effect without the usual wait. The
measure allows small businesses in Maine to raise up to $1 million by advertising and selling
company shares to Maine residents, even those who do not meet federal “accredited investor”
standards.

Businesses seeking investors now can advertise publicly on “crowd investing” websites such as
Wefunder.com, which allows registered users to invest as little as $100 in the startup of their
choosing.

The law prohibits the companies offering shares from selling more than $5,000 worth per year to
any single investor. It only applies to investment activity between companies and investors
located in Maine. A similar federal law governs crowd-investment activity that crosses state
lines, but the specific rules of conduct have yet to be approved by the U.S. Securities and
Exchange Commission.

The Maine law’s sponsor, Senate President Justin Alfond, a Democrat from Portland, said its
purpose is to enable small businesses in Maine to raise capital while giving residents a chance to
invest in firms with high-growth potential. “Maine is a great place to start a business. This new
law will support entrepreneurs and increase investing opportunities for more Maine people,”
Alfond said in a written statement. “Maine can be a national leader in turning great ideas into
great jobs.”

As a result of the law’s passage, any Maine-based business interested in crowd investing can
register with the state Office of Securities and sell small amounts of equity to individual
investors. The business must set a target amount to raise of no more than $1 million, along with a
hard deadline to raise it by. If the business owners do not raise the target amount by the set deadline, all of the contributed money must be returned to the investors.

Prior to April 2012 when the federal Jumpstart Our Business Startups Act, or JOBS Act, was approved, advertising and selling shares in a private company to non-accredited investors was a violation of federal law.

The Securities Act of 1933 established criteria for what it called an accredited investor, including a net worth of at least $1 million or annual income of at least $200,000. The point was to protect people of modest means from losing all of their money in a risky business venture.

The JOBS Act created an exception for relatively small investment amounts. It allows companies to publicly advertise and sell $2,000 to $5,000 worth of shares per person to investors earning no more than $100,000 a year. The allowed investment amount is based on the investor’s annual income.

Investors earning $100,000 per year or more may invest up to 10 percent of their annual income, with a maximum limit of $100,000.

However, the crowd investment activity authorized by the JOBS Act remains suspended until the U.S. Securities and Exchange Commission approves a set of proposed rules by which shares can be advertised and sold. Without such rules, investors could face the risk of losing their money to fraudulent schemes, regulators have said. The SEC has missed multiple deadlines to approve the new rules. On Oct. 23, it finally issued a set of proposed rules that some investment experts say are overly complex and would be prohibitively expensive for most startup companies to follow.

The federal rules do not preclude states from creating their own, with the proviso that a state’s rules only supersede the federal ones if the company issuing the shares and the investor buying them are both located in that state. In other words, Mainers investing in an out-of-state business and Maine-based companies seeking investors outside the state would still be subject to the SEC rules.

Read More:

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: New Jersey was an early state to outlaw the sale of e-cigarettes to minors. About half do currently. The 2010 law also prohibits using e-cigarettes indoors, adding e-cigarettes to the definition of products prohibited under the state smoking ban already in place.


Comment: From NJToday (Jan. 14, 2010)

A bill sponsored by Sen. Bob Gordon and Sen. Joseph Vitale was signed into law this week banning the use of electronic smoking devices, commonly known as “e-cigarettes,” in indoor public places and the sale of the devices to minors.

“This is yet another victory for public health,” said Gordon (D-Bergen). “No matter how manufacturers attempt to market these devices, they are still cigarettes. In many ways, they may be more dangerous than traditional cigarettes because of their lack of oversight or any conclusive studies into their health effects.”

“With all of the overwhelming statistics on the hazards of smoking, the e-cigarette is nothing more than an attempt by the tobacco industry to reinvent itself as a healthier alternative,” said Vitale (D-Middlesex). “Meanwhile, they are using propylene glycol, a known irritant, to create the vaporizing effect of the cigarette.”

The bill applies the provisions of the 2005 “New Jersey Smoke Free Air Act” to the use of e-cigarettes by expanding the definition of “smoking” as the burning or inhaling of tobacco or any other matter than can be smoked or inhaled, or the inhaling of smoke or vapor from an electronic smoking device. The act already prohibits the smoking of a cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked in indoor public places and workplaces.

Under the bill, the penalties that currently apply to a person who smokes tobacco in an indoor public place or workplace would apply to a person who uses an e-cigarette: a fine of not less than $250 for the first offense, $500 for the second offense and $1,000 for each subsequent offense.

The new law, which goes into effect 180 days from its signing, also prohibits the sale of e-cigarettes to anyone under the age of 19, the legal age to purchase other traditional tobacco products. The same penalties listed above would apply to any retailer who sells a tobacco product to someone under the age of 19.
Read more: http://njtoday.net/2010/01/14/e-cigarette-restrictions-signed-into-law/#ixzz31X1lvwxE

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: SB 223

Status: Signed into law on April 9, 2014.

Summary: Uniform Law Commission: Wisconsin’s Act 208 contains many of the components of other states’ social media privacy laws, including, among others: non-retaliation provisions; exceptions for publicly available information, compliance with regulatory screening requirements, preventing the transfer of proprietary or confidential information, and inadvertent access; and a private cause of action provision. Wisconsin is unique, however, in that in addition to employers and schools, the law also provides for restrictions on a landlord’s access to a tenant or prospective tenant’s personal internet accounts.

NOTE: Following this section, please see the Uniform Law Commission’s summary description of state efforts on this issue.

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Comments: From Government Technology (January 28, 2014)
New legislation should shield Wisconsin job seekers from prospective employers who want access to their private social media accounts.

SB 223 prohibits employers, schools and landlords from requesting the passwords for applicant, student or potential tenants’ Facebook and other social media pages. Authored by Rep. Melissa Sargent, D-Madison, SB 223 prohibits employers, schools and landlords from requesting the passwords for applicant, student or potential tenants’ Facebook and other social media pages. …. Once law, the bill will protect people from being penalized or discriminated against by refusing to turn over personal Internet and social media account information. The legislation does not, however, prevent an employer from observing or acting on a person’s publicly-available social media data.

In an interview with Government Technology, Sargent said she decided to work on the legislation after seeing that the messaging aspects of social media platforms were being used as primary communication vehicles, instead of just fun diversions. She believes the bill will protect the 4th Amendment rights of the account holder and the people with whom that person is communicating.

Sargent was adamant that if an employer is not allowed to ask an employee or prospective employee for their private snail mail or emails, then they shouldn’t have access to private social media information either. “If someone has your login and password, they can see all that backend stuff … and it’s that type of protection that I am taking into account in bringing our laws up-to-date with the times,” Sargent said.

Wisconsin would be one of several states to adopt this kind of legislation. Washington set social media privacy policy early last year, while a New Jersey bill on social media protection went
into effect last December. According to NJ.com, the Garden State was the 12th state in the U.S. to implement a law regulating social media privacy in the workplace.

In an email to Government Technology, Sheila Gladstone, principal attorney with the Lloyd Gosselink Rochelle & Townsend law firm in Austin, Texas, noted that 15 more states have a social media password protection law pending. She added that a similar law was proposed but didn’t pass in Texas, but she’s advising her employer clients to respect the trend and not ask prospective employees for access. Instead, she’s encouraging them to review only what is open to the public or to any members of a particular social media site.

The Journal Sentinel reported that many of the social media password protection laws being circulated around the country have received bipartisan support. Sargent agreed and said her bill was bipartisan in both houses. In addition, she revealed the Wisconsin bill had support from a local chamber of commerce, a conservative business group and a branch of the ACLU.

Issues and Concerns

An amendment to the bill was made last week to ensure employers still had the right to “friend” employees on the various social media platforms. Sargent explained some parties were concerned that the legislation would prohibit employers and employees who had personal relationships from connecting online.

In addition to employee protections, Sargent’s bill also maintains a variety of employer rights. For example, some employees are in charge of providing social media for a company or use social media on equipment owned by a company. Under the new legislation, employers are still allowed to monitor what’s being done on a company owned computer, and the employer has the right to conduct investigations and compel employees to cooperate if there are any alleged unauthorized use of confidential information using social media.


Disposition of Entry:

SSL Committee Meeting: 2015 B
  ( ) Include in Volume
  ( ) Defer consideration:
  ( ) next SSL mtg.
  ( ) next SSL cycle
  ( ) Reject

Comments/Note to staff:
Status: Signed into law on April 22, 2013.

**Summary**: To prohibit an employer from requiring or requesting a current or prospective employee from disclosing his or her username or password for a social media account.

**Comments**: From *Privacy Law Corner* (May 9, 2013)
Arkansas Governor Mike Beebe recently signed H.B. 1901 into law, prohibiting employers from asking employees or job applicants for social media log-in information. Additionally, employers may not require that current or prospective employees add a supervisor to their social media contacts (i.e., "friending"), or require that privacy settings on social media accounts be changed. If an employer inadvertently obtains social media log-in information through an employer-provided electronic device, or through monitoring of the employer's network, the employer will not be liable for possessing the information but may not use it to access the social media account. Employers may not retaliate against current or prospective employees for exercising their social media privacy rights, but may still view information on social media sites that is publicly available.


**Disposition of Entry**:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Access to Social Media Accounts by Higher Educational Institutions  Arkansas

Bill/Act: HB 1902

Status: Signed into law on April 8, 2013.

Summary: To prohibit an institution of higher education from requiring or requesting a current or prospective employee or student from disclosing his or her username or password for a social media account.

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Comments: From Privacy Law Corner  (May 9, 2013)
Governor Beebe also signed a similar law prohibiting higher education institutions from obtaining log-in information from current or prospective students, requiring that students add a school employee or volunteer as contact or requiring that students change their privacy settings.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Access to Social Media Accounts by Employers or Educational Institutions

Michigan

Bill/Act: HB 5523

Status: Signed into law on December 31, 2012.

Summary: The bill would create a new act, to be known as the Internet Privacy Protection Act, which would, generally speaking, prohibit employers and educational institutions from requesting "access information" associated with "personal internet accounts" for prospective and/or current employees and students.

"Access information" would mean a user name, password, login information, or other security information that protects access to a social networking account. "Social networking account" would mean a personalized, privacy-protected website that allows an individual to (1) construct a public or semipublic profile within a bounded system established by an internet-based service and (2) create a list of other system users who are granted access to, and reciprocal communication privileges with, the individual's website.

Prohibited acts by an employer: Employers would be prohibited from (1) requesting an employee or applicant to disclose access information associated with a personal internet account; and (2) from discharging, disciplining, failing to hire, or otherwise discriminating against an employee or applicant for failing to disclose access information.

Prohibited acts by an educational institution: Educational institutions would be prohibited from (1) requesting a current or prospective student to disclose access information associated with that student's personal internet accounts; and (2) from discharging, disciplining, failing to admit, or otherwise discriminating against that student for failing to disclose personal internet account access information.

Permitted acts by an employer: The bill would not prohibit an employer from:

- Requesting or requiring an employee to disclose access information to the employer to gain access to or operate (1) an electronic communications device paid for in whole or part by the employer, or (2) an account or service provided by the employer, obtained by virtue of the employee's employment relationship with the employer, or used for business purposes.
- Disciplining or discharging an employee for transferring the employer's proprietary or confidential information or financial data to an employee's personal internet account without prior authorization.
- Conducting an investigation or requiring an employee to cooperate in an investigation if (1) there is specific information about activity on the employee's personal account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related misconduct; or (2) the employer has specific information about an unauthorized transfer of the employer's proprietary or confidential information, or financial data to an employee's personal account.
- Restricting or prohibiting an employee's access to certain websites while using an electronic communication device paid for in whole or part by the employer or while using an employer's network or resources, in accordance with state and federal law.

- Monitoring, reviewing, or accessing electronic data stored on an electronic communications device paid for in whole or part by the employer, or traveling through or stored on an employer's network, in accordance with state or federal law.

The bill also would not prohibit or restrict an employer from (1) complying with a duty to screen employees or applicants prior to hiring or to monitor or retain employee communications that is established under federal law or by a self-regulatory organization, or (2) viewing, accessing, or utilizing information about an employee or applicant that can be obtained without any required access information or that is available in the public domain.

Permitted acts by an educational institution: The bill would not prohibit an educational institution from requesting or requiring a student to disclose access information to the institution to gain access to or operate (1) an electronic communications device paid for in whole or part by the institution, or (2) an account or service provided by the institution that is either obtained by virtue of the student's admission to the institution or used by the student for educational purposes.

Educational institutions would also be allowed to view, access, or utilize information about an employee or applicant that can be obtained without any required access information or that is available in the public domain.

Employer and educational institution liability: The bill would not create a duty for an employer or educational institution to search or monitor activity on a personal internet account.

Neither an employer nor an educational institution would be liable under the bill for failing to request or require an employee, student, applicant, or prospective student to grant access to or disclose information that allows access to a personal internet account.

Penalties for violation: Anyone found in violation of the act would be guilty of a misdemeanor and subject to imprisonment up to 93 days and/or a maximum fine of $1,000.

Civil action: An individual who is the subject of a violation could bring a civil action and recover actual damages or $1,000, whichever is greater, and reasonable attorney fees and court costs. Except for good cause, not later than 60 days before filing a civil action, the individual would have to make a written demand of the alleged violator for the greater of the amount of the actual damages or $1,000. The written demand would have to include reasonable documentation of the violation and damages, and would have to be served in the manner provided by law for the service of process in civil actions or be sent by certified mail to the alleged violator's residence, principal office, or place of business. Civil actions could be brought in the circuit court where the alleged violation occurred or in the county where the alleged violator resides or has a principal place of business. It would be an affirmative defense to an action under this bill that the employer or educational institution acted to comply with the requirements of federal or state law.
The law prohibits employers from requiring employees or applicants to grant access to; to allow observation of; or to disclose information that allows access to personal internet accounts. The law does not prevent an employer from "surfing the web" to find out non password protected information about the employer. An employer may not discipline, terminate, or otherwise penalize employees and applicants who refuse to provide access/passwords.

A violation of the law is a misdemeanor with a fine of up to $1,000. The law provides for a private right of action after an individual serves written demand of the alleged violation with supporting documentation of the violation. Compliance with state or federal law is an affirmative defense to a claim.

The law has exceptions when the electronic device is paid for, in whole or part, by the employer; when the account is obtained by virtue of the employment relationship or when it is used for the employer's business; and when an employee has transferred proprietary or confidential information or financial information to a person account without authorization.

There is also an exception where an employer is conducting an investigation where there is specific information about activity on a personal account concerning compliance with applicable law and regulatory requirement, or about work related misconduct; and about unauthorized transfer of confidential, proprietary, or financial data; or about access to certain websites while using the an employer paid for electronic communications device. An investigation to review, monitor, or access electronic data stored on a device paid for by the employer or traveling through on the employer's network in accordance with state or federal law is not a violation.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
14-35B-01 Registration Fee for Electric Vehicles Colorado

Bill/Act: HB 1110

Summary: Establishes a flat, annual fee of $50 for the registration of each plug-in electric vehicle. Sixty percent of the fee goes toward road and highway maintenance. The other 40 percent funds electric vehicle infrastructure such as charging stations.


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Comment: From GreenCarReports.com (May 14, 2013)
Stories about new or proposed taxes on electric cars are generally viewed as negative, even punitive, by plug-in vehicle advocates. Now, there's one that likely shouldn't cause all that much ruckus: Colorado is about to levy a $50 annual fee on any car that plugs into the wall to recharge its battery pack. In doing so, it joins the fast-growing list of states that single out cars with plugs--or in some cases, high fuel efficiency--for new and special added taxes.

The rationale is that because these cars don't use gasoline--or at least, use less of it--their owners aren't contributing their fair share of gasoline-tax revenue to state and Federal coffers. Electric-car tax initiatives are currently in effect or under discussion in Arizona, Michigan, Oregon, Texas, Virginia, and Washington.

But what's so great about Colorado's new tax, which takes effect January 1, 2014? For one thing, it's low: just $50 a year, compared to the $100 level in many of the other states that have added the special taxes. Paying the annual fee will get the plug-in electric car owner a decal that must be attached to the upper right-hand corner of the windshield. Even better for electric-car advocates, the law specifies that only $30 of that money goes into the state treasury for the Highway Users Tax Fund. The other half, fully $20 per plug-in car per year, goes into the state's Electric Vehicle Grant Fund, which pays for public charging stations and other infrastructure. That fund, established four years ago, was never allocated a revenue source--so until the electric-car tax was implemented, its goals remained purely theoretical.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
14-35B-02 Automatic Traffic Enforcement Systems on School Buses

Bill/Act: HB 05

Status: Signed into law on March 7, 2014.

Summary: The act requires school buses operated by Wyoming school districts to be equipped with external video systems that meet standards to be adopted by the Wyoming Department of Education. The act also authorizes equipping buses with internal video systems. The act provides school districts will be reimbursed one hundred percent (100%) of the cost associated with installing the required or optional equipment. The act further appropriates five million dollars ($5,000,000.00) from the school foundation program account for immediate reimbursement for the costs associated with installation rather than requiring school districts to be reimbursed the following school year.

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Comments: From School Transportation News (March 4, 2014)

Yesterday the state Senate gave final approval to a bill that would require Wyoming school districts to equip new school buses with cameras by the 2015-16 school year to target motorists who illegally pass stopped buses. After passing on a 19-11 vote, House Bill 5 was sent to Gov. Matt Mead for his consideration.

If signed into law, the measure would appropriate up to $5 million to equip all 1,700 school buses in the state with internal and external video systems in time for the 2015-2016 school year. It is estimated that school buses stopped while loading or unloading students are passed illegally about 52,000 times annually in Wyoming. On Dec. 20, 2011, 11-year-old MaKayla Marie Strahle of Crowheart was struck and killed by a passing motorist who failed to stop for her school bus after she disembarked and attempted to cross the road.

The Wyoming Legislature's Joint Education Committee endorsed a proposal Oct. 22, 2013 to install cameras inside and outside school buses as a means to better protect students. Proponents of video cameras contend it would help reduce incidents of motorists illegally passing stopped buses.

David Koskelowski, state director of transportation at the Wyoming Department of Education, said that about half of the state's buses already have video cameras mounted either inside the bus for onboard recording or at the stop arm to monitor motorists who illegally pass stopped school buses. He explained that equipping the remaining buses with either internal or external cameras would be a similar job as what a decent-sized school district in, say, California or Texas would be faced with.

He noted that Wyoming would become the first state to have these cameras on every bus in the fleet and added that the intent is to be vendor neutral when it comes to camera suppliers. The bill calls for 100-percent reimbursement for school districts to ensure buses purchased before July 1, 2015 and used for home-to-school transportation have video systems recording
events inside and outside of the bus. After July 1, 2015, funding for the cost of on-board and stop-arm video cameras would fall under the state's existing block funding grant.

"Our goal, if this becomes law, is to have each district work with their current camera vendor and add cameras to the current system," he told STN. "We may have to add additional ports (from a four/five to an eight), but this would be included in our reimbursement. Once all of this happens, all buses delivered in the (2015-16) school year would have to have cameras on them, when delivered and prior to being placed in service."


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Automatic Traffic Enforcement Systems on School Buses

Bill/Act: SB 923 (Provisions begin on page 31)

Status: Signed into law on August 27, 2013.

Summary: Authorizes the Use of Cameras on School Buses to Photograph Traffic Violations

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Comments: Daily Chronicle (January 10, 2014).
Local school bus drivers have complained for years about people driving past school buses while they are picking up or dropping off children. ... A new law that took effect this month also allows school districts to install video cameras on buses to catch offenders. The law allows for the installation of cameras on school buses to record images of vehicles that pass the bus while it is stopped to drop off or pick up students.

In Illinois, drivers who pass a stopped school bus with the stop arm extended face a $150 fine and three-month suspension of their license for the first offense. They can be fined $500 with a one-year suspension if they commit a second offense within five years.

However, as with red-light cameras already in use in some communities, the violations captured by bus cameras would not be considered moving violations. Fines would be the same, but they would be administered as civil penalties against the registered owner of the vehicle. The school district and municipality or county administering the program would share in the proceeds from the fines.

The law requires that law enforcement officers or certified technicians review the video to determine if a violation occurred.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
14-35B-04 Adult Drivers Education Courses Illinois
Bill/Act: HB 772/Public Act 098-0167

Summary: Provides that certain persons shall not be issued or allowed to renew a driver's license without completing a driver education course, provides for the certification of course providers, permits online courses, requires the establishment of a system of electronic verification of a student's completion of the course, requires the maintenance of a list of course providers and prices on a specified website, provides that an adult course shall not require operation of a motor vehicle.

Status: Signed into law on August 5, 2013.

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Comment:
From Active Insurance Agency (October 9, 2013):
Requires anyone ages 18 to 21 who did not take a driver’s education course in high school to complete an adult driver’s education course before he or she can receive a driver’s license.

Read more: http://www.activeinsurance.com/new-teen-driving-laws

Disposition of Entry:
SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
14-35B-05 Autocycles Virginia
Bill/Act: HB 122/Chapter 53

Summary: Defines a new class of vehicle, known as an autocycle, provides for examination of drivers, registration fees, safety, inspection, and other requirements pursuant to creating this new class of vehicle.


Comment: From *The (Culpepper) Star Exponent* (January 4, 2014)

As a Culpeper manufacturer redefines mobility with a fresh look at speed, state law will be need to be modified to accommodate a brand new type of machine. Del. Ed Scott, R-Madison, is chief patron of a bill that will define the modern class of vehicle being created by Tanom Motors.

They're calling it the autocycle. The first of its kind — the Tanom Invader — is expected to roll off the assembly line this year, selling for about $50,000. So what is it?

"Autocycle means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle," reads Scott's bill, an addition to the Code of Virginia section already defining other types of vehicles like the moped, motorcycle, passenger car and pickup truck.

Scott said the definition was the result of the work of Tanom Motors and Virginia DMV staff working with similar interested parties in other states to craft a definition that could be used across the country.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Provides a strategic prioritization funding plan for transportation investments and local allocations.


Comment: From the Office of Governor Pat McCrory

The N.C. Department of Transportation has a new, more efficient way of funding infrastructure investments that will better connect citizens to opportunities, increase jobs, and enhance economic development after Governor Pat McCrory signed into law today the Strategic Mobility Formula, House Bill 817.

The new formula is the first step in helping to address a decline in revenue and increase in the state’s population by allowing NCDOT to more efficiently use its existing funds, which will result in more transportation projects and more jobs for North Carolina. The next steps, already underway, are to develop the 25 year plan and determine how to generate the revenue for infrastructure investment.

NCDOT will work closely with the N.C. Department of Commerce, local municipalities, and metro and regional planning organizations to identify projects that spur economic growth throughout the state through a new data-driven process.

NCDOT’s current 10-year plan includes 175 projects and creates 174,000 jobs. The new formula will fund at least 260 projects and create more than 240,000 jobs over the next 10 years.

The Strategic Mobility Formula replaces the state’s outdated Equity Formula, which was implemented in 1989 and did not provide sufficient flexibility to meet North Carolina’s current needs. The new formula takes a tiered approach to funding transportation improvements, with the statewide level receiving 40 percent of available funding ($6 billion), the regional level receiving 30 percent of available funding ($4.5 billion) and the division level also receiving 30 percent of available funding ($4.5 billion) over the next 10 years.

The new formula is scheduled to be fully implemented by July 1, 2015. Projects funded for construction before then will proceed as scheduled; projects slated after that time will be ranked and programmed according to the new formula.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Allows the State Department of Transportation, State Turnpike Authority, and South Jersey Transportation Authority to enter into sponsorship agreements with private entities to exchange monetary compensation and accept products or services from the private entity to be used for the maintenance and upkeep of a rest area or service area in return for acknowledgement advertising signs to promote commercial products and highway related services.

Status: Signed into law August 9, 2013.

Comment: From The Press of Atlantic City (February 17, 2013)
Over the years, New Jersey's three toll roads have turned to billboards, corporate sponsorships and other creative ways to generate more revenue without hitting motorists with another fare increase.

The state Legislature is looking to wring more money out of the Atlantic City Expressway, Garden State Parkway and New Jersey Turnpike by tapping their rest stops and service plazas for transportation funding.

A bill making its way through the Statehouse directs the toll roads to develop plans for more commercial, business or retail ventures at the rest areas. They have 12 months to submit their ideas to the governor and Legislature once the bill becomes final.

Lawmakers see the rest stops as a potentially lucrative source of transportation funding - one that would allow them to raise cash without imposing a tax increase or jacking up tolls.

"It's incumbent upon us to seek creative ways to boost revenue without burdening taxpayers," Assemblyman Craig Coughlin, D-Middlesex, one of the primary sponsors of the bill, said in a statement. "Our current transportation infrastructure demands that we think outside the box to find new revenue sources to help meet our long-term needs."

New Jersey is not alone in exploring highway rest stops and service plazas as a potential funding source. Louisiana and Massachusetts are among states looking to overcome scarce transportation funding by monetizing rest stops through advertising deals, corporate sponsorships or service contracts. Louisiana is studying a sponsorship campaign for roads, bridges, ferries, buildings and even the vests worn by state transportation workers, according to media reports.

Concession deals - in which private companies operate the rest stops and give the toll roads a share of the revenue - have long been in existence on New Jersey highways. But now the Legislature wants the toll roads to do more.
Coughlin and Wisniewski said they proposed their bill in response to a 2010 report by the New Jersey Privatization Task Force, which indicated there are "numerous revenue-generating opportunities" for the toll roads to study.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill amends and clarifies laws regarding bicycle operation and equipment and motor vehicle interaction with bicyclists. The bill states that whenever it is necessary for the driver of a motor vehicle to cross a bicycle lane adjacent to the driver's lane of travel to make a turn, the driver shall first signal the movement, then drive the motor vehicle into the bicycle lane prior to making the turn, and shall make the turn, but only after it is safe to do so. The driver shall then make the turn consistent with any traffic markers, buttons, or signs, yielding the right-of-way to any vehicles or bicycles approaching so close thereto as to constitute an immediate hazard. The bill also clarifies that a bicyclist operating on the shoulder of a roadway or in a bicycle lane is exempt from the requirement to ride as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies that a bicycle equipped with lamps that are visible from a distance of at least 500 feet from both the front and the rear is deemed to fully comply with the lighting requirements for a bicycle. The bill also clarifies that a bicycle equipped with a direct or fixed gear that can make the rear wheel skid on dry, level, clean pavement shall be deemed to fully comply with the brake equipment requirements for a bicycle.

Status: Signed into law May 24, 2013.

Comment: From *The Star Tribune* (August 27, 2013)
The state Senate passed a bill this week that prohibits cars from using bike lanes to pass other vehicles, requires drivers to use a turn signal when crossing a bike lane to turn, and prohibits them from parking in a bike lane unless permitted by signs. …

Bicycles “need to be treated like any other vehicle that is using our roads,” (Senate Transportation Committee Chair Scott) Dibble (DFL-Minneapolis) said. “More and more folks are biking on our streets. That’s desirable.”

Sen. Kari Dziedzic, DFL-Minneapolis, said the measures are needed because rider safety is a growing concern as more people travel by bicycle.

Read more: [http://www.startribune.com/politics/statelocal/204957031.html](http://www.startribune.com/politics/statelocal/204957031.html)

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
14-35B-09 Use of Handheld Devices by Motorists Illinois

Bill/Act: HB 1247/Public Act 098-0506

Summary: Expands the prohibition on driving while using an electronic communication device to include uses beyond composing, sending, or reading an electronic message, expands the exceptions to include the use of hands-free devices, two-way radios, and electronic devices capable of performing multiple functions as long as these devices are not used for a prohibited purpose; establishes a graduated fine scale for repeat offenses.

Status: Signed into law August 16, 2013.

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Comment: From WLS-TV Eyewitness News (December 20, 2013)
The use of hand-held cell phone devices behind the wheel will be prohibited. Bluetooth headsets, earpieces and voice-activated commands are permitted. The only exemptions from this law apply to law enforcement officers or first responders; drivers reporting emergencies and drivers using electronic devices while parked on the shoulder of a roadway. Violations can cost up to $75 for a first offense, $100 for a second offense, $125 for a third offense and $150 for a fourth or subsequent offense. However, the ban does not include operation of a GPS or navigation system.

Read more: http://abclocal.go.com/wls/story?id=9367514

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: HB 1087

Summary: Passage of the bill made South Dakota the first state in the nation to enact a law explicitly authorizing school employees to carry guns on the job. School districts are given the authority to allow a school employee, a hired security officer or a volunteer to serve as a “sentinel” who can carry a firearm in the school. The school district must receive the permission of its local law enforcement agency before carrying out the program. Under the established sentinel program, all selected individuals must undergo training similar to what law enforcement officers receive.

Status: Signed into law in March 2013.

Comment: Supporters believe the measure is critical because of the rural character of the state with many schools several miles away from emergency responders. The legislation was opposed by several education groups and superintendents that questioned its need, with some suggesting that a better alternative would be providing resources to districts so they could hire law enforcement or resource officers.

From a March 2013 article in the Rapid City Journal:

Despite opposition from the education community, the school sentinel bill was signed into law Friday by South Dakota Gov. Dennis Daugaard.

The bill gives school boards the authority to allow armed personnel in school buildings.

The House had previously approved the plan, but the Senate added requirements that said school boards must discuss the program in open meetings and decisions to adopt the sentinel programs can be referred to public vote.

Rep. Scott Craig, R-Rapid City, said the Senate amendments strengthened the legislation.

“It is now a better bill and I ask you to support it again,” he said.

Educators interviewed earlier this week remained unconvinced the legislation is needed.

Don Kirkegaard, superintendent of the Meade School District, said he has never been in favor of the bill and would have preferred a summer study session on school safety.

"We should be looking at the big picture and that may be part of the big picture, but it's not something I'm going to promote," he said. Kirkegaard said a study session would have allowed educators to explore everything from facility designs to fire safety, all of which play a key role in safety. Such a session would have brought together "all of the players" for a more comprehensive safety plan, he said.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
17-35B-01 Armed Personnel in Schools Kansas
Bill/Act: HB 2052 (Section beginning on page 2)

Status: Signed into law on August 16, 2013.

Summary: Among other things, permits school districts, post-secondary educational institutions, public medical care facilities, public adult care homes, community mental health centers, and indigent health care clinics to allow a licensed employee to concealed carry a handgun if the employee meets the entity’s general policy requirements and if the entity does not have a personnel policy prohibiting employees from concealed carry of a handgun.

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Comments: From the Kansas City Star (April 17, 2013) Kansas will allow public schools and colleges to arm employees with concealed guns and loosen restrictions on carrying concealed weapons into public buildings, starting in July.

The new law says that state agencies, local governments, state universities and state colleges couldn't prevent people with state permits from bringing concealed guns into their buildings after 2017. The law allows local school boards, university presidents and college boards to designate individual employees who can carry concealed weapons in their buildings, whatever their policies for the general public.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: HB 6

Status: Signed into law on May 13, 2013.

Summary: Allows a person employed or assigned to a Local Education Agency to possess and carry a firearm on school grounds if they are current or former law enforcement. The person must have a handgun carry permit, have completed 40 hours in basic training in school policing, and have the written authorization of the director of schools and the principal.

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Comments: From the Commercial Appeal (April 19, 2013)
Specially trained teachers and school employees who are former law enforcement officers would be allowed to carry guns in schools. The local director of schools and the school’s principal would also have to approve which staffers come to school armed.

House Bill 6 — called the School Security Act of 2013 — will be the Tennessee legislature’s main response to the massacre of 20 first graders and six faculty and staff members at Sandy Hook Elementary School in Newtown, Conn., Dec. 14.

A separate resolution has passed that calls for state education officials to study the costs of a more comprehensive school safety plan and report the findings to lawmakers next year.

HB 6 set off a lively debate on the Senate floor Thursday when Sen. Stacey Campfield, R-Knoxville, who had sponsored a much broader bill allowing any school employee with a handgun-carry permit to go armed in schools, argued that it was “so watered down and so weak” that it’s been “neutered about as much we can neuter it.”

The sponsor, Sen. Frank Nicely, R-Strawberry Plains, said the redrawn bill represents a “consensus” among the governor, lawmakers, the Tennessee Sheriffs Association, Tennessee Police Chiefs Association and the state’s School Boards Association.

It does not mandate that local school systems alter their current policies on banning guns at school, but rather allows them to authorize school personnel who have handgun-carry permits and have undergone the more rigorous Peace Officer Standards and Training course required of police officers to carry firearms, with individual approval of the employee’s principal and the local director of schools. Carrying guns on school grounds will not become a “right” for school personnel.

The compromise focuses on allowing schools to hire retired law enforcement officers as school resource officers, who are also allowed to go armed at school, with the idea that retirees wishing to supplement their incomes would cost local schools less than hiring and training entire new staffs of resource officers.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Under the bill, a person may maintain an action for defamation when the person has made a timely and adequate request for correction or clarification from the defendant, or the defendant has made a correction or clarification. A person who, within 90 days after knowledge of the publication, fails to make a good-faith attempt to request a correction or clarification may recover only provable economic loss. According to the legislation, a request for correction or clarification is adequate when it:

- is made in writing and reasonably identifies the person making the request;
- specifies with particularity the statement alleged to be false and defamatory and, to the extent known, the time and place of publication; alleges the defamatory meaning of the statement;
- specifies the circumstances giving rise to any defamatory meaning of the statement which arises from other than express language of the publication; states that the alleged defamatory meaning of the statement is false.

Status: Signed into law in May 2013.

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Comment: While the legislation was opposed by the Washington State Bar Association, the bill is has been supported by the Uniform Law Commission. Below is an excerpt from their summary of the issue:

A legal action for defamation seeks remedy for loss of reputation based upon a publication of false information about a person. The remedy traditionally comes in the form of money damages. Unlike other kinds of injury, however, lost reputation can be repaired by correction or clarification of the information that is defamatory—if the publication of the correction or clarification reaches the same audience or public as the original defamation did. In fact, restoration of reputation by correcting or clarifying the original publication may be the best remedy.

Moreover, under current law few persons who claim to be defamed recover any damages because of the difficulties in bringing such actions. This is true notwithstanding the very few large defamation awards that are reported in the news and media. A remedy may be denied because a publisher has immunity under the First Amendment to the U.S. Constitution. The First Amendment guarantees a free press and freedom of speech. There is inevitable tension between the First Amendment and defamation law. If a defamed person does lose because the publisher asserts a First Amendment privilege, the result is too often taken as confirmation of the underlying statement about the defamed person.

If correction or clarification of the original publication is an adequate remedy - maybe even a more just remedy that money damages - wouldn’t it make sense to encourage corrections or clarifications of a defamatory publication as an alternative to damages? Wouldn’t a defamed person, also, be more likely to obtain a remedy?
Because negotiations between the parties might lead to a correction or clarification of the defamatory statement which will restore the defamed person's reputation, the Uniform Law Commissioners promulgated the Uniform Correction or Clarification of Defamation Act (UCCDA) in 1993. The purpose of the UCCDA is to create significant incentives for the parties to explore a correction or clarification as an alternative to pursuing a law suit.

Several states adopted retraction statutes prior to 1993, but these efforts have been largely unsuccessful. Most apply only to an alleged defamation by newspapers whereas the UCCDA applies to all defamations. Most of these pre-UCCDA retraction statutes not only do not create sufficient incentives for correction or clarification but may create risks for the parties in any subsequent legal action. The UCCDA tries to extract the best principles from prior efforts and to provide a uniform method of achieving these objectives.

To maintain a defamation action, UCCDA requires a person who alleges a defamation to make a timely and adequate request to the publisher for a correction or clarification. A request is timely if made within the period of limitation for defamation actions, but, to preserve a right to damages that exceed economic losses (exemplary and punitive damages), the request must be made within 90 days of publication of the defamatory material.

The publisher of an alleged defamation may ask the defamed person for information respecting the falsity of the published information. The recovery of a defamed person, if that person unreasonably fails to disclose requested information going to the falsity of the publication, will be limited to economic losses.

Read more: http://uniformlaws.org/Act.aspx?title=Correction%20or%20Clarification%20of%20Defamation

Disposition of Entry:
SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill creates new criminal penalties for unlawful tethering of a domestic pet if a person uses a leash that is “not a reasonable length” for more than 10 hours in a 24-hour period. Violators of the statute can face a maximum fine of $1,000, as well as additional first-degree animal neglect charges if such tethering results in serious injury or the death of the animal.

Status: The law went into effect on January 1, 2014.

Comment: From a memo presented to the Oregon House Committee on Agriculture & Natural Resources:

WHAT THE MEASURE DOES: Creates offense of unlawful tethering of domestic animal in person’s custody or control and establishes offense as Class B violation. Specifies unlawful tethering if person tethers domestic animal in person's custody or control: (1) with tether that is not reasonable length given size of animal and available space and allows animal to become entangled, (2) with collar that pinches or chokes animal when pulled, (3) for more than 10 hours in 24 hour period, or (4) for more than 15 hours in 24 hour period if tether attached to running line, pulley or trolley system. Establishes person does not commit offense if person tethers animal: (1) while animal remains in physical presence of person who owns or controls animal; (2) pursuant to requirements of campground or other recreational area, (3) to engage in activity that requires licensure, including hunting, (4) to allow person to transport animal, or (5) is a dog kept for herding, protecting livestock or dogsledding. Specifies that person commits crime of animal neglect in first degree if person tethers domestic animal and tethering results in serious injury or death to animal. Specifies that person commits crime of animal neglect in second degree if person tethers domestic animal and tethering results in physical injury to animal. Defines adequate bedding, adequate shelter and tethering.

Read more: https://olis.leg.state.or.us/liz/2013R1/Measures/Analysis/HB2783

Disposition of Entry:

SSL Committee Meeting: 2015 B
() Include in Volume
() Defer consideration:
    () next SSL mtg.
    () next SSL cycle
() Reject

Comments/Note to staff:
Summary: This legislation amends existing state law bill to authorize the Supreme Court to admit to an admit a person who is not lawfully present in the United States to practice law in the state, upon certification by a committee within the California State Bar that the applicant has fulfilled its admission requirements.

Status: Was signed into law in October 2013.

Comment: From a January 2014 San Jose Mercury News article:
Citing a new state law allowing persons living in the country illegally to get their law licenses, the California Supreme Court on Thursday paved the way for a Chico man to fulfill his dream of becoming an attorney despite his not being a U.S. citizen.

In a unanimous ruling, the state Supreme Court determined there is no reason to block Sergio Garcia's bid for a California law license, now that a new law permits the state's high court to give such licenses to immigrants who are not yet citizens. State legislators, backed by Gov. Jerry Brown, pushed the legislation last fall as Garcia's case was unfolding in the Supreme Court, which has a final say on licensing California attorneys.

During arguments in the fall, the justices appeared unlikely to back Garcia because federal immigration law precludes giving a law license to people living in this country illegally. But the court invited the Legislature to fix the problem if it wanted to solve the conflict with federal laws. In Thursday's ruling, the Supreme Court concluded that there is no longer reason to deny a law license to Garcia, or other immigrants in his position.

"We conclude there is no state law or state public policy that would justify precluding undocumented immigrants, as a class from obtaining a law license in California," Chief Justice Tani Cantil-Sakauye wrote for the court.

Garcia, a law school graduate who has waited for his green card for nearly a decade, has been in limbo while the state Supreme Court determined whether it had the legal authority to give him a law license. Attorney General Kamala Harris and the State Board of Bar Examiners backed Garcia in the Supreme Court, but the Obama administration argued that federal immigration law prevents such licensing unless a state adopts a specific law allowing law licenses for illegal immigrants.

U.S. Justice Department lawyers abandoned their opposition to Garcia's law license once the governor signed the legislation removing the primary impediment to his quest to become a lawyer.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Creates enhanced penalties and prohibitions for those convicted of scrap metal theft. Permanently prohibits a person who is convicted of scrap metal theft from selling scrap metal and subjects a person convicted of certain crimes (felony theft, criminal mischief) to an enhanced sentence of an additional five year term of imprisonment at the discretion of the court if the property stolen or damaged is nonferrous metal (including aluminum, copper, lead, nickel, tin, titanium, etc.).

Status: Signed into law on April 18, 2013.

Comments:
Insurance companies, law enforcement officials and industry watchdogs have called scrap metal theft—including the theft of copper, aluminum, nickel, stainless steel and scrap iron—one of the fastest-growing crimes in the United States. State lawmakers have reacted to the metal theft problem, passing a flurry of legislation meant to curb metal theft and help law enforcement find and prosecute criminals. All 50 states have passed legislation designed to curb metal theft. Arkansas passed a law in 2013 that places a lifetime ban on those convicted of metal theft from selling scrap metal in the future.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Cannabidiol Oil for Epileptics

Bill/Act: SB 174

Summary: SB 174, also referred to as Carly’s Law for 3-year-old Carly Chandler of Birmingham, who suffers from a severe neurological disorder, legalizes a prescription treatment for neurological and epileptic disorders utilizing cannabidiol derived from the cannabis plant and grants exclusive authorization for the prescription of such drugs to the University of Alabama at Birmingham’s Department of Neurology. The Act permits the possession of such drugs by those diagnosed with specific neurological and epileptic disorders and their caregivers, subject to a prescription. The Act establishes parameters around cannabidiol by requiring that it be nonpsychoactive and that it contain a THC level of no more than 3 percent. As modified by the House, the bill also provides $1 million to the University of Alabama at Birmingham to examine the effectiveness of marijuana-derived oil to treat seizure disorders such as epilepsy.

Status: Signed into law April 1, 2014.

Comment: WHNT.com (March 11, 2014)
The sponsors of the bill that would legalize a new treatment method for children with serious neurological and epileptic disorders announced a breakthrough development Tuesday. Senator Paul Sanford, and Representatives Mike Ball and Allen Farley said they have worked to develop a partnership with researchers in the University of Alabama at Birmingham’s Department of Neurology to study cannabidiol, or CBD oil. The treatment would be available through the University to individuals diagnosed with severe epilepsy and neurological disorders that lead to serious and life-threatening seizures. In addition to establishing the medical study with the UAB Department of Neurology, the revised version of the bill establishes the Department as the only entity authorized to prescribe or treat individuals with epileptic conditions using CBD.

Read more:
http://blog.al.com/wire/2014/03/alabama_senate_approves_carlys.html
http://blog.al.com/wire/2014/03/alabama_house_passes_carlys_la.html
http://blog.al.com/wire/2014/03/carlys_law_calling_for_uab_stu.html

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: **HB 2578**

Summary: HB 2578 creates new law concerning the transfer of certain federally regulated firearms. The bill also amends current statutes and creates new provisions of law concerning the regulation and possession of weapons, including firearms, handguns, and knives.

Specifically, the bill addresses:

- **Transfers of certain federally regulated firearms**
  Under the provisions of the bill, applications for certification of firearms’ transfers by the local jurisdiction’s chief law enforcement officer, as required by federal law, must be granted within 15 days, unless a condition exists that prevents the chief law enforcement officer from certifying the transfer. The bill provides that a generalized belief by the chief law enforcement officer that certain firearms have no lawful purpose and that certain persons should not possess such firearms shall not be sufficient reason to deny certification requests. If the request for certification is not granted, the chief law enforcement officer, or someone designated by the officer, is required to provide the applicant with written notification of the denial of certification and the reason for the denial.

  The bill also allows applicants to appeal denials of requests for certification of firearms’ transfers in the district court of the county where the applicant resides. After reviewing the denial of certification, if the district court finds the applicant is not prohibited by state or federal law from receiving the firearm and there is no pending legal or administrative proceeding against the applicant that could result in such prohibition, the court is required to order the chief law enforcement officer to issue the certification.

  Chief law enforcement officers certifying and approving transfers under the provisions of the bill are not liable for any act committed by another person with the firearm after the transfer.

- **Concealed carrying of handguns**
  The bill creates new prohibitions for municipalities related to their employees and specifically to employees who are concealed carry of handgun license holders. Municipal employers of concealed carry license holders cannot require disclosure by municipal employees who possess concealed carry of handgun licenses. Municipalities cannot terminate, demote, discipline, or otherwise discriminate against an employee based on the employee’s refusal to disclose the employee’s status as a concealed carry license holder. Municipal employers are prohibited from creating a record of any employee’s possession or disclosure of a concealed carry license. The bill requires any such records created by a municipality before the effective date of the bill be destroyed by July 31, 2014.

  The bill adds a conviction for any criminal possession of a weapon offense to include all weapons, and not only firearms, as a reason the Attorney General will deny an
application for a concealed carry handgun license. This provision also requires the Attorney General to deny the concealed carry application of an applicant whose juvenile offenses, had the offenses been committed by an adult.

- **Open carrying of firearms**
  The bill adds new posting requirements for buildings where the open carrying of firearms can be prohibited as authorized in this legislation. The new provision makes it a violation of this statute to carry an unconcealed firearm into a building that was conspicuously posted according to the new requirements and posted in accordance with the rules and regulations of the Attorney General.

  The bill replaces the law concerning the operation, possession, or carrying of a concealed handgun under the influence of alcohol or illegally used controlled substances with a new provision applying the penalties for possessing or carrying any firearm under the influence, not just concealed handguns addressed in current law.

  The bill defines “possession of a firearm under the influence” as knowingly possessing or carrying a loaded firearm on or about such person, or within such person’s immediate access and control while in a vehicle, while under the influence of alcohol or drugs, or both, to such a degree as to render such person incapable of safely operating a firearm. The bill amends the current standards of evidence to be used in prosecutions related to possession of firearms under the influence to make them more consistent with existing law related to driving under the influence of drugs or alcohol. The bill also establishes civil penalties for refusal to submit to testing required under the bill ($1,000 for each violation) and license revocations for concealed carry license holders after conviction of possession of a firearm while under the influence (revocation of concealed carry license for a minimum of one year for a first offense and three years for a second or subsequent offense.)

- **Regulation of firearms and knives by local units of government**
  Statutes passed during the 2013 Session are expanded to prohibit cities and counties from adopting or enforcing ordinances, resolutions, regulations, or administrative actions governing the purchase, transfer, ownership, storage, carrying, or transporting of firearms, ammunition, or any related component. Cities and counties also are prohibited from adopting or enforcing any ordinances, resolutions, or regulations relating to the sale of firearms by individuals having federal firearms licenses, if the local controls are more restrictive than any other ordinance, resolution, or regulation governing the sale of any other commercial good. Ordinances, resolutions, or regulations adopted before the effective date of the bill are deemed null and void.

  Cities and counties are permitted to adopt ordinances, resolutions, or regulations relative to the personnel policies governing concealed carry of handguns by city or county employees, so long as in compliance with this law. A new provision shields local units of government from being liable for the wrongful acts or omissions related to carrying a firearm, including acts or omissions by municipal employees.
The bill repeals statutory provisions delegating to local units of government the authority to regulate open carry and transportation of a firearm.

Legislation from the 2013 Session is expanded with regard to municipal regulation of knives. Municipalities cannot enact or enforce any ordinance, resolution, regulation, or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife-making components. Any ordinance, resolution, regulation, or tax relating to the transportation, possession, carrying, sale, transfer, purchase, gift, devise, licensing, registration, or use of a knife or knife-making components that is more restrictive than regulation on any other commercial product is prohibited. Such ordinances, resolutions, regulations, or taxes adopted prior to the effective date of the bill are void.

Additionally, individuals cannot be prosecuted for violating municipal regulations on knives or knife-making components between July 1, 2013, and the effective date of the bill (July 1, 2014). Violations occurring before the effective date are added to the list of reasons for which a court will be required to order expungement of an individual’s record and any person convicted of any municipal violation before the effective date will be given the ability to petition the court for expungement.

- Forfeiture, return, and buyback of firearms
  The bill repeals certain provisions concerning the forfeiture of firearms, adding new language that weapons or ammunition not covered elsewhere by statutes must be, at the discretion of the court:
  - Forfeited to the law enforcement agency that seized the weapon for sale or trade to a licensed federal firearms dealer;
  - Forfeited to the Kansas Bureau of Investigation for law enforcement, testing, or comparison by the forensic laboratory;
  - Forfeited to a county forensic laboratory for law enforcement, testing, or comparison; or
  - Forfeited to the Kansas Department of Wildlife, Parks and Tourism.

The bill also addresses the return of seized weapons. Individuals not convicted of a violation and not prosecuted as juveniles must be notified that the weapon can be retrieved by the individuals after the law enforcement agency verifies the weapon is not stolen. Such notification must include the location where the weapon can be retrieved and occur within 30 days of the conclusion of prosecution. Weapons that cannot be returned, are not forfeited because of the condition of the weapon, or were used in the case of a murder or manslaughter will be destroyed. The existing statute concerning forfeiture is repealed and the new forfeiture provisions are moved to the general criminal procedures statute.

The bill prohibits local government taxes from being used to implement, administer, or operate a firearms buyback program. The firearms buyback program is defined in the bill as “any program wherein individuals are offered the opportunity to gift, sell, or otherwise transfer ownership of such individual’s firearm to a city or county.”
• Criminal use of weapons
Daggers, dirks, dangerous knives, straight-edged razors, and stilettos are added to the list of prohibited weapons, and the possession of any such dangerous weapon with the intent to use it against another person now constitute the crime of criminal use of a weapon.

The bill adds language to existing law, exempting use of a firearm with a barrel less than 12 inches by a person less than 18 years of age, at a private range with permission of that person’s parent or legal guardian, from the crime of criminal use of a weapon. The bill also deletes language requiring a person who is less than 18 years of age to know or have reason to know that the barrel of the firearm that a person possesses is less than 12 inches long in order to be guilty of criminal use of a weapon.

• Criminal possession of weapons
The bill broadens language to refer to criminal possession of a weapon instead of criminal possession of only a firearm. Additionally, the bill adds references to a previous version of the drug code to ensure that conviction of drug crimes gives rise to the crime of criminal possession of a weapon.


Status: Signed into law April 23, 2014.

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Comment: The Kansas City Star (April 23, 2014)

The governor has signed a bill that will bar local governments from enforcing local gun ordinances, his office announced Wednesday morning.

HB 2578 is the brainchild of Rep. Jim Howell, R-Derby. Having a universal gun law across the state will make it easier for gun owners to follow and easier for law enforcement officials to enforce, he says.

The bill, signed by Gov. Sam Brownback on Tuesday, will prevent local governments from restricting open carry or from collecting information on which municipal employees have permits to conceal and carry.

It also includes a provision that prohibits someone from carrying a gun while intoxicated, similar to laws against drunk driving.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Access to Cellphone Location in Emergency  Nevada

Bill/Act: SB 268

Summary: SB 268 requires a provider of wireless telecommunications to provide call location information concerning the telecommunications device of a user to a law enforcement agency in certain circumstances; requires a provider of wireless telecommunications to submit its emergency contact information to the Department of Public Safety; requires the Department to maintain a database of such emergency contact information; authorizes the Department to adopt regulations; and provides other matters properly relating thereto.

Federal law authorizes, but does not require, telecommunications carriers to provide call location information concerning the user of a commercial mobile service in certain emergency situations. This bill requires a provider of wireless telecommunications to provide, upon the request of a law enforcement agency, the most accurate call location information readily available concerning the telecommunications device of a user to assist the law enforcement agency in certain emergency situations. This bill requires a provider of wireless telecommunications to submit its emergency contact information to the Department of Public Safety to facilitate such requests from law enforcement agencies. This bill requires the Department to maintain a database of such emergency contact information and to make the information available to a law enforcement agency immediately upon request. This bill authorizes the Department to adopt any necessary regulations to carry out the provisions of this bill.

Status: Signed into law May 23, 2013.

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Comments: Fox News (April 13, 2013)
When 18-year-old Kelsey Smith was abducted in broad daylight outside a Kansas shopping mall in 2007, the teen's parents spent four harrowing days searching for their daughter, whose body was found after police scoured an area close to a tower where her cellphone last pinged.

But the search for the young woman would have ended much sooner had Verizon Wireless promptly handed over cellphone records to authorities, according to Smith's mother as well as a U.S. congressman – both of whom are calling for legislation mandating that all cellphone carriers provide police with a customer's location information in an emergency.

Current federal law allows cellphone companies to release information to police in certain situations, but it does not require them to do so. “Kelsey’s Law” seeks to mandate it on the state and ultimately national level.

Smith, who just 10 days prior had graduated from high school, was forced into her car by 26-year-old Edwin Roy "Jack" Hall as she walked through the parking lot of a Target store behind the Oak Park Mall in Overland Park, Kansas, on June 2, 2007. Hall drove Smith 20 miles across state lines to Missouri, where he raped and strangled the young woman with her own belt, leaving her body covered in brush in woods near a lake.
Smith's parents acknowledge that their daughter was likely killed by the time authorities were notified of her disappearance – and that any information obtained by Verizon would not have changed that outcome.

“It would not have saved Kelsey’s life,” Missey Smith said of the law she is advocating, “But it would have saved us four days of agony not knowing where our child was.” Verizon eventually released the information four days after she disappeared, and her body was found within an hour.

Sgt. Charles Tippie of the Overland Police Department, who worked on the case, said the teen’s cellphone provider was cooperative to the extent that it could be six years ago. “Did Verizon have easily available to them the technical capacity to identify the specific location of a phone?” Tippie said. “That information was available to their engineers back in the day, but it wasn’t available to the Verizon person we contacted at 2 o’clock in the morning. That has now changed,” he said. “We call them up and say we have an emergency and we get the information immediately.”

But that isn’t always the case for local law enforcement in many states. Only nine have adopted Kelsey’s Law, requiring cellphone companies to release pertinent information to police in an emergency, like an abducted teenager or an elderly person who wanders off and can’t be found. Since Kansas adopted the law in 2009, Nebraska, Minnesota, New Hampshire, North Dakota, Missouri, Hawaii, Tennessee and Utah have followed suit.

Missey Smith and her husband, Greg, a Kansas state senator, are the law's toughest proponents, traveling the country to lobby the legislation by speaking before lawmakers in various states. The couple visited Rhode Island last week and Nevada on Monday.

“The information is readily available to cellphone providers within 15 to 20 minutes and we could not get our cell provider at the time to release that information,” Missey Smith told FoxNews.com. “This is not an issue of privacy. It’s not a matter of content – we’re not asking for text messages or information about who the person is contacting. We’re simply asking for the location of the phone. This law costs zero to implement,” she added. “And it absolutely saves lives.”

Such was the case in Loudon County, Tenn., in May 2012, one month after the governor signed the bill into law. Local authorities there were able to quickly obtain cellphone records from Verizon leading them to a suspected child rapist who was believed to have snatched a child.

"They had reason to believe the child was in imminent danger, and we were able to use the Kelsey Smith Act to obtain the location of the suspect’s cellphone without having to go through a court order process," said Jennifer Estes, president of the Tennessee Emergency Number Association.

In most cases, victims of abductions by strangers are killed within a very narrow window of time -- making it imperative for law enforcement to obtain cellphone records quickly.
"Time is of the essence when a child is missing -- the first 3 hours are critical to recovering a child alive," John Ryan, chief executive officer of the National Center for Missing & Exploited Children, said in an email to FoxNews.com. "Law enforcement must be able to obtain cellphone locations as quickly as possible in these circumstances. We support the efforts to clarify current laws to prevent any delays in disclosing this information in cases of missing children, which includes persons under age 21 under federal law."

Debra Lewis, a spokeswoman for Verizon, said the phone carrier supports the Smiths in their effort to pass the bill, but declined to comment further on the legislation.

Groups like the American Civil Liberties Union say proposals such as Kelsey’s Law raise some privacy concerns.

“The major one is that it removes a check on when law enforcement can access this type of information,” Chris Calabrese, legislative counsel for the ACLU, told FoxNews.com. “An emergency can’t be a magic word – where all police have to do is say ‘emergency’ and cellphone companies release information,” he said.

While Calabrese acknowledged that the vast majority of calls by local police are legitimate emergencies, many have also been proven not to be.

“People want companies to safeguard their information and this removes their discretion to do that,” he said.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
17-35B-10 False Reporting of Emergencies California

Bill/ Act: SB 333

Summary: The bill amends existing law to ensure that a person who knowingly reports a false emergency would be liable to a public agency for the reasonable costs of the emergency response by the public agency. Previous California law allowed a person to be convicted or a misdemeanor or felony (depending on severity) and fined for purposely misreporting an emergency, but did not allow for agencies to recoup reasonable expenses.

Status: Signed into law on September 9, 2013.

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Comment: From the California Statewide Law Enforcement Association (August 23, 2013) Reckless pranksters who get a thrill out of making false reports of an emergency and getting law enforcement to respond "code three" to a situation that does not exist will have to pay-up under Senate Bill 333.

The bill provides that those convicted of the offense would be responsible for the full cost of the police response. The cost of responding to these types of calls can amount to thousands of dollars, particularly if SWAT officers are called upon.

It is not only a drain on emergency response resources, "swatting" is dangerous for the officers who respond and the homeowners who are suddenly surprised by officers rushing in with guns drawn. Celebrities in Los Angeles County are often the victims of "swatting." Miley Cyrus, Khloe Kardashian, Justin Timberlake, Rihanna, Tom Cruise, Ashton Kutcher have all been victims of swatting incidents.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Wisconsin AB 409 requires the use of outside investigators in the event of a police related death of a citizen. The bill was created in response to three officer-involved shootings in which individuals died while being detained by law enforcement. Previously these types of cases were reviewed internally.

Status: Signed into law on April 23, 2014.

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Comment: From the Milwaukee Journal Sentinel (April 23, 2014)
For nearly 10 years, Michael Bell has waged a campaign for greater accountability when police use lethal force. He has spent more than $1 million on billboards, newspaper advertisements and a website, all of them asking some variation of this question: When police kill, should they judge themselves?

Gov. Scott Walker answered with a resounding "no," signing into law a bill that requires outside investigation when people die in police custody — the first of its kind in the nation.

The new law requires a team of at least two investigators from an outside agency to lead reviews of such deaths. It requires reports of custody death investigations throughout the state to be publicly released if criminal charges are not filed against the officers involved. Officers also must inform victims' families of their options to pursue additional reviews via the U.S. attorney's office or a state-level John Doe investigation.

The new mandates do not apply to deaths in county jails and state prisons, which already are investigated by the state Department of Corrections.


Disposition of Entry:
SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Prohibiting the “Re-Homing” of Children

Wisconsin

Bill/Act: AB 581

Summary: AB 581 requires parents that wish to delegate their parental powers for more than one year to file a petition through the juvenile court system in order to allow the court to assess if the new parents will be able to adequately care for the child. Previously physical custody could be signed over through a power of attorney document, which required no state oversight. The bill also closes a loophole in the states advertising laws, making it illegal to advertise that a child is up for adoption over the internet.

Status: Signed into law on April 16, 2014.

Comment: From Reuters (April 16, 2014)

Wisconsin has adopted a law to limit private custody transfers of children, the first law of its kind in the United States. Reuters reported in September that parents were transferring custody of their unwanted adopted children to strangers met on the Internet, often with no government oversight and sometimes illegally. No state or federal laws specifically prohibit the practice, which is known as "re-homing." And state laws that restrict the advertising and custody transfers of children are often confusing, and rarely spell out criminal sanctions.

In the absence of government safeguards, boys and girls have been placed in the care of abusers and others who escape scrutiny. In one case, a mother gave her nine-year-old adopted son to a pedophile in a motel parking lot in Wisconsin within hours of posting an advertisement for the child on a Yahoo group.

The Wisconsin law makes it illegal for anyone not licensed by the state to advertise a child over age one for adoption or any other custody transfer, both in print and online. Parents who want to transfer custody of a child to someone other than a relative must seek permission from a judge. Violators face up to nine months in jail or up to $10,000 in fines. Ohio, Colorado and Florida also have introduced similar legislation.

Read more: http://www.reuters.com/article/2014/04/16/us-wisconsin-adoption-idUSBREA3F1VS20140416

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: **SB 274**

Summary: Under the bill, if more than two people have claims to parentage, the court may, if it would otherwise be detrimental to the child, recognize that the child has more than two parents. The measure applies only to families with more than two people who meet the state’s definition of a parent.

Status: Signed into law on October 4, 2013.

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Comments: From the *Los Angeles Times* (October 4, 2013):

Gov. Jerry Brown signed legislation Friday that will allow children in California to have more than two legal parents, a measure opposed by some conservative groups as an attack on the traditional family.

Sen. Mark Leno said he authored the measure to address the changes in family structure in California, including situations in which same-sex couples have a child with an opposite-sex biological parent. The law will allow the courts to recognize three or more legal parents so that custody and financial responsibility can be shared by all those involved in raising a child, Leno said. "Courts need the ability to recognize these changes so children are supported by the adults that play a central role in loving and caring for them," Leno said. "It is critical that judges have the ability to recognize the roles of all parents so that no child has to endure separation from one of the adults he or she has always known as a parent."

The bill was partially a reaction to a 2011 court decision involving a lesbian couple that briefly ended their relationship, according to Leno’s office. One of the women was impregnated by a man before the women resumed their relationship. A fight broke out, putting one of the women in the hospital and the other in jail, but the daughter was sent to foster care because her biological father did not have parental rights.

"Everyone who places the interests of children first and realizes that judges shouldn't be forced to rule in ways that hurt children should cheer this bill becoming law," said Ed Howard, senior counsel for the Children’s Advocacy Institute at the University of San Diego School of Law.

SB 274 was opposed by advocates for traditional families, including Brad Dacus, president of the Pacific Justice Institute, who said Friday he was disappointed by the governor's action. "This is in the long run going to be a mistake," Dacus said. "The ones who are going to pay the price are not the activists, but it's going to be children, who will see greater conflict and indecision over matters involving their well-being." Dacus said having more than two legal parents will create the potential for greater conflict over what is best for a child and result in more complicated court fights.
The measure was opposed in the Legislature by the conservative Capitol Resource Institute, which called it detrimental to children. The group said children thrive in homes with their biological mother and father, or with adoptive parents being male and female role models.

Read more: http://articles.latimes.com/2013/oct/04/local/la-me-brown-bills-parents-20131005

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill requires public education providers to remove all seclusion cells from the premises of a school prior to September 1, 2013. It also prohibits public education providers from purchasing, building or otherwise taking possession of seclusion cells.

Status: Signed into law in April 2013.

Comment: From a memorandum on the bill produced by the Oregon Department of Education:

During the 2013 session, the Oregon Legislature passed House Bill 2756 which prohibits public education programs from purchasing, building, possessing and using “seclusion cells” or “freestanding” units built and used for the seclusion of students. The bill required the immediate dismantling and removal of “seclusion cells” from classrooms by July 1, 2013 and the removal from the school or public education program’s premises by September 1, 2013. The new law does not prohibit the use of seclusion in public education programs to assist with helping a student regain self-control; it simply bans the use of seclusion cells.

The bill applies to all public education programs meaning a program that:
- Is for students in early childhood education, elementary school or secondary school;
- Is under the jurisdiction of a school district, an education service district or another educational institution or program; and
- Receives, or serves students who receive, support in any form from any program supported, directly or indirectly, with funds appropriated to the Department of Education.
- Seclusion means the student is physically prevented from leaving the unit or room, or believes they are prevented from leaving; and the student is alone or isolated from other students.
- Public education programs may not purchase, build or otherwise take possession of a seclusion cell; and may not use a seclusion cell.
- Seclusion cell is defined as a freestanding, self-contained unit, whether attached to the wall or not.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: This bill requires a pupil be permitted to participate in sex-segregated school programs, activities, and facilities including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed on the pupil’s records.

Status: Signed into law on August 12, 2013.


California Gov. Jerry Brown signed legislation on Monday that will allow students to compete on sports teams and use facilities like showers and bathrooms based on their gender identity, regardless of what is listed on the student's records.

Although other states, such as Colorado and Massachusetts, have policies on transgender equity and discrimination, California is the first to have the law written into state codes, mandating that schools must respect students' preferences for what programs they participate in and what facilities they use. The law, dubbed by some as the "School Bathroom Bill," will go into effect on Jan. 1, 2014.

Assembly member Tom Ammiano, D-San Francisco, who authored the bill, said Brown's signature was "terrific" and that it marks an important victory for transgender rights as transgender students "no longer must hide who they are, nor be treated as someone other than who they are."

Although California law already bans discrimination against transgender students in public schools, the law serves as a clarification so transgender students will not be unfairly denied access to certain programs and facilities. Ammiano cited a recent case in which a transgender student in Arcadia, Calif., who was born female and identifies as a male, had to file a complaint with the U.S. Department of Education to resolve a dispute in which the school district denied him access to men's restrooms and locker rooms on campus.

"This is a powerful affirmation of basic human dignity, and puts California at the forefront of leadership on transgender rights," said Assembly Speaker John Perez, D-Los Angeles, in a statement. "Young transgender Californians should be treated with dignity and respect, and recognized for who they truly are."

Although the law is meant to give transgender students equal rights and to avoid future lawsuits, Republican lawmakers and religious leaders still strongly opposed the measure, saying it would force co-ed locker rooms and that it infringes on the privacy of other students.

Assemblymember Curt Hagman, R-Chino Hills, for example, delivered more than 3,000 of letters of opposition to Brown last week, from members of a church in his district.
"This 'one size fits all' approach to something like gender disregards the privacy of our children and the diversity and local authority of school districts in California," Hagman said in a statement.

The California Catholic Conference said that the law was unnecessary and that incidents in which students are "struggling with or confused about their gender identity" should be handled individually and confidentially.

"Solidarity with those who may be the object of discrimination is appropriate and should be shared by all, but we ought to balance that with common sense and trust in the leadership of the local school level," the organization said in a statement to lawmakers.


Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Creates the Innovation Education Campus Fund to provide funding to innovation education campuses - an educational partnership between high schools or school districts, a Missouri four-year public or private institution of higher education, a Missouri-based business or businesses, and either a Missouri public two-year institution of higher education or Linn State Technical College. Specifies criteria that must be met to receive funding which include actively working to lower the cost for students to complete a college degree; decrease the amount of time required for a student to earn a college degree; and provide applied and project-based learning experiences for students. Requires the Coordinating Board for Higher Education to conduct a review every five years of any innovation education campus for compliance with the requirements.

Status: Signed on July 11, 2013.

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Comments: From the Office of Gov. Jay Nixon (July 11, 2013)
Innovation Campuses throughout Missouri connect students with careers in high-demand fields through local partnerships; cut the time it takes to earn a degree. Gov. Nixon launched the Innovation Campus initiative in 2012 to train students for careers in high-demand fields, cut the time it takes to earn a college degree, and reduce student debt.

"The Innovation Campus initiative is connecting Missouri businesses with local institutes of higher education to make sure that students today are preparing for the jobs of tomorrow," Gov. Nixon said. "The strength of our economy and the future of our state are directly tied to ensuring that higher education remains affordable and provides students with the knowledge and skills they need to be successful in the global marketplace. I anticipate the Innovation Campus initiative could become a model for the rest of the nation."

Last fall, Gov. Nixon announced $9 million in Innovation Campus grants to establish partnerships between local high schools, community colleges, four-year colleges and universities, and area businesses.

Senate Bill 381 officially defines in state statute an Innovation Campus as an educational partnership comprised of one or more Missouri public community colleges or Linn State Technical College; one or more Missouri public or private four-year institutions of higher education; one or more Missouri high schools or K-12 education districts; and at least one Missouri-based business.

Innovation Campuses offer students accelerated degree programs specifically designed to prepare them for careers in science, technology and other high demand fields, and to reduce the time and cost needed to earn their degrees.
Employees recommended by area businesses also participate in the program, obtaining scholarships to begin or complete a baccalaureate degree, while receiving on-site training and mentoring beyond what would otherwise occur within the company. Participants receive college credit for these applied learning experiences, and the corporate partners benefit from a pool of highly trained candidates for positions once they have completed their degrees and the apprenticeship training.


Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill creates the Flexible Pathways Initiative to expand opportunities for secondary students to complete high school and achieve postsecondary readiness. The focus is on creativity and innovation in local school districts to provide 21st Century classrooms. The act provides the opportunity for each high school student to enroll in two dual enrollment courses at no expense to the student, authorizes the development of additional early college programs through which students complete 12th grade entirely on a college campus, and removes the upper age limit for participation in the High School Completion Program. Additionally, each student grade 7 through 12 will participate in an ongoing personalized learning planning process based on their individual goals, learning style and abilities.

Status: Signed into law on June 6, 2013.

Comments: From VTDigger.org (May 17, 2013)

The Legislature made good on Gov. Peter Shumlin’s vision for expanding college opportunities for Vermont high school students. S.130 does exactly what Shumlin proposed during his inaugural speech — it doubles the funding for dual enrollment, which allows juniors and seniors to take college courses while in high school, and it lays the foundation for expanding early college programs, which allow students to simultaneously complete their senior year of high school and their first year of college.

Currently, eligible 11th- and 12th-graders can take one college course at the University of Vermont, the Vermont State Colleges, or seven private colleges at public expense. During the 2011-2012 school year, the state gave out 584 course vouchers for students participating in dual enrollment programs.

Under the new proposal, students could take two courses, fully funded, either at the college or onsite at the high school. To pay for it, the Legislature increased the allocation for the program — the money is drawn from the Next Generation Fund — from $400,000 to $800,000 in the 2014 budget. The state will pay 100 percent of tuition for FY 2014 and FY 2015; after that it will share the cost with the student’s high school.

Vermont Academy of Science and Technology (VAST), the state’s only early college program, serves about 40 students each year. Eighty-seven percent of the base education amount is used to pay for students’ enrollment in this program. S.130 authorizes the Secretary of Education to pay this same rate to UVM, Vermont State Colleges or approved private colleges if these institutions start early college programs.

S.130 also requires schools to develop “personalized learning plans” for students in seventh-grade and above. The secretary will publish “guiding principles” by Jan. 20, 2014, and the plans will be implemented on a rolling basis starting in 2015.
Read more: http://vtdigger.org/2013/05/17/legislative-wrap-up-flexible-pathways

Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill states parental consent is not required for the use of private insurance for early intervention services as defined in the Early Intervention Services System Act that are provided in this State pursuant to Part C of the federal Individuals with Disabilities Education Act. Provides that a policy of accident and health insurance that provides coverage for early intervention services must conform to the following criteria: the use of private health insurance to pay for early intervention services under Part C of the federal Individuals with Disabilities Education Act may not (1) count towards or result in a loss of benefits due to annual or lifetime insurance caps for, (2) negatively affect the availability of health insurance to, or (3) be the basis for increasing the health insurance premiums of an infant or toddler with a disability, the infant's or toddler's parent, or the infant's or toddler's family members covered under that health insurance policy.


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Comments: From the sponsor, Rep. Sara Feigenholtz
Early Intervention (EI) services are given to children from birth to three years old who have exhibited developmental delays in growing and learning. Examples of EI services include: developmental evaluations and assessments, physical therapy, occupational therapy, speech/language therapy, nutrition services, psychological services, and social work services.

Senate Bill 626 prevents insurance companies from discriminating against families who need these early intervention services. Under this new law, insurance companies cannot use EI services as a reason for families to lose insurance benefits or to be denied coverage. Additionally, EI services cannot be the basis for increasing the insurance premium on the child or family.

Read more: Rep. Sara Feigenholtz

From Education Commission of the States
The bill provides that a policy of accident and health insurance that provides coverage for early intervention services must conform to the following criteria: the use of private health insurance to pay for early intervention services under Part C of the federal Individuals with Disabilities Education Act may not:
(1) count towards or result in a loss of benefits due to annual or lifetime insurance caps
(2) negatively affect the availability of health insurance to, or
(3) be the basis for increasing the health insurance premiums
of an infant or toddler with a disability, the infant's or toddler's parent, or the infant's or toddler's family members covered under that health insurance policy.

Amends the Early Intervention Services System Act. Adds nursing services, nutrition services, and sign language and cued language services to the list of services included in the definition of
"early intervention services". Directs the Illinois Interagency Council on Early Intervention to coordinate and collaborate with state interagency early learning initiatives, as appropriate. Provides that before adopting any new policy or procedure needed to comply with certain provisions under the Individuals with Disabilities Education Act, the department of human services must hold public hearings on the new policy or procedure, provide notice of the hearings at least 30 days before the hearings are conducted, and provide an opportunity for the general public, including individuals with disabilities and parents of infants and toddlers with disabilities, early intervention providers, and other specified persons to comment for at least 30 days on the new policy or procedure.

Requires statewide system of locally based early intervention services include appropriate early intervention services based on scientifically based research to the extent practicable. Provides that multidisciplinary evaluation of potentially eligible infant or toddler is not necessary if child meets definition of eligibility based on medical records. For child deemed eligible for services, requires multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs, and family-directed assessment of the resources, priorities, and concerns of the family and the identification of supports and services necessary to enhance the family's capacity to meet the developmental needs of that infant or toddler. Extends central directory that the statewide system for early intervention services and programs must include, to include public and private early intervention services, professional and other groups that provide assistance to infants and toddlers with disabilities and their families, and research and demonstration projects being conducted in Illinois relating to infants and toddlers with disabilities.

Read more: http://www.ecs.org/ecs/ecscat.nsf/3b2ac7b7ed456d2687257af2007dc0a3/10b56bf441ce669987257ba2005393d2?OpenDocument

Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Social/Emotional Development Training in Teacher Preparation  Connecticut

Bill/Act: HB 6292

Summary: Requires any candidate entering a program of teacher preparation to complete training in social and emotional development and learning of children. The training must include instruction concerning a comprehensive, coordinated social and emotional assessment and early intervention for children displaying behaviors associated with social or emotional problems, the availability of treatment services for such children and referring such children for assessment, intervention or treatment services.

Status: Signed into law July 1, 2013.

Comments: From State Rep. Ezequiel Santiago
Teaching our youth is a tremendous and increasingly complex responsibility. While our current teacher certification process is quite vigorous, it does not specifically include comprehensive training regarding how children learn and develop socially and emotionally. This session, we passed a law that requires the State Board of Education to include in their current course of study instruction in how to conduct a comprehensive, coordinated social and emotional assessment of, and early intervention for, children who appear to have social or emotional problems. This better prepares future teachers to handle all aspects of a child’s learning and development. Training must also include educating teachers about the availability of treatment services for such children, referrals for assessment or intervention. This training will be embedded in the existing coursework for prospective teachers.


Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
20-35B-07 Parental Rights and Accountability in Public Education  Utah

Bill/Act:  SB 122

Status:  Signed into law on April 1, 2014.

Summary:  The bill defines "reasonably accommodate" a student in public education and provides that the parent is primarily responsible for a student's education with the state in a secondary and supportive role to the parent. The Act provides that the parent has a right to reasonable accommodations from the student's LEA.

Requirements for a local education agency include:
- Reasonably accommodate a parent's initial selection of a teacher or request for a change of teacher; and
- Allow a student to earn course credit towards high school graduation by testing out of the course, or demonstrating competency in course standards.

Also requires a school district to reasonably accommodate a parent request to:
- Excuse a student from taking a statewide test or the National Assessment of Educational Progress (NAEP);
- Retain a student in grade level based on student's academic ability or the student's social, emotional, or physical maturity;
- Visit and observe any class the student attends;
- Excuse the student to attend a family event or visit to a health care provider, without obtaining a note from the provider;
- Place a student in a specialized class or an advanced course; and
- Meet with a teacher at a mutually agreeable time if the parent is unable to attend a regularly scheduled parent teacher conference.

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Comments:  From the Salt Lake Tribune (March 13, 2014)
Parents would have what amounts to a bill of rights in education under SB 122. It declares that parents are the people primarily in charge of their children’s education, and schools "shall reasonably accommodate" their requests for special or advanced education, absences, advancing early, remaining in a grade or skipping year-end assessment tests, among other rights newly defined.

Sen. Aaron Osmond, R-South Jordan, sponsor of the bill, earlier said he wants schools to recognize that "the parent really is the lead" and that will customize education to get the best outcomes for students.

Among the rights in the bill are:
• A parent is the person primarily responsible for the education of the student and the state is in a secondary and supportive role. As such, the parent has the right to reasonable academic accommodations.
• Schools shall reasonably accommodate a parent’s request to "retain a student on grade level based on the student’s academic ability or the student’s social, emotional, or physical maturity."
• Schools shall reasonably accommodate a parent’s request to visit and observe a child’s class.
• Schools shall reasonably accommodate a written request from a parent to excuse the student from attendance for a family event or to visit a doctor, without obtaining a note from the provider.
• Schools shall "reasonably accommodate a parent’s written request "to place a student in a specialized class or an advanced course."
• Schools shall allow students to earn credit toward high school graduation without completing a course by testing out of it or demonstrating competency in course standards.
• Schools shall reasonably accommodate a parent’s request to meet with a teacher.
• Upon written request of a parent, schools shall excuse the student from taking year-end assessment tests.
• Schools shall give parents copies of their discipline policies.


Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: **SB 6552**

Status: Signed into law on April 3, 2014.

Summary: The Office of the Superintendent of Public Instruction (OSPI), in consultation with one or more technical working groups, is directed to develop curriculum frameworks for a selected list of CTE courses whose content in science, technology, engineering, and mathematics is considered equivalent, in full or in part, to science or mathematics courses that meet high school graduation requirements. The course content must be aligned with industry standards and with the adopted state learning standards in mathematics and science.

Beginning no later than the 2015-16 school year, school districts are required to grant academic credit in science or mathematics for CTE courses on the OSPI list if the course is offered, but are not limited to the courses on the list. School districts must provide high school students with the opportunity to access at least one CTE course from the OSPI list that is equivalent to mathematics or one that is equivalent to science. Students may access these courses at high schools, skill centers, inter-district cooperatives, or through online learning or the Running Start program.

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Comments: From the *Bonney Lake Courier-Herald* (March 14, 2014)

**SB 6552** authorizes the 24-credit graduation requirement framework developed by the SBE, provides flexibility to school districts in meeting the instructional hour requirement, and expands math and science course equivalencies for Career and Technical Education (CTE) programs.

“The career and college ready diploma is a big win for kids,” said Board Chair Dr. Kristina Mayer. “Establishing a meaningful high school diploma that prepares students for their next step in life, whatever that might be, has been a top priority for the board for nearly a decade.”

This bill embraces a multiple pathway approach providing more student choice in math and science course-taking decisions, seven combined credits of electives and Personalized Pathway Requirements that allow students to explore or focus on a range of fields of knowledge that interest them, and increased opportunities to earn course equivalency credits in CTE courses.

While the framework increases the credits needed to graduate from 20 to 24, SB 6552 also makes the culminating project voluntary, somewhat offsetting the change.

In addition, the bill provides school districts the opportunity to request a waiver of up to two years to fully implement the new requirements, and the ability to waive up to two of the 24 credits for individual students in unusual circumstances.

Finally, the bill directs the Office of the Education Ombuds to convene a task force to review barriers to the 24-credit diploma for students with special needs.
“The new framework is rigorous and flexible,” explained Executive Director Ben Rarick. “It sets high graduation standards for all students, yet is sensitive to those who many need extra help to get there.”


Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Bill/Act: Session Law 2013-207 (HB 459)

Summary: The legislation requires the state Department of Health and Human Services to coordinate chronic disease care among state agencies and the state health plan for teachers and state employees. Agencies will be required to collaborate to reduce the incidence of chronic disease and improve chronic care coordination within the state by:

- Identifying goals and benchmarks for the reduction of chronic disease;
- Developing tailored wellness and prevention plans; and
- Submitting an annual report on or before January 1 of each odd-numbered year to the legislature.

Status: Signed into law in June 2013.

Comment: Supporters of the bill note that it was unanimously approved and it will provide benefits to the state by:

- Improved health for the most vulnerable segment of the Medicaid population
- Savings to the state due to reductions in usage of health care services (expect reduced use of ER increased avoidance of hospital admissions)
- Projected savings in state dollars over time due to increased awareness and prevention
- Potential access to enhanced funding under the Affordable Care Act or other federal sources

According to the Partnership to Fight Chronic Disease, 8 out of 10 of the top 1% of high Medicaid utilizers have at least three chronic conditions and that 84% of overall healthcare spending goes towards chronic disease.

http://knowledgecenter.csg.org/drupal/system/files/filearea/medicaid/day_two.dematteis.pdf

Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Licensing of International Mail Order Prescription Pharmacies

Bill/Act: LD 171

Summary: The bill amends state law to exempt licensed retail pharmacies that are located in Canada, the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia or New Zealand from state licensure requirements if they meet the respective foreign country’s statutory and regulatory requirements, as well as entities that contract to provide or facilitate the exportation of prescription drugs from these licensed retail pharmacies, and authorizes these retail pharmacies and entities to provide prescription drugs by mail or carrier to a resident of this State for that resident’s personal use. It also amends the Maine Pharmacy Act to provide that nothing in the act may be construed to prohibit individuals from ordering or receiving prescription drugs for their personal use from licensed retail pharmacies in the above-mentioned countries or contracting entities or to prohibit such a licensed retail pharmacy or contracting entity from dispensing, providing or facilitating the provision of prescription drugs from outside the United States.

Status: Signed into law in June 2013.

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Comment: From Forbes (June 29, 2013)
Will Maine open the floodgates to lower-cost medicines and cause drugmakers unending grief? After months of debate, state residents can now buy prescription drugs from mail-order pharmacies in a few select countries – the UK, New Zealand, Australia and Canada. The bill had overwhelming support in the state legislature and the Republican governor quietly allowed the legislation to become law.

Known as the ‘Act to Facilitate the Personal Importation of Prescription Drugs From International Mail-Order Pharmacies,’ the bill was introduced after the former attorney general last summer banned Maine businesses from purchasing drugs from mail-order pharmacies, claiming state law was being violated. The move put an end to buying less expensive meds from brokers over the Canadian border.

But many state employees, as well as workers at the city of Portland and one large company, claimed they had saved some $10 million through Internet purchases over several years. For this reason, the bill had some backing from the business community and dissuaded the Republican governor from issuing a veto. Similarly, state and local governments may also save money. The state employee’s union estimates savings of $6 to $10 million, according to Troy Jackson, the state senator who introduced the bill.

“In my area of the state, 15 years ago, people were organizing bus trips to go to Canada to get drugs for a cheaper price. For whatever reason, drug companies are selling same drugs through other countries for less than they do here and the issue is too important for people to pay more for life-saving medicines,” Jackson says. “I’m a big proponent of ‘Buy America,’ but we’re talking about people’s health. If drugs are 40 percent higher in the US, well, I just can’t stomach that. This is one way to rectify the problem.”
Not surprisingly, the trade group for the pharmaceutical industry is incensed. At the time the bill was first introduced and debated, the Pharmaceutical Research & Manufacturers of America argued that passage would jeopardize patient safety for various reasons, including the possibility of counterfeit meds entering the supply chain, and that savings would actually be minimal. And after Maine Governor Paul Le Page let it become law two days ago, PhRMA had this to say:

“Considering PhRMA’s strong stance against counterfeit medicines and related importation concerns, we were very disappointed to hear that Governor Paul LePage has failed Maine’s patients, by allowing (the bill) to become law. Opening our borders to unapproved, imported drugs could increase the flow of counterfeit drugs into the US, putting patients at senseless risk and with little recourse against their injuries. We hope to continue our work advocating for safe medicines for patients in Maine and look forward to ongoing work with Maine legislature and the Governor on this issue.”


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill directs the state Department of Human Services to establish and administer the Illinois Mental Health First Aid training program so that certified trainers can provide residents, professionals, and members of the public with training on how to identify and assist someone who is believed to be developing or has developed a mental health disorder or an alcohol or substance abuse disorder; or who is believed to be experiencing a mental health or substance abuse crisis. It also creates a grant program to provide training that is subject to an appropriations process as well as provide hardship subsidies for Illinois Mental Health First Aid training fees. The program shall be designed to train individuals to accomplish certain objectives including: (i) building mental health, alcohol abuse, and substance abuse literacy designed to help the public identify, understand, and respond to the signs of mental illness, alcohol abuse, and substance abuse and (ii) knowing how to prevent a mental health disorder or an alcohol or substance abuse disorder from deteriorating into a more serious condition which may lead to more costly interventions and treatments.

Status: Signed into law in August 2013.

Comment: From *Governing* (June 2012)

One in four adults and 10 percent of children in the United States will suffer from a mental health illness this year. Mental disorders are more common than heart disease and cancer combined -- the leading causes of death.

“You’re more likely to see someone having a panic attack than you are to see someone having a heart attack,” says Linda Rosenberg, CEO of the National Council for Community Behavioral Healthcare (National Council). Yet most people, she says, don’t know how to react to the former. That’s why in 2008, the National Council, the Maryland Department of Health and Mental Hygiene, and the Missouri Department of Mental Health joined forces to bring the Australian concept of Mental Health First Aid (MHFA) to the U.S.

The idea behind MHFA is no different than that of traditional first aid: to create an environment where people know how to help someone in emergency situations. But instead of learning how to give CPR or how to treat a broken bone, the 12-hour course teaches people how to recognize the signs and symptoms of mental health problems and how to provide initial aid before guiding a person toward appropriate professional help.

Since its introduction in the U.S. four years ago, more than 50,000 people have been trained in 47 states and the District of Columbia. In at least 22 of those states, state or local governments supported the program, usually paying for employees to take the course, says Susan Partain of the National Council. Several states -- including Arizona, Colorado, Georgia, Maryland and Missouri -- already have statewide programs, which require some public workers and citizens to complete training as part of their job.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: During the 2013 Legislative Session the New York State Legislature passed a new law requiring that hospitals offer Hepatitis C screening tests for baby boomers (those born between 1945 and 1965). According to supporters, this legislation is in alignment with recommendations from the Center for Disease Control (CDC) which were released in August 2012. The bill is modeled after both federal guidelines and New York’s existing HIV testing law, and would require hospitals and health clinics to offer hepatitis C testing to people born between the years 1945 and 1965, the age group with the highest infection rate. In June 2013, the US Preventative Services Task Force (USPSTF) issued its final recommendations for screening for hepatitis C virus (HCV) infection consistent with those of the CDC. The USPSTF recommends screening for HCV infection in persons at high risk for infection, and recommends offering one time screening for HCV infection to adults born between 1945 and 1965.

Status: Signed into law on October 23, 2013.

Comment: From the New York Times (February 28, 2012)
More people in the United States now die from hepatitis C each year than from AIDS, according to a new report from the Centers for Disease Control and Prevention. More than 3.2 million people are currently infected with hepatitis C.

Using data on more than 22 million deaths and their causes, researchers found that hepatitis C death rates increased to almost 5 per 100,000 people in 2007 from fewer than 3 per 100,000 in 1999. Over the same period, the H.I.V. death rate declined to a little more than 4 per 100,000 from more than 6 per 100,000.

There were 15,106 deaths due to hepatitis C in 2007, almost 75 percent of them among people ages 45 to 64. The report appears in the Feb. 21 issue of The Annals of Internal Medicine.

Dr. John W. Ward, director of the Division of Viral Hepatitis at the C.D.C. and an author of the study, said that there was now a treatment that was about 70 percent effective at clearing the virus from the body. But, he said, most infected people are unaware of their condition and do not receive treatment.

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
21-35B-04 Emergency Custody, Temporary Detention for Psychiatric Evaluation
Virginia

Bill/Act: SB 260

Summary: Extends the maximum hold time on a temporary detention order for psychiatric evaluation from 48 to 72 hours and lengthens the time limit on emergency custody orders from six to eight hours and requires state facilities to admit patients who qualify for further court-ordered treatment, if a private facility cannot be located. An online bed registry is created. Law enforcement is required to notify local mental health authorities when an emergency custody order is issued.

Status: Signed into law April 6, 2014.

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Comment: From The Daily Progress, Charlottesville, Va. (April 28, 2014)

Gov. Terry McAuliffe pledged that an omnibus bill he ceremonially signed Monday targeting gaps in Virginia’s patchwork mental health network is only the beginning of reforms to a system thrust into the national spotlight by the case of Austin C. “Gus” Deeds.

Seated beside Deeds’ father, state Sen. R. Creigh Deeds, in a second-floor conference room at the University of Virginia Medical Center, McAuliffe renewed his commitment to funding and improving public mental health services.

The legislation, which the governor previously signed into law, targets pressure points in a system lawmakers and mental health advocates say should and could have been fixed long before Gus Deeds, 24, stabbed his father and killed himself at the family’s home in Millboro. Gus Deeds had been released from an emergency custody order 13 hours earlier after a clinician failed to find a hospital where he could undergo further psychiatric evaluation.

An absence of protocols, communications breakdowns resulting in costly delays, barriers to finding care and missteps by the senior clinician tasked with tracking down a psychiatric bed for Deeds all combined to produce a tragic outcome, according to a state inspector general’s report on his case.

The bill spearheaded by Sen. Deeds, D-Bath, shores up flaws his son’s case laid bare. Senate Bill 260 extends the cap on temporary detention orders from 48 hours to 72 hours. It also lengthens the time limit on emergency custody orders from six to eight hours and requires state facilities to admit patients who qualify for further court-ordered treatment, if a suitable private bed cannot be found before time runs out.

State facilities and local clinicians then would have four more hours to find private space. Virginia’s current six-hour limit is the shortest in the nation. Clinicians previously were
discouraged from turning to state facilities, which have limited capacity. Both of those elements factored in Gus Deeds’ case.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: This bill specifies that any pregnant woman referred for drug abuse or drug dependence treatment at any treatment resource that receives public funding would be a priority user of available treatment. The department of mental health and substance abuse services must ensure that family-oriented drug abuse or drug dependence treatment is available, as appropriations allow. A treatment resource that receives public funds may not refuse to treat a person solely because the person is pregnant as long as appropriate services are offered by the treatment resource.

If during prenatal care, the attending obstetrical provider determines by the 20th week of pregnancy that the patient has used prescription drugs which may place the fetus in jeopardy, and drug abuse or drug dependence treatment is indicated, then the provider must encourage counseling, drug abuse or drug dependence treatment and other assistance to the patient. If the patient initiates drug abuse treatment or drug dependence treatment based upon a clinical assessment prior to her next regularly-scheduled prenatal visit and maintains compliance with such treatment based on a clinical assessment as well as prenatal care throughout the remaining term of the pregnancy, then the department of children's services may not file any petition to terminate the mother's parental rights or otherwise seek protection of the newborn solely because of the patient's use of prescription drugs for non-medical purposes during the term of her pregnancy.

Any physician or other health care provider who does not recognize that the pregnant woman has used prescription drugs that place the fetus in jeopardy, or who complies with the provisions of this bill, or any physician or facility that initiates substance abuse treatment consistent with community standards of care pursuant to this bill, would be presumed to be acting in good faith and would have immunity from any civil liability that might otherwise result by reason of such actions.

Status: The bill was signed into law on May 14, 2013.

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Comments: Tennessee Medical Association (May 29, 2013)

Doctors who treat pregnant women with drug abuse issues need to know about a new state law that protects these patients if they voluntarily seek and stay in treatment for their addiction.

The Safe Harbor Act of 2013 appears to be the first of its kind in the nation aimed at addressing the rising incidence of neonatal abstinence syndrome. The legislation was brought by the Tennessee Medical Association and sponsored by State Senator Ken Yager (R-Harriman) and State Representative Bill Dunn (R-Knoxville); it was signed into law and took effect on May 14, 2013.
Prioritizes Treatment
Under the Safe Harbor Act, a pregnant abuser of prescription drugs no longer risks losing custody of her newborn if she seeks treatment and certain requirements are met for the remainder of the pregnancy. The Act states that if the attending obstetrical provider determines before the end of the 20th week of pregnancy that the patient is abusing prescription drugs, which may place the fetus in jeopardy, the provider must encourage counseling, treatment and discuss other assistance with the patient.

If the patient begins drug treatment before her next prenatal appointment, maintains compliance with the treatment throughout the pregnancy and continues prenatal care, the Department of Children’s Services (DCS) may not try to terminate the parental rights of the mother or seek other protection for the newborn solely for the abuse of prescription drugs for non-medical purposes during pregnancy. This new law does not prevent DCS from filing an action to remove the child from the custody of the mother or other caregiver if it determines the baby is not properly cared for by the mother or caregiver.

Grants Immunity
Under the new law, immunity from civil liability is provided to:
- A physician or other healthcare provider who does not recognize that the pregnant patient has used prescription drugs and placed the fetus in jeopardy after a reasonable inquiry;
- A physician or other healthcare provider who complies with this law; or
- A facility or physician that initiates substance abuse treatment consistent with community standards present in the Alcohol and Drug Treatment Act of 1973.

Read more: http://www.tnmed.org/2013/05/new-law-safe-harbor-for-pregnant-substance-abusers/

Disposition of Entry:
SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Prosecution for Illegal Use of a Narcotic While Pregnant

Tennessee

Bill/Act: SB 1391

Summary: The legislation provides that a woman may be prosecuted for assault for the illegal use of a narcotic drug while pregnant, if her child is born addicted to or harmed by the narcotic drug.

Status: Signed into law on April 29, 2014.

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Comments: The Tennessean (April 30, 2014)

Tennessee women who use drugs while pregnant can be criminally charged for harm done to their infants beginning July 1.

Gov. Bill Haslam signed the legislation Tuesday after "extensive conversations with experts including substance abuse, mental health, health and law enforcement officials," he wrote in a statement. "The intent of this bill is to give law enforcement and district attorneys a tool to address illicit drug use among pregnant women through treatment programs."

The governor's decision comes after a week of mounting nationwide opposition from civil and reproductive rights groups. They argued that criminalization would drive vulnerable women away from drug addiction treatment.

"I understand the concerns about this bill, and I will be monitoring the impact of the law through regular updates with the court system and health professionals," Haslam wrote.

The law brings back criminalization, which lawmakers had eliminated two years ago as the state moved toward programs that incentivize expecting mothers to get into treatment.

Tennessee officials have wrestled with what to do about the growing numbers of infants born dependent on drugs and who often suffer from a condition known as neonatal abstinence syndrome.

The legislation would allow mothers to avoid criminal charges if they get into one of the state's few treatment programs. Haslam said he wants doctors to encourage women to get into treatment before delivering their babies so they can avoid charges.

The proposal also includes an unusual sunset provision, which means the criminal penalty will be in effect until 2016. At that time, lawmakers will have to revisit the issue.

Opponents, including five national medical organizations and local doctors who treat pregnant women, worry that criminalization will scare women away from treatment and reverse last year's Safe Harbor Act, which protected the custody rights of mothers and gave them priority placement into the state's limited number of treatment programs.
The director of the American Civil Liberties Union of Tennessee — joined by the national ACLU — said she was "extremely disappointed" by the governor's decision.

"A pregnant woman struggling with drug or alcohol dependency will now be deterred from seeking the prenatal care she needs," said Hedy Weinberg.

Abuse of prescription painkillers has fueled a tenfold increase in such births in the past decade, sending health officials scrambling. There were 921 drug-dependent births in 2013 and 253 so far this year.


Disposition of Entry:

SSL Committee Meeting: 2015 B
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    ( ) next SSL mtg.
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Comments/Note to staff:
Summary: Maine is the second state to create a new midlevel dental provider. Minnesota was the first in 2009 and the Indian Health Service in Alaska uses a midlevel provider. Dental hygiene therapists are required to have a bachelor’s degree in dental hygiene, pass a competency-based clinical examination and complete 2,000 hours of supervised clinical practice under the supervision of a dentist. The dental hygiene therapist practices under the supervision of a dentist.

Status: Signed into law April 28, 2014.

Comment: From the *Bellingham Herald* (April 29, 2014)

A bill creating a new level of dental hygienists in Maine will become law.

House Speaker Mark Eves' office said Monday that Gov. Paul LePage signed the Democrat from North Berwick's bill that establishes a new license for dental hygiene therapists.

They will be able to do procedures like filling cavities and pulling teeth. Dental hygienists can become dental hygiene therapists after schooling, clinical hours and an exam. They'll have to work under a dentists' supervision.

Eves says the bill will ensure that kids and seniors get the dental care they need in Maine, which faces a dentist shortage throughout much of the state.

Critics of the bill said the problem is not a lack of access to dental care, but peoples' inability to show up at appointments.

Smoking in Car with Children Present

Bill/Act: SB 444

Summary: Prohibits smoking in a car if any passenger is under the age of 18. The law is enforceable only as a secondary offense. Four states and Puerto Rico have similar laws, although they may differ on the age of the child and range from 13 to 18 years as the upper limit.

Status: Signed into law June 11, 2013.

Comment: From the Seattle Times (June 11, 2013)
Oregon drivers caught smoking in cars with kids may face hefty fines under a new state law. Gov. John Kitzhaber signed into law on Tuesday a bill that prohibits drivers from lighting up if a person under 18 is also in the car.

The bill was the subject of a fiery debate in the Legislature.

Supporters said secondhand smoke is a health hazard and children shouldn’t be harmed by their parents’ bad decision to smoke.

Critics said the state shouldn’t regulate what drivers do in their own cars.

A police officer could enforce the ban only if the driver had been pulled over for a separate traffic violation. A maximum fine for the first offense would be $250.

The law also covers marijuana and regulated narcotics.

Read more: http://seattletimes.com/html/localnews/2021167747_carsmokingxml.html

Disposition of Entry:

SSL Committee Meeting: 2015 B
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( ) Defer consideration:
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Comments/Note to staff:
Summary: Persons who summon medical help for drug overdose victims are protected from certain criminal charges and overdose victims are also protected from certain charge. Health officials who provide the antidote naloxone are exempt from liability. The intent of the law is to reduce overdose deaths through faster reporting. Less than half of states have similar laws (see CSG Research Brief).

Status:Signed into law April 9, 2013.

Comment: From the Charlotte News Observer (April 3, 2013)

Good Samaritans who summon medical help for drug overdose victims will be given protection from certain criminal charges under legislation approved unanimously Wednesday by the N.C. Senate.

The House passed the bill last week by a vote of 102-11.

Deaths from drug overdoses have grown from fewer than 500 in 1999 to more than 1,100 in 2011, the latest figures reported by the state Department of Health and Human Services. More than half of overdose deaths are from prescription pain medications, typically opioids such as OxyContin or Vicodin, which Allran said have become easily available throughout the state.

Public health officials expect the new law to encourage faster reporting of overdose cases, giving first responders a better shot at arriving in time to provide lifesaving medical assistance. Kay Sanford, a drug abuse specialist who spoke at the recent N.C. Overdose Prevention Summit, said 60 percent of deaths from drug overdoses occur before medical help arrives, partly due to bystanders’ fear of criminal charges.

The new law will also limit prosecution on certain types of charges for overdose victims themselves and for bystanders who administer prescription antidote medication in an emergency. Additionally, medical providers who supply friends and family members of drug abusers with antidote medication, typically Naloxone, will be exempt from liability.

Allran points out that the law does not relieve bystanders or victims of overdose of prosecution from major charges, such as felony possession of controlled substances or trafficking in drugs.

The proposal to limit immunity in these cases came out of the state Task Force on Child Fatalities, which found that prescription drug deaths are the second-most-common cause of death in people under 18, just behind vehicle crashes. But youth are not the only victims, Allran said.

Read more here: http://www.newsobserver.com/2013/04/03/2799663/nc-general-assembly-passes-good.html#storylink=cpy
Disposition of Entry:

SSL Committee Meeting: 2015 B
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Comments/Note to staff:
Suicide Prevention Training

Bill/Act: **HB 2315**

Summary: The bill adds physicians, nurses, physical therapists, physician assistants to a list of mental health professionals required to complete training in suicide assessment, treatment and management every six years. It requires content specific to veterans. The bill also requires the state to complete a suicide prevention plan.

Status: Signed into law March 27, 2014.

Comment: From the *Kent Reporter* (March 6, 2014)

The Senate on Thursday in Olympia unanimously passed House Bill 2315, which requires certain health professionals in Washington state to complete six hours of training in suicide assessment, treatment, and management as part of their education requirements.

When it is signed into law, the measure will become the third prong in the suicide-prevention call for action started in 2011 by Rep. Tina Orwall, D-Des Moines. “We know that with early interventions suicide can often be prevented,” Orwall said in a media release. “In a person’s darkest hour, when they have the courage to reach out for help, they will get the help they need and deserve. This bill is about saving lives.”

The legislation expands the list of professionals who must complete suicide-prevention training to include chiropractors, naturopaths, osteopathic physicians and assistants, physical therapists and assistants, physicians and nurses.

“There are some things in state government that can wait another year, and there are some things that need to be dealt with immediately,” he said. “This is an issue that we must address right now, while we still have the opportunity. Suicide prevention, particularly for our brave service men and women who often deal with underlying post-traumatic stress disorder issues after returning from deployment, should be one of our top priorities and this bill is an excellent step in that direction.”


Disposition of Entry:

SSL Committee Meeting: 2015 B
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( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
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Comments/Note to staff:
Bill/Act: AB 1608

Status: Signed into law on September 21, 2012.

Summary: The bill requires public schools to have automated external defibrillators for youth athletic events and to establish certain plans relating to sudden cardiac events.

Comments: From the NJ Independent Press (September 21, 2012)
Acting to safeguard the lives of New Jersey’s K-12 students, Governor Chris Christie today signed “Janet’s Law,” requiring all public and non-public schools to have automated external defibrillators (AED) on site. In addition, the new law calls for schools to establish emergency action plans to respond to sudden cardiac events, in order to be as prepared as possible to deal with life-threatening emergencies. The law is named in memory of Janet Zilinski, an 11-year-old resident from Warren who died of sudden cardiac arrest following cheerleading squad practice.

As a result of Janet’s Law, all public and non-public schools, K-12, will have an automated external defibrillator on school property that is properly identified in an unlocked location beginning September 1, 2014. The defibrillator must be accessible during the school day as well as during school-sponsored athletic events or team practices and within reasonable proximity to the school athletic field or gymnasium.

A school’s emergency action plan must contain a list of at least five school employees, team coaches or athletic trainers who have certifications in cardio-pulmonary resuscitation and the use of a defibrillator from either the American Red Cross, American Heart Association, or other training program recognized by the New Jersey Department of Health. Further, the detailed response procedure must identify the appropriate school official responsible for responding to the person experiencing the sudden cardiac event, calling 911, starting cardio-pulmonary resuscitation, retrieving and using the defibrillator, and assisting emergency responders in getting to the individual experiencing the sudden cardiac event.

Read more:  
http://www.nj.com/independentpress/index.ssf/2012/09/governor_chris_christie_signs.html

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
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Comments/Note to staff:
Summary: The Mississippi law is the first in the nation to require health insurance reimbursement for telehealth services at the same rate as services provided in-person. The reimbursement requirement extends to Medicaid and state employee based health plans. The bill also allows prescriptions to be written after a patient examination using telemedicine.

Status: Signed into law March 27, 2014.

Comment: From *USA Today* (April 18, 2014)

Diabetes afflicts more than 22 million Americans, or 7% of the total population, and the number of people diagnosed every year is skyrocketing.

Mississippi, which ranks second after West Virginia in the percentage of residents affected by the chronic disease, is taking steps to reduce devastating effects on the state economy and the overall health of Mississippians. Nearly 9% of Mississippians were diagnosed in 2012 with diabetes, and the $2.7 billion annual cost of diabetes represents nearly 3% of the state's economy (gross state product).

In January, Republican Gov. Phil Bryant, the University of Mississippi Medical Center and three private technology partners announced a plan to help low-income residents manage their diabetes remotely through the use of telemedicine. The goal is to help them keep the disease in check and avoid unnecessary hospitalizations while remaining as active and productive as possible.

To make the project possible, Bryant signed a first-of-its-kind law, enacted in March, requiring private insurers, Medicaid and state employee health plans to reimburse medical providers for services dispensed via computer screens and telecommunications at the same rate they would pay for in-person medical care.

The diabetes disease management services offered in the telemedicine project will be free to the poor uninsured participants. But under the new law, the costs of remote monitoring of other participants with insurance coverage or Medicaid will be reimbursed.

As part of the project, health workers will help uninsured participants sign up for coverage. Mississippi has not expanded Medicaid to more low-income adults under the Affordable Care Act, but some participants may qualify for traditional Medicaid or premium tax credits.

Mississippi's telemedicine law, said Gary Capistrant, public policy director at the American Telemedicine Association, goes further than any other state to remove what the telehealth industry considers its biggest impediment – lack of insurance reimbursement.
So far, 20 states and the District of Columbia have required private insurers to pay for some telemedicine services. In addition, most states pay for certain services through Medicaid. But until Mississippi enacted its law, no state had required parity from all insurers for all types of telemedicine services. Tennessee just passed a similar law this month, Capistrant said.


Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
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Comments/Note to staff:
Summary: The Multi-State Internet Gaming Agreement is an interstate compact signed between Delaware and Nevada that allows poker players physically located in either Nevada or Delaware to compete online against one another. The goal of the new agreement is to create a larger market of online players and potentially larger pots. While the compact will open up games to players in both Nevada and Delaware, players will be subject to the laws of the state in which they are located. Revenue will be distributed based on where the player is located.

Status: Signed into law on February 25, 2014.

Comment: From the Washington Post (February 26, 2012)
Poker players in Delaware and Nevada will soon be able to play each other from thousands of miles away under a first-of-its-kind agreement. The Multi-State Internet Gaming Agreement, signed by Delaware Gov. Jack Markell (D) and Nevada Gov. Brian Sandoval (R), establishes a framework by which the two states will hammer out regulatory standards for online poker games. The agreement lets both states control the number of entities that offer online gaming.

Companies seeking licenses to operate online poker games must prove they have the capital to cover any bets on their site, that they have the ability to verify that users are actually located within the borders of member states, and that users are of legal age to play poker.

Other states are free to join the multi-state agreement, provided current member states agree to allow them access. Each state would be eligible to receive a share of the revenue generated by players inside their own borders.

Both states will have to set up oversight boards to finalize rules and issue licenses before the first cards are dealt.


Disposition of Entry:
SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: Iowa’s Animal Facility Interference Bill is intended to curb the videotaping of animal feeding operations in Iowa. The bill makes it illegal to deceive agricultural production facilities and criminalizes the act of gaining access to an agricultural facility under false pretense. Additional the bill makes it illegal to make false statements on an employment application for the purpose of committing an unauthorized act.

Status: Signed into law on March 2, 2012.

Comment: From the *Los Angeles Times* (March 5, 2012)
Iowa Gov. Terry Branstad signed into law a bill designed to thwart activists who go undercover to report animal abuse. This makes Iowa the first state in the country to pass such a law; Illinois, Indiana, Minnesota, Missouri, Nebraska, New York and Utah are considering them.

Undercover investigations, including videos and photographs, are a principal tool used by activists of all stripes to document abuse cases and have led to legislative reforms, prosecutions and even facility closures around the country. In December, state authorities raided a Butterball turkey farm in North Carolina and filed charges against six employees and an official with the North Carolina Department of Agriculture, based on investigation by animal welfare group Mercy for Animals.

Iowa’s House File 589 focuses on how activists gain access to facilities and what they do there. Of course, it is already illegal for activists to trespass on any facility, which is often how documentation occurs. The bill, however, makes it a crime to lie to gain access to the facility, using the following wording:

Agricultural production facility fraud. 1. A person is guilty of agricultural production facility fraud if the person willfully does any of the following: a. Obtains access to an agricultural production facility by false pretenses. b. Makes a false statement or representation as part of an application or agreement to be employed at an agricultural production facility, if the person knows the statement to be false, and makes the statement with an intent to commit an act not authorized by the owner of the agricultural production facility, knowing that the act is not authorized.

“These are deeply flawed, misdirected laws that can set a dangerous precedent nationwide by throwing shut the doors of factory farms and allowing animal abuse, environmental violations and all sorts of other criminal activities that we know often occur at these facilities, and keep those criminal activities hidden from public view,” says Matt Rice, director of investigations at Mercy for Animals.

“It’s often whistle-blowers and undercover investigators that are the only watchdogs making sure that these violations don’t happen in industrial factory farms,” he adds.
In an Associated Press story, Gov. Branstad replied to outrage by animal groups by saying that gaining access to property under false pretenses is a serious matter and property owners deserve protections.

Activists stopped a similar so-called “ag-gag” law from becoming part of Florida’s omnibus agriculture bill earlier this year by raising local resistance. Utah’s bill, however, looks to be gaining support and has a chance at passage. That, says Rice and others, will be the next battleground.

Read more: http://articles.latimes.com/2012/mar/05/local/la-me-gs-iowa-criminalizes-undercover-investigations-20120305

Disposition of Entry:
SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The legislation allows active duty service members to cancel and reinstate services like cable, internet, and health club memberships. In order to cancel or reinstate services, a member of the armed services must provide orders proving they have been called into active duty. Qualifying active duty members may be able to reinstate services under the same terms and conditions before cancelation due to active duty call-up.

Status: Signed into law on June 18, 2013.

Comment: From an analysis prepared for the Oregon Senate Committee on Veterans and Emergency Preparedness:

WHAT THE MEASURE DOES: Allows active servicemembers to suspend or terminate telecommunications services, internet services, television services, health spa services, and health club exercise or athletic activities via written notice to service providers. Requires servicemember to provide proof of official orders showing active status with written notice of suspension or termination. Permits proof of active status to be provided within 90 days of written notice if delay prompted by military necessity or other reasonable circumstances. Makes suspension or termination effective upon day written notice given. Authorizes servicemembers to reinstate suspended or terminated services on same terms and conditions with written notice to provider within 90 days of termination of active status. Requires providers reinstate same or substantially similar services within 30 days of receipt of written notice. Prohibits providers from charging for termination, suspension or reinstatement. Relieves servicemembers from liability for payment during suspension. Incorporates provision of Servicemember Civil Relief Act by reference, for termination of commercial mobile radio services.

Read more: https://olis.leg.state.or.us/liz/2013R1/Measures/Analysis/HB2083

Disposition of Entry:

SSL Committee Meeting: 2015 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
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Comments/Note to staff: