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

2016 CYCLE
DOCKET BOOK A
August 11 and August 13, 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/ssl](http://www.csg.org/ssl) 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](mailto:ssl@csg.org).
SSL CRITERIA

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

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

Docket ID#
Title
State/source
Bill/Act

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

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

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

Disposition of Entry: [Action taken on item by the SSL Committee.]

SSL Committee Meeting: (A)(B)(C)
(   ) Include in Volume
(   ) Include as a Note
(   ) 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
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11-36A-01 State Income Tax Credit for Career-Technical Dual Enrollment Program AL
11-36A-02 Student Training Cooperative Arrangements IN
11-36A-03 Veteran Job Assistance, College Credits, Fraud Protection OH
11-36A-04 Second Service for Veterans IN
11-36A-05 Establishes a State Career Council IN
11-36A-06 Criminal History on Job Applications RI
11-36A-07 Criminal History on Job Applications DE
11-36A-08 Pregnant Workers’ Fairness Act WV
11-36A-09 Civil Liability Protections to Licensed Professional Engineers and Architects KY

(12) PUBLIC UTILITIES AND PUBLIC WORKS
12-36A-01 Electric Vehicle Battery Charging Service Amendments UT

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

(14) TRANSPORTATION
14-36A-01 Driver’s License and Designation of Autism and Intellectual Disabilities VA
14-36A-02 Operating Mini-trucks on Public Highways KY
14-36A-03 Voluntary Per-Mile Road Usage Charge In Lieu of Motor Fuel Tax OR
14-36A-04 Testing of Autonomous Motor Vehicles MI
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(15) COMMUNICATIONS/TELECOMMUNICATIONS

(16) ELECTIONS/POLITICAL CONDITIONS
16-36A-01 Political Contribution Disclosure CA

(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE
17-36A-01 Good Samaritan Laws TN
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17-36A-04 Child Harassment by Paparazzi CA
17-36A-05 Juvenile Justice Reform KY
17-36A-06 Voyeurism KY
17-36A-07 Crime Victim Address Protection Program KY
17-36A-08 Non-Violent Crimes Expunged for Human Trafficking Victims KY
(18) PUBLIC ASSISTANCE/HUMAN SERVICES
18-36A-01 SNAP Benefits for Drug Felons and Use at Farmers’ Markets MO
18-36A-02 Adult Abuse Registry KY

(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS
19-36A-01 Termination of Parental Rights for Rapists KY

(20) EDUCATION
*20-35B-08 College Readiness Framework WA
20-36A-01 Career and Technical Course Equivalencies and Evaluation MN
20-36A-02 Career and Technical Education Credits WI
*20-35B-03 Innovation Education Campus Fund MO
20-36A-03 Student Training Cooperative Arrangements IN
20-36A-04 Science, Technology, Engineering and Math Education UT
*20-35B-04 Flexible Pathways to High School Completion VT
20-36A-05 College and Career Coaches Program AR
20-36A-06 Foundation High School Program TX
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20-36A-12 Academic Credit for Military Training WA
20-36A-13 Excused Absences for Children of Military Personnel CT
20-36A-14 Flexibility for Rural School Districts CO
20-36A-15 School Discipline Reform TX

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*21-35A-09 Biologics Sold at Pharmacies FL
21-36A-01 Biosimilar Biological Products ND
21-36A-02 Biosimilar Drugs IN
21-36A-03 Biological Products DE
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21-36A-05 Interchangeable Biosimilar Products UT
21-36A-06 Biosimilar Products OR
21-36A-07 Interchangeable Biosimilars MA
*21-35B-07 Dental Hygiene Therapists ME
21-36A-08 Dental Therapists MN
*21-35B-03 Hepatitis C Screening NY
21-36A-09 Hepatitis C Screening CT
21-36A-10 Hepatitis C Screening CO
*21-35A-07 Chronic Care Coordination Act NC
21-36A-11 Standards of Health Care Coverage through the Insurance Marketplace AR
21-36A-12 Enrolling Medicaid and CHIP Beneficiaries into Care Coordination Program  IL
21-36A-13 Care Coordination for Chronic Disease  CT
21-36A-14 Collaborative Practice Agreements Between Physicians and Pharmacists  KS
21-36A-15 Right to Try Act  LA
21-36A-16 Suicide Review Team  MT
21-36A-17 Emergency Allergy Treatment  FL
21-36A-18 Prescription Monitoring Program Compact  KY

(22) CULTURE, THE ARTS AND RECREATION

(23) PRIVACY
23-36A-01 Protection of Confidential Student Information  OK
23-36A-02 Limitations on the Use of Automated License-Plate Readers  VT

(24) AGRICULTURE
24-36A-01 Agricultural Nutrient Management Bill  OH

(25) CONSUMER PROTECTION
25-36A-01 Information Breach Notification and Cloud Providers  KY
25-36A-02 Child Identity Lock  MD

(26) MISCELLANEOUS
Summary: Relates to best system emission reduction for existing electric generating units, establishes criteria by which the Energy and Environment Cabinet can establish performance standards for the regulation of carbon dioxide emissions from existing fossil fuel-fired electric generating units, establishes different criteria for coal-fired electric generating units and natural gas-fired electric generating units.

Allows state officials to set performance standards carbon dioxide emissions from existing fossil fuel-burning electric generating units on a case-by-case basis, and establish different criteria for coal-burning electric units and natural gas-burning units.

Status: Signed into law on April 2, 2014.

Comment: From the *Lexington Herald-Leader* (February 20, 2014)

Kentucky would create coal-friendly power plant emission standards in an attempt to head off tougher federal rules under a bill passed unanimously Thursday by a House committee.

By June, the U.S. Environmental Protection Agency is expected to propose strict limits on the amounts of carbon dioxide that existing coal-fired power plants can produce.

State lawmakers say the expected EPA limits could force the retirement of coal-fired plants producing most of Kentucky's electricity, driving up power costs and hurting the economy. They're trying to get ahead of the EPA with House Bill 388, sponsored by Rep. Jim Gooch, D-Providence, who co-owns a manufacturer of coal-mining equipment whose clients include industry giants Alliance Resource Partners and Peabody Energy.

HB 388 would instruct the Kentucky Energy and Environment Cabinet to create a plan for existing power plants that considers the economic impact of reducing carbon dioxide emissions, such as higher electric bills and lost jobs; that sets "reasonable" and "flexible" standards for plants; and that doesn't require switching from coal to other fuels, such as natural gas, or the use of nascent technologies, such as carbon capture and storage.

"I think we all know that coal is the most affordable, reliable, available fuel source we have," Gooch said. "We're not just gonna roll over and play dead."

Kentucky Coal Association president Bill Bissett praised Gooch for sponsoring the bill. The EPA standards will make it difficult for anyone to burn coal, Bissett said.

The Clean Air Act's seldom-used Section 111(d) allows states to craft their own plans for emission limits on existing pollution sources. However, the EPA must approve a state's plans.

"I'm not convinced this whole issue of carbon dioxide — that anthropogenic global warming is a real, man-made threat," Gooch said. "Carbon dioxide is not the only greenhouse gas. Methane is
"The EPA has not yet issued greenhouse gas guidelines for existing sources," said [Energy and Environment] cabinet spokesman Dick Brown. "Therefore, the bill may be premature and may limit flexibility in developing a state-specific plan that would be approvable by the EPA."

Read more: http://www.kentucky.com/2014/02/20/3099566/house-panel-advances-bill-that.html
Summary: HB 4346 establishes separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units and natural gas-fired electric generating units. The Department of Environmental Protection shall establish separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units and from existing natural gas-fired electric generating units. The standards of performance developed and proposed under any state plan to comply with Section 111 of the Clean Air Act should allow for greater flexibility and take into consideration additional factors as a part of any state plan to achieve targeted reductions in greenhouse gas emissions which are equivalent or comparable to the goals and marks established by federal guidelines.

Status: Signed into law April 1, 2014.

Comment: From West Virginia Illustrated (May 8, 2014) [HB 4346’s] is to establish separate standards of performance for carbon dioxide emissions.

More specifically, the bill attempts to “show the state’s plan to reduce carbon pollution and greenhouse gas production under the Clean Air Act; establish separate standards of performance for carbon dioxide emissions from existing coal-fired electric generating units; establish separate standards of performance for natural gas-fired electric generating units and factors and considerations to be reflected in the developed state plan,” the bill states.

“It allows for our state department of environmental protection to come up with various programs and plans to deal with the EPA,” Tomblin explained. “Once we get that done, they’ll be presented to the federal level, hoping that this will help us in that attempt, to work with the U.S. Department of Environmental Protection.” Tomblin expressed his hope at the forum that the bill might make a difference in the war on coal. “The EPA is a very powerful federal agency that has jurisdiction over our emissions,” he said. “One of the things I’ve attempted to do during my administration is to be able to work with the EPA.”


Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: The bill requires a phase out, and ultimately, a ban on the manufacture and sale of personal care products that contain plastic synthetic microbeads. The bill bans the manufacture of personal care products containing plastic synthetic microbeads by the end of 2017, the sale of such personal care products and the manufacture of over-the-counter drugs containing the beads by the end of 2018, and the sale of over-the-counter drugs with microbeads by the end of 2019.

Synthetic plastic microbeads are used in personal care products because of their exfoliating properties and excellent safety profile, but there are concerns about the potential environmental impact as microbeads may not be captured by wastewater treatment facilities. This legislation was passed unanimously in the Legislature, and received the support of industry.

Status: Signed into law on June 9, 2014.

Comments: From *Time* Magazine (June 24, 2014)
Exfoliating microbeads, which are tiny bits of plastic, in your face wash are causing some serious damage to your skin and environment, and states are starting to crack down.

Illinois banned the sale of cosmetics containing plastic microbeads, becoming the first state to legally take a strong stance against what researchers are calling a serious environmental problem. The plastic waste caused by the microbeads, which are not filtered out during sewage treatment, are damaging water ecosystems. A report recent published by the U.N. Environment Programme says plastic waste causes $13 billion in damage every year to marine life.

Since the beads are so small, fish and other marine life easily swallow them, causing DNA damage and even death. A 2008 study from UK researchers showed that the plastics remained inside mussels for 48 days. Last year, researchers at the University of Wisconsin-Superior reported at the National Meeting & Exposition of the American Chemical Society that there were 1,500 to 1.7 million plastic particles per square mile in the Great Lakes.

The Illinois ban is encouraging for other states pushing similar laws, and the fact that Illinois’ new ban had industry players on board means cooperation is possible in other regions, too. “This was a cooperative effort with the industry in order to address our and their concerns,” says Jennifer Walling, executive director of the Illinois Environmental Council. “In the end, we were trying to get something that would pass. Other states should try for more stringent standards.”

Walling says she’s happy with the results, though she wishes the timeline was shorter. Manufacturers have a phase out period between 2017-2019.

Other states like New York, California and Ohio are trying to pass similar bans. California wants to allow biodegradable beads, and New York lawmakers, which worked with plastic-fighting group 5 Gyres, have so far received positive response to their legislation. Earlier this summer, New Jersey democrat U.S. Rep. Frank Pallone Jr. introduced a bill that would make a nationwide ban possible in 2018.
As TIME reported in May, companies appear to be open to finding substitutes. And in 2012, consumer goods company Unilever committed to making all of its products plastic-free by 2015. Big cosmetic companies like L’Oréal have also pulled away from microbeads.

Walling says she has been contacted by several groups in other states trying to outlaw microbeads, and she thinks it will only take about two more states to pass similar bans for the industry effect to be felt nationwide. “There’s definitely a lot of interest from many states,” says Walling. “Industry wants to address this issue. They have interest in getting involved.”

Read more: http://time.com/2917462/why-illinois-banned-microbeads/

From ABC7 Chicago (April 16, 2014):
Microbeads, those little plastic pieces found in soap and shampoo, are finding their way into the Great Lakes.

"It's a big impact on wildlife and water quality. Could certainly have an impact on humans, as well," Jared Teutsch, Alliance for the Great Lakes, said.

Lawmakers and environmentalists want to ban microbeads because, they say, they cause problems for wildlife and waterways. The tiny plastic beads commonly found in facial scrubs listed as the ingredient polyethylene can bypass some filtration systems to end up in the waterways.

Some companies that make products with microbeads have apparently jumped on board with the proposed ban even though it might be costly because they admit it could be even more expensive to keep putting these microbeads into the ecosystem.

"Our industry shares a common interest in protecting the environment," Karin Ross, Personal Care Products Council, said. "There's gonna be some effort that has to be put into it, and clearly, it's going to cost them some money," Mark Biel, Chemical Industry Council, said. "The industry was willing to come to the table because there are natural alternatives," State Senator Heather Steans, 7th District, said.

Read more: http://abc7chicago.com/archive/9506251/

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
    ( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Water Reuse Projects

Bill/Act: SB 1187

Summary: SB 1187 requires the Department of Environmental Quality to receive, review, and evaluate certain permit applications for water reuse projects; requiring the Department to issue permits; requiring the Department to approve certain discharges into sensitive public and private water supplies; specifying review procedures and timelines; providing for codification; and declaring an emergency.


Comment: From The Norman Transcript (March 18, 2014)

Legislation encouraging reuse and requiring the Oklahoma Department of Environmental Quality to respond promptly to reuse applications was passed unanimously by the Oklahoma Senate. Senate Bill 1187, authored by Sen. Rob Standridge, establishes state policy to facilitate water reuse projects and establishes permitting requirements.

“Conservation and reuse can help us make more efficient use of one of our most important natural resources,” said Standridge, R-Norman. “Projects like this will also enable important upgrades to our water infrastructure and expand our supply of safe, local water. This will allow for continued growth and development for our regional economies and help secure our water needs for future generations.”

Norman is at the forefront of municipalities that have shown an interest in reuse as a means of reclaiming water to augment lakes that serve as water sources. “It’s good to have this legislation introduced and create dialogue between the regulatory agencies and the cities that need reuse,” Norman Utilities Director Ken Komiske said. “We’re very encouraged by the new leadership at DEQ and we’re excited about working with them on this issue.”

The Central Oklahoma Master Conservancy District that manages Thunderbird for the U.S. Bureau of Reclamation requested reclaimed water from Norman’s sanitary sewer system to augment the lake. The water would be treated to a higher level than it is currently treated prior to discharge because of the shorter distance from possible discharge points to the lake.

Currently, Norman’s reclaimed wastewater is discharged into the Canadian River and eventually feeds into Lake Eufaula, which serves as that city’s water supply. As the water makes its way downstream, nature finishes the cleaning process that’s started at Norman’s Water Reclamation plant.

The reclaimed water mingles with water from the river and is diluted even further when it enters the lake, then it undergoes additional treatment before ending up as city tap water — it’s the urbanization of nature’s water cycle.

Other forms of reuse could help cities like Norman conserve precious treated drinking water. Norman already uses reclaimed water at the city’s reclamation facility and the University of Oklahoma uses reclaimed water at the golf course.
Standridge said SB 1187 does not mandate reuse but enables water districts to undertake projects more efficiently.

Read more: [http://www.normantranscript.com/headlines/x1387870993/Oklahoma-Senate-passes-water-reuse-legislation](http://www.normantranscript.com/headlines/x1387870993/Oklahoma-Senate-passes-water-reuse-legislation)

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
    ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: HB 1222 incentivizes investments in Colorado’s growing geothermal industry by reducing the threshold a county may issue bonds to a Cooperative Electric Association (CEA) for the construction or expansion of a geothermal project from $1 million to $500,000. The bill also extends the repayment period for the bonds from 10 to 15 years.

Under current law, counties may issue private activity bonds on behalf of a property owner or group of property owners who do not own an entire cooperative electric association (CEA) for the purpose of constructing, expanding, or upgrading an eligible clean energy project on the applicant's property. For geothermal clean energy projects, this bill:

- reduces from $1 million to $500,000 the minimum amount of private activity bonds that a county may issue;
- extends the maximum repayment term for bonds from 10 years to 15 years; and
- allows the bonds to be correlated to the revenue stream of the project so long as bond payments do not exceed 75 percent of project revenue.

This bill provides counties with additional flexibility in the financing of geothermal clean energy projects, and is likely to increase interest in the use of this financing mechanism. By reducing the minimum threshold for bond issuance, the bill increases the eligibility of smaller projects. Extending the repayment term reduces the annual debt service costs of such projects, thereby expanding access to a wider range of borrowers.


Comment: From RFDTV, Rural America’s Most Important Network (June 6, 2014)

Tapping into the energy from heat that comes from underground, or geo-thermal energy, may be a viable alternative to traditional power production for rural communities.

On May 30, Colorado Gov. John Hickenlooper signed into law a bill that gives a green light to geo-thermal projects there. The bill promotes local ownership of geothermal production.

Hickenlooper traveled to Pagosa Springs in southwest Colorado to sign HB 14-1222, which applies to geo-thermal generation and clean energy projects, and promotes local ownership of geo-thermal production.

“Well, you know Colorado is the fourth best for geo-thermal in terms of potential, but we’ve never done any electrical generation using geo-thermal. So now Pagosa Averde is going to be the first in the entire state to generate electricity from geo-thermal energy. And I think it’s going to grab Pagosa Springs as an innovative hub of creative ideas,” said Hickenlooper.

“If you look at the long-term, right? As we become more affluent, we’ve got to get greener and cleaner, and that’s using renewable energy, right? So, it’s wind, it’s solar. It’s geo-thermal. And without question, we’re one of three or four states in the country that’s doing it. And we’re also
doing it at the lowest cost. I think that’s one of the beautiful things about geo-thermal. Here at a place like Pagosa Springs, it’s a very inexpensive way to get reliable energy that’s totally green. And what’s not to love about that?” said Hickenlooper.


Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
    ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Utility Integrated Resource Plans

West Virginia

Bill/Act: **HB 2803**

Summary: HB 2803 requires electric utilities to develop integrated resource plans; requiring the Public Service Commission to order development of integrated resource plans; specifying certain deadlines for the plans; requiring commission review; authorizing commission to request additional information from the utilities; and providing considerations for commission when developing requirements for integrated resource plans.

Status: Signed into law on June 5, 2014.

Comment: From **Energy Efficient West Virginia**

Integrated Resource Planning (IRP), which is also referred to as Least Cost Planning, is a process used by utility companies to determine the mix of resources that will meet electricity demand at the lowest cost and to provide this analysis to the Public Service Commission for review. For this analysis, utilities evaluate the costs and risks of a range of options – including traditional power plants, energy efficiency, and other alternate ways of meeting demand.

Twenty-seven states have an integrated resource planning process. A twenty-year planning horizon is most common among states with an integrated resource planning process. The recommendations in an integrated resource plan are not binding, but the utility must justify to regulators any departures from the plan, particularly in rate cases.

Integrated Resource, or Least Cost, planning is used by many state public service commissions to evaluate the costs and benefits of different power company plans for meeting electric power demand (including traditional power plants, small-scale generation and energy efficiency) to determine the right mix of resources to meet state needs at the lowest rates, while still providing reliable electric service.

Read more: [http://www.eewv.org/current-campaigns/least-cost-planning](http://www.eewv.org/current-campaigns/least-cost-planning)

From **State Journal** (April 6, 2013)

House Bill 2803, introduced by lead sponsor Delegate Tim Manchin, D-Marion, would require greater transparency and accountability around electric utilities' long-term investment decisions, according to Energy Efficient West Virginia.

"The bill requires our power companies to submit long-term plans to the Public Service Commission every two years to help the commission identify the mix of resources to best meet future energy needs," said EEWV policy and technical analyst Cathy Kunkel.

"Power companies would be required to consider investments in energy efficiency on equal footing with investments in traditional power plants, which they do not currently do," Kunkel said.
The utilities have filed plans in the past that they sometimes refer to as integrated resource plans but which do not meet the generally accepted definition because they do not consider demand-side and supply-side resources equivalently.


Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
   ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: HB 7727 extends a distributed generation pilot program for an additional five years and total of 160 megawatts. Under the bill, potential developers can enter 15- or 20-year standard agreements giving developers a guaranteed income. Or, developers may “net meter,” allowing them to receive payment at the retail rate for energy they generate in excess of what they use.

Status: Signed into law June 30, 2014.

Comments: From the Providence Business Journal (June 12, 2014).
The General Assembly on Wednesday passed the Renewable Energy Growth Program bill, establishing a 160-megawatt, five-year program to finance solar and other distributed generation projects and earning praise from the New England Clean Energy Council.

Under House bill H7727 and Senate bill S2690, the program will fund projects through a competitive performance-based incentive system designed to meet specific megawatt targets, which bill sponsor Rep. Deborah Ruggiero, D-Jamestown, said would quadruple the number of renewable energy projects in the state and open up a significant homeowner solar market in Rhode Island.

“This extension of Rhode Island’s distributed generation program is a significant success for the state and its clean energy industry,” said NECEC President Peter Rothstein in a statement. “The clean energy industry is one of the fastest growing, innovative sectors driving economic growth in Rhode Island and New England, and this legislation will assure that Rhode Island reaps the economic, energy and environmental benefits that come with that growth.”

In addition to opening Rhode Island to new renewable energy innovations and building the renewable energy jobs market, the new program will also benefit ratepayers by encouraging the continued decline in renewable energy prices, the NECEC said, and will help the environment by reducing carbon and other air emissions.

A report by the R.I. Office of Energy Resources and the R.I. Commerce Corporation in May highlighted the potential positive impact that distributed renewable energy generation can make on Rhode Island’s economy. The study, conducted by The Brattle Group, found that projects funded under the Renewable Energy Growth Program could result in nearly 250 net jobs in Rhode Island and a net increase in average annual economic output of more than $30 million.

“This bill benefits ratepayers, the environment and Rhode Island’s economy,” said Sen. Susan V. Sosnowski, D-New Shoreham. “It’s an exciting venture for both the state and its residents, because the expansion essentially encourages more renewable energy projects in the residential market. More importantly, more renewable energy projects mean more green jobs we can create to support those struggling with unemployment.”

Read more: http://pbn.com/General-Assembly-establishes-renewable-energy-growth-program.97721
Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
    ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: The legislation requires the federal government to transfer title to properties held by the Bureau of Land Management, U.S. Forest Service and other agencies to a Utah public lands commission by January 1, 2015. The state's five national parks, its military installations and some federal wilderness areas are exempt. Once transferred, the state would retain five percent of whatever revenue is garnered from the public lands, with 95 percent of the overall revenue going back to the federal government. The five percent that remains in the state is slated to be put into the State School Fund.


Comments: From St. George News (March 23, 2012)
Gov. Gary Herbert signed a bill on Friday that demands the federal government transfer management of public lands to state control. Gov. Herbert signed HR 148, the “Transfer of Public Lands Act and Related Study” bill and HJR 3, a joint-house resolution also calling for a transfer of public lands management to the state. At the signing, the governor tweeted that a “huge crowd” had gathered, which spoke to “the importance of this bill.”

Language in HB 148 demands that the federal government “extinguish title to public lands and transfer title to those public lands to the state on or before Dec. 31, 2014.” Once transferred, the state would retain five percent of whatever revenue is garnered from the public lands, with 95 percent of the overall revenue going back to the federal government. The five percent that remains in the state is slated to be put into the State School Fund.

While pre-existing national parks, many national monuments, Native American reservations, and recognized wilderness areas will remain under federal control, particular areas, most notably the Grand Staircase-Escalante National Monument, would be given over to state control under the new bill.

Supporters of the bill have accused the federal government of constrictive policies and regulations concerning public land management in the past. HB 148 is seen as a way to break a perceived federal stranglehold on those lands. Currently, nearly 70 percent of Utah’s public lands are overseen and managed by the federal government.

“This is only the first step in a long process, but it is a step we must take,” Herbert said. “Federal control of our public lands puts Utah at a distinct disadvantage, specifically with regard to education funding. State and local property taxes cannot be levied on federal lands, and royalties and severance taxes are curtailed due to federal land use restrictions. Federal control hampers our ability to adequately fund our public education system.”

Rep. Rob Bishop, Sen. Orrin Hatch and Sen. Mike Lee also expressed their support of HB 148. “Signing this bill into law is a vital step in our united efforts to return the land back to the State of Utah where it rightfully belongs, Bishop said. “Maintaining the status quo, with the federal government owning nearly 70 percent of the state, will continue to hurt education funding.”
Children in Utah’s public school system deserve every educational opportunity afforded to those who come from states with few federal lands.”

Hatch gave his support for the bill, and cited the part he has played in fighting for state rights concerning public lands in the past. “Utahns can better manage the lands in our state far better than any bureaucrat in Washington ever could,” Hatch said. “As a leader in the Sagebrush Rebellion, I’ve been fighting to turn federal lands in our state over to Utahns to own and control. I believe we are in a climate where, if we do it right, the lands in Utah can finally be under the management of our state, and I applaud the Legislature, Governor Herbert, and other parties in our state for sending this message.”

Lee also voiced his opinion on the new legislation. “This issue is as much about state sovereignty as it is about our state economy,” said Senator Mike Lee. “Utah can manage its priorities – like education, public safety, and health care – much more efficiently than the federal government. But the state needs resources to be effective and Washington is standing in the way. Utahns deserve the opportunity to use the land how they see fit to improve the state economy, the education system, and our communities.”

Opponents to the public lands transfer are not happy with Gov. Herbert’s decision to sign the bill. The Southern Utah Wilderness Alliance decried the bill as being “unconstitutional” and “bad public policy” in a statement addressing their concerns.

According to the SUWA statement, “The Legislature’s own legal counsel declared that the required land disposal of this bill has a ‘high probability of being declared unconstitutional.’” The statement continues: “The public lands that the Legislature demands be given to the state of Utah are places that Utahns and all Americans have loved and enjoyed for decades. They include the Wasatch National Forest, our national wildlife refuges, Grand Staircase-Escalante National Monument, Glen Canyon National Recreation Area, and thousands of other beloved locations throughout the state.”

It is expected that challenges to HB 148 will lead to federal court.


Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
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        ( ) 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 on March 3, 2014.

Additional Background:
Crowdfunding is a mechanism by which a person or organization raises funds for a new product, project or venture in small amounts from multiple sources, generally via the internet. A number of new crowdfunding websites such as Kickstarter, Indiegogo and GoFundMe have significantly increased the popularity of the practice and offer an alternative to more traditional methods of accessing capital through business loans and registered stock offerings. Existing laws, regulations and tax structures may be unclear, prohibitive or inadequate to appropriately regulate the practice of crowdsourcing and as the process has gained popularity, some have raised concerns about the potential for fraud and abuse. At least six states have amended their securities laws in order to allow capital to be raised through crowdfunding platforms, including Georgia, Kansas, Maine, Michigan, Washington and Wisconsin.

Kansas: Invest Kansas Exemption (IKE), effective 8/12/2011
Georgia: Invest Georgia Exemption, as amended and effective 12/22/2012
Wisconsin: AB 350, Approved by Governor, 11/7/2013
Michigan: HB 4996, Approved by Governor 12/31/2013
Washington: HB 2023, Signed into law 3/2/2014
Maine: LD 1512, Emergency Enacted Without Governor’s Signature 3/3/2014

Legislation from Washington and Wisconsin follow.

Comments: From Forbes (March 13, 2014): 5 Reasons Why States Should Seize the Initiative On Crowdfunding

The SEC is in the process of formalizing rules to allow “general solicitation”, or the ability to advertise the sale of private securities, to both accredited and non-accredited investors. The implementation of these rules is meant to fully enable the crowdfunding provision of the federal JOBS Act that was signed into law in 2012. Some who have been involved in the process believe that crowdfunding portals will be able to operate under these rules in a matter of months while many others believe the time horizon is substantially longer. [CSG note: As of 6/13/2014 the SEC had not yet finalized rules.]

In the meantime, several states have enacted their own legislation which allows an exemption for “intrastate” crowdfunding where the business and investor reside within their state. These
include Georgia, Kansas, Michigan, Idaho and most recently, Washington. Other states have pending crowdfunding bills, the largest of which is Florida where the Florida Crowd Finance Act is being introduced in the current legislative session. [CSG note: Florida legislation died in committee on 5/2/2014.]

So why should individual states create an exemption for something that is already being dealt with at the national level? Here are five reasons:

*States legislate locally all the time even though laws covering similar matters are in place at the federal level.* The regulation of marijuana is a timely example. The sale and distribution of the substance is illegal under federal law but certain states decided to pursue a different path. Colorado legalized the sale of marijuana for both medical and recreational use at the end of last year and collected $3.5 million in incremental taxes in January alone. That has certainly caught the attention of other states seeking new revenue sources.

*Crowdfunding is happening anyway but why should a state be a passive observer when it can actively shape the industry to suit its needs.* There are already a number of successful crowdfunding services at the national level that include donation-based services such as Kickstarter and Indiegogo, and start-up equity investment services for accredited investors such as AngelList. But individual states have their own unique market conditions and concentration of industries. They can take steps to assure that they put the focus on investment and jobs in their state not just through legislation, but through public/private partnerships that create awareness and broad participation.

*The federal legislation is not optimal for funding entrepreneurial activity.* A key to making online crowdfunding portals work, and for that matter any online endeavor, is to reduce friction for users. The rules for Title III of the JOBS Act are over 500 pages long and require an entrepreneur to incur much more expense with a greater burden of disclosure. In addition, once all the funds for a business are collected, there is a waiting period before they can be released from escrow. This can be a lifetime for a fast moving entrepreneurial company.

*The timing is uncertain for the SEC to roll out their rules and smart states can get a first mover advantage.* Many crowdfunding services will build locally at the grass roots level which will benefit the states where they first establish their operations. My colleagues and I are launching an online social lending community for small businesses in Florida. We believe small business lending is inherently local in nature. An investor is much more likely to lend expansion money to a restaurant they frequent regularly than one a thousand miles away.

*Investment and innovation gravitates to the states that are most welcoming.* Tech hubs are springing up in locations throughout the country and around the world. Every state wants the jobs, revenue and high profile that flow from housing a successful start-up ecosystem. Forward-looking states are priming the pump through a variety of incentives including a friendly regulatory environment. Once tech companies, investor networks and support systems are established, more companies and investors are attracted, creating a virtuous cycle.
Crowdfunding is an idea whose time has come and it will proliferate on a large scale. Many local governments may decide to hang back to see what happens at the federal level, or introduce legislation that tries to mimic proposed federal rules. But the more visionary states will separate themselves from the pack and and seize the initiative. They will try to determine what can make crowdfunding a winning option for businesses and investors within their state, create a legislative framework to achieve this goal, and then actively promote the industry within their borders.

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: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: Creates a state securities exemption for Wisconsin businesses to raise up to $1 million from both accredited and non-accredited investors without an audit, or up to $2 million if the company agrees to be audited. Non-accredited investors may invest up to $5,000 in a single crowdfunding campaign. All the equity purchasers must be Wisconsin residents.

Status: Signed into law on November 7, 2013.

Comment: From Milwaukee Business Journal (August 12, 2013)
Three Republican state legislators plan to introduce a bill to amend Wisconsin’s securities laws to allow online crowdfunding.

On popular Web platforms like Kickstarter and Indiegogo, the public is asked to donate money to fund businesses, films and other projects as an alternative to traditional financing, but the donors typically receive a gift or a sample of the product in return.

The Wisconsin legislation follows a federal law passed last year to allow for crowdfunding campaigns to raise up to $1 million from non-accredited investors, who will receive company stock in return. The rules for implementing this change at the federal level have yet to be written.

The Wisconsin bill would create a simpler, less costly process than the federal law, said David Dupee, founder and CEO of CraftFund LLC, which will be a Milwaukee-based crowdfunding platform for craft brewers nationwide. Dupee has been advising state legislators for about a month as they draw up their legislation.

State Reps. David Craig (R-Town of Vernon) and Chad Weininger (R-Green Bay) and state Sen. Leah Vukmir (R-Wauwatosa) plan to announce the bill at a Madison press conference Tuesday. The state bill would create a state securities exemption for Wisconsin businesses to raise up to $1 million from both accredited and non-accredited investors without an audit, or up to $2 million if the company agrees to be audited, Dupee told The Business Journal. All the equity purchasers must be Wisconsin residents.

The federal law calls for a financial review for campaigns seeking more than $100,000 and a full-blown audit for those seeking more than $500,000, Dupee said.

Under the state proposal, non-accredited investors would be able to invest up to $5,000 in a single crowdfunding campaign, Dupee said. The federal law, Jumpstart Our Business Startups (JOBS) Act, uses a sliding scale based on investor income or net worth to determine how much a non-accredited investor can invest.

“Startups that might not have the resources to put into an audit and small businesses as well, from a cost perspective it’s much more workable” than the federal law, Dupee said of Wisconsin’s proposal. “The disclosure process is also much easier and streamlined in this state regulation.”
Wisconsin is one of the first states to work on implementing its own intrastate investment crowdfunding rules, Dupee said. Georgia and Kansas have passed laws, and North Carolina and Washington are considering such legislation. Dupee said Wisconsin’s proposal is similar to North Carolina’s.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: The legislature, finding that the costs of state securities registration often outweigh the benefits to Washington start-ups seeking to make small securities amends current law to allow entrepreneurs to finance ventures through crowdfunding, in which non-accredited investors can invest up to $2,000 or 5 percent of their annual income or net worth in a one-year period and those that make more than $100,000 a year in income can invest up to 10 percent of their annual wealth or income in a venture.


Comment: From Politics Northwest (March 12, 2014)
New businesses in the state would have more access to funding and people would have more opportunities to invest under a bill headed to Gov. Jay Inslee.

House Bill 2023 would allow entrepreneurs to finance start-ups through small contributions from a large group of investors. It would let people in the state invest in such ventures.

Anyone could invest up to $2,000 or 5 percent of their annual income or net worth in a one-year period. People who make more than $100,000 a year would be able to invest more, up to 10 percent of their annual income or net worth.

Right now only accredited investors can purchase ownership of new companies, leaving few options for entrepreneurs to fund their businesses and leaving out most people who would like to invest.

Most states still operate under securities laws written after the stock market crash of 1929, which set a high bar for accreditation. People must make more than $200,000 each year or have more than $1 million in assets, excluding real-estate value, in order to purchase private equity.

That means only about 3 percent of the country can invest in anything they want, according to Michael Libes, founder of the Bainbridge Graduate Institute, a 12-year-old accredited business school. The other 97 percent can invest in the stock market, but most business owners can’t afford to take their companies public.

People can donate to new ventures websites, such as Kickstarter or Indiegogo, but they don’t receive ownership of the company.

State Rep. Cyrus Habib, Kirkland Democrat and prime sponsor, says his bill will democratize start-up investment. Small businesses can directly approach investors for funding and people who want to invest will have more options, he said.

Congress passed a federal version of the measure two years ago, but the Securities Exchange Commission is still working on rules to regulate the act’s section on crowd-funding. The state measure would be more accessible to business owners and investors in the state, Habib said.
Start-ups are responsible for more net job growth than other industries, said Brian Bonlender, director of the state Department of Commerce.

In Washington, there’s a “mismatch of shared ideas and innovations versus the amount of available capital,” he said.

The measure passed in both chambers and is on its way to the governor. The state Department of Financial Institutions will have about one year to issues rules.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: The legislation establishes regulations for Transportation Networking Companies (ride-sharing companies) by setting driver insurance coverage standards and requiring that drivers undergo background checks, vehicle inspections, and a driving record review.

The bill creates a limited regulatory structure for transportation network companies (TNCs) that use digital networks to connect riders to drivers who provide transportation in their personal vehicles. TNCs are exempt from the regulation for common carriers, contract carriers, and motor carriers but are subject to regulation by the Public Utilities Commission (PUC) in the Department of Regulatory Agencies.

The PUC is required to promulgate rules concerning TNC administration, fees, safety requirements, financial responsibility requirements, and workers' compensation obligations. Under the bill, TNCs must require:

- proof that drivers are medically fit to drive;
- exterior marking on TNC cars to identify them as vehicles for hire;
- personal automotive liability insurance for all drivers;
- proof of vehicle registration;
- vehicle inspections conducted by a certified mechanic prior to providing service and at least once per year thereafter; and
- criminal history record checks and driving history reports on prospective drivers.

Ride services provided either directly by or under contract with a political subdivision are not subject to the bill.

TNC's are prohibited from using drivers with certain felony convictions or moving violations or from disclosing personal information about a TNC user without the user's consent. TNC's must provide prospective drivers and riders with specific disclosures about insurance coverage and vehicle liens. TNCs are required to provide services to the public in a nondiscriminatory manner, regardless of the geographic location of the departure point or destination, race, ethnicity, gender, sexual orientation, disability, or other potentially discriminatory factor that could prevent customers from accessing transportation.

The bill allows a taxicab company or a shuttle company to convert to a TNC model or set up a subsidiary or affiliate TNC and completely or partially suspend its certificate of public convenience and necessity. During the period of suspension of its certificate, a taxicab company, shuttle company, or a subsidiary or affiliate of a taxicab company or shuttle company is exempt from taxi or shuttle standards.

Fees for a one-year permit must not exceed a total of $215,000, divided evenly among all TNCs unless the General Assembly determines an increased aggregate amount is necessary. Funds will be deposited into the newly created, and continuously appropriated, Transportation Network Company Account in the PUC Motor Carrier Fund. After the first year, fees must be set and adjusted by rule to cover the PUC's direct and indirect costs for regulation of TNCs. The
PUC may take an enforcement action against a TNC. A TNC that fails to comply with a PUC order, decision, or rule is subject to a penalty of up to $11,000 per offense depending on the violation. The PUC cannot assess a penalty against a TNC driver.

Status: Signed into law on June 6, 2014.

Comment: From the Denver Post on June 6, 2015.
Gov. John Hickenlooper on Thursday signed into law a bill that officially authorizes ride-sharing services, making Colorado the first state to legislatively embrace disruptive transportation offerings from upstarts such as Uber Technologies and Lyft.

"Colorado is once again in the vanguard in promoting innovation and competition while protecting consumers and public safety," Hickenlooper said in a statement released with the signing of Senate Bill 125.

He called for Colorado regulators to review rules placed on taxis and limos, questioning whether they're still appropriate or necessary with the advent of so-called transportation network companies like Lyft and Uber. Throughout the legislative process, taxi officials had argued ride-sharing companies have unfair advantages because they don't face similar regulations as cabbies, such as rate, coverage area and insurance requirements.

Hickenlooper said "rules designed to protect consumers should not burden businesses with unnecessary red tape or stifle competition by creating barriers to entry."

Uber and Lyft allow consumers to hail rides from everyday people who use their personal vehicles for fares. The connection between driver and passenger is made via a smartphone app and the cost of the fare is typically lower than a taxi ride.

The services, available in Denver since September, will now be lightly regulated by the Colorado Public Utilities Commission.

Lyft, Uber and other ride-sharing companies will have to obtain permits from the PUC and carry at least $1 million in liability insurance. The companies, or their drivers, will also have to carry primary insurance coverage during the controversial gap period - when a driver is soliciting fares but hasn't been matched with a rider.

Hickenlooper is urging the PUC to require drivers' vehicles to be inspected by certified mechanics.

Drivers, though, will not be required to undergo the same criminal background checks that taxi drivers face, an area of concern for Hickenlooper. Taxi drivers are subject to fingerprint background checks performed by the Federal and Colorado Bureaus of Investigation, while ride-sharing drivers will remain vetted by private companies that use publicly available data.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: Connecticut will now add text messages to the states’ Do Not Call registry. The new law will increase consumer protections by banning unsolicited commercial text messages, and increasing the penalty for violations. The legislation increases the maximum fine for each registry violation from $11,000 to $20,000, and requires all companies to print a notice at least twice each year that informs consumers of prohibited actions by solicitors and how they can add their numbers to the Do Not Call registry.

Status: Signed into law on May 28, 2014.

Comments: Hartford Business Journal (May 29, 2014). Attention marketers: Gov. Dannel P. Malloy's office announced that he has signed a law that prohibits unsolicited commercial text messages to cell phones and increases fines for violators. The law adds text messages to the national registry, which already prohibits phone calls to consumers who add their number to the list. It also increased from $11,000 to $20,000 the maximum fine for each registry violation and requires telecom providers and others to issue notices at least twice a year informing consumers of prohibited solicitations.

The registry is regulated by the Federal Trade Commission, Federal Communications Commission, and the state’s Department of Consumer Protection, which has the power to levy fines against Connecticut violators.

Read More: http://www.hartfordbusiness.com/article/20140529/NEWS01/140529912

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Public Disclosure of Arrest Bookings

Bill/Act: HB 845

Summary: The Public Disclosure Act bans the release of police mug shots unless the person requesting them signs a sworn statement the photos will not be published on a website that charges for their removal. The legislation does not cover those who have been convicted of crimes, but only those who have acquitted.

Status: Signed into law on April 24, 2014.

It will now be illegal for publications such as Mugshots.com to obtain arrest booking photos in Georgia, post them on websites and charge people to have them removed — and little damage was done to the state’s public records laws in the process.

Rep. Brian Strickland, who drafted the legislation, worked until the final days of the 2014 legislative session to get the bill passed. “I was proud to stand by Gov. Deal as he signed HB 845 into law. This bill changes the way arrest images are released in Georgia and will prevent online companies from profiting on the backs of innocent Georgians,” Strickland said.

The new law requires anyone who requests a mug shot to submit a statement that the image will not be used on a website or in a publication that charges for removal.

Early drafts of the bill would have exempted mug shots from public disclosure under the state’s Open Records Act until an individual was actually convicted of a crime. But when the state’s newspaper association and open government advocates raised concerns, Strickland altered the language to more specifically target Mugshots.com-type websites and not restrict what he called “the legitimate media.”

The Georgia Press Association, its Executive Director Robin Rhodes and General Counsel David Hudson worked with the lawmaker to find language that would allow newspapers, and other media, to continue to publish mug shots.

“Thanks to the Georgia Press Association for working with me in this effort to ensure that we drafted a bill that preserved the First Amendment rights of our press while letting these foreign online companies that operate under the guise as legitimate media know that they are not welcome in Georgia,” Strickland said at the bill signing.

“Because of the work that went into drafting this bill, HB 845 enjoyed rare unanimous passage in both the House and the Senate. In a political climate that sees the divide between political parties literally shutting down government’s ability to function, it is great to see Republicans and Democrats in Georgia come together on a great piece of legislation.”

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
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( ) Reject

Comments/Note to staff
Summary: A bill that amends Georgia law effective immediately allowing anyone arrested in Georgia limited ability to request removal of their mugshot from commercial websites without a fee. HB 150 states that in certain cases, if a person was arrested and had their photograph taken, it is to be removed within 30 days, free of charge when a written request is made and sent by certified mail, return receipt requested or by statutory overnight mail to the registered agent or principal place of business of the website.

Status: Signed into law May 6, 2014.

Comments: From the Atlanta Journal-Constitution (March 28, 2013)
A bill that would bar anyone from charging a fee to have a mugshot removed from a website if the person arrested is not convicted is headed to Gov. Nathan Deal’s desk.

House Bill 150, sponsored by Rep. Roger Bruce, D-Atlanta, received final passage Thursday. The bill targets websites that access law enforcement sites to collect mugshots of people arrested for various crimes. These sites sometimes charge huge sums to remove a person’s photograph. The bill makes it illegal to charge for that removal if the person arrested is found not guilty, if the charges are dropped or in other instances.

The bill includes protections for legitimate news sites.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: HB 3554 lifts restrictions for the state’s beer companies and makes changes to the current brewery license regulations. Production breweries will be permitted to operate on-site restaurants that serve food and lifts consumption restrictions. Such breweries can also sell other beverage manufacturers' beers, wines and ciders at their establishments. Production breweries will also be allowed to obtain a retailing permit to sell bottles and cans on-site.

Status: Signed into law on June 6, 2014.

Comment: From Brewbound (June 7, 2014)

South Carolina Gov. Nikki Haley signed into law the so-called “Stone Bill,” which immediately lifts restrictions for the Palmetto State’s smaller beer companies and makes a number of key changes to the state’s current brewery license regulations.

The measure gives production breweries the ability to operate on-site restaurants that serve food and lifts consumption restrictions (from 48 oz. per customer) for production breweries that provide dining options. Companies operating under the new production brewery regulations would also be permitted to sell other beverage manufacturers’ beers, wines and ciders at their establishments. Additionally, production breweries will be allowed to obtain a retailing permit to sell bottles and cans on-site.

The new law also lets existing brewpubs convert their current permits to “brewery licenses,” and gives all brewpubs the right to sell their beer to wholesalers, for off-site distribution, after conversion. Brewpubs that choose to convert their licenses would lose the ability to sell liquor, however.

Currently, production breweries pay $400 annually for licensing while brewpubs pay $2,000 annually, said Brook Bristow, a lawyer with Bradford Neal Martin & Associates and general counsel to the South Carolina Brewers Association.

The new law does not alter current brewpub production regulations, however, which restrict owners from making more than 2,000 barrels annually. It also does not allow production breweries to pour more than 48 oz. of beer per customer if they are not also providing dining options. Bristow said that production breweries do not have to provide such options, or that they could come in the form of a full-service kitchen or via a third-party food truck service.

There is no limit to how much beer can be sold over a production brewery taproom bar, annually, and producers cannot hold both a brewpub and a production brewery license, Bristow said.

“Talk about an exciting day for our state and our brewers,” he said. “We had a great team behind us and it had a lot to do with the will of the legislators in South Carolina to get this done. There is a desire here to see craft beer flourish, to create jobs and to improve the economy in the state.”
Indeed, over the course of just one month, legislators met, discussed, voted and ultimately were able to make sweeping changes to South Carolina’s beer laws, all in an effort to entice out-of-state craft breweries like Stone Brewing and Deschutes Brewery, who are currently looking to expand with East Coast locations.

Bristow explained that the allure of attracting an out-of-state producer like Stone Brewing enabled the state to push the bill forward quickly, with little pushback from lobbyists.

“We wrote the bill in a specific way so that if Stone or Deschutes doesn’t come to South Carolina, it isn’t the end of the world,” he said. “We wanted it to benefit our in-state brewers, whether or not an out-of-state brewery comes in. And for future breweries looking to expand, South Carolina will at least be in the conversation. We are open for business and will support the craft beer industry.”

Stone Brewing has yet to make a final decision on where its East Coast brewery will be located. The Escondido, Calif.-based brewery said it plans to invest upwards of $30 million to build its new location and also estimates the project will create up to 400 jobs.

Prior to the bill being signed into law, Stone Brewing had offered praise for South Carolina’s reform efforts, but no guarantees; the brewery issued a statement last week noting that, “while we applaud the legislation in South Carolina and any like it, this necessary element is but one of many factored into our decision making laid out in our request for proposal.”

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
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( ) Reject

Comments/Note to staff
09-36A-08 Uniform Powers of Appointment Act

Bill/Act: HB 1353

Status: Signed into law on May 15, 2014.

Summary: Powers of Appointment are routinely included in trusts drafted throughout the United States, but there is little statutory law governing their use. Instead, estate-planning attorneys rely on a patchwork of common-law decisions. The Uniform Powers of Appointment Act codifies the law on powers of appointment, relying heavily on the Restatement (Third) of Property: Wills and Other Donative Transfers, published in 2011 by the American Law Institute. Therefore, estate planners will already be familiar with the provisions of this uniform act.

Colorado enacted the Uniform Powers of Appointment Act (HB 14-1353) in 2014; Governor Hickenlooper signed the bill on May 15, 2014.

Article 1 includes definitions and other general provisions. Article 2 provides rules for the creation, revocation, and amendment of powers of appointment. Article 3 governs the exercise of powers by the powerholder and the distribution of appointive property. Article 4 is concerned with disclaimers, releases, and contracts between a powerholder and permissible beneficiary to appoint or not to appoint property. Article 5 outlines the rights of a powerholder’s creditors in appointive property. Finally, Article 6 contains boilerplate provisions common to uniform acts. The act’s highlights are summarized below.

**Article 1**
The Uniform Powers of Appointment Act defines three specific roles: The person who creates a power of appointment is the “Donor.” The person who may exercise the power is the “Powerholder” (rather than the more confusing “donee”). A person who may receive appointive property is a “Permissible appointee” (or just an “Appointee” following receipt).

The uniform act defines a “Power of appointment” as “a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appoint over the appointive property.” Other definitions describe different types of powers and different methods of exercising a power.

**Article 2**
Section 201 provides a permissive standard governing creation of powers of appointment: the power must be in a valid governing instrument that transfers the appointive property and must use terms showing the donor’s intent to create a power to appoint property. Other provisions state that a power is nontransferable and provide rules and presumptions as to the extent of the power, which are applicable if the terms of the power are not sufficiently clear. Finally, Section 206 states that a power may not be revoked or amended unless either i) the instrument creating the power is revocable, or ii) the donor reserves a power of revocation or amendment.

**Article 3**
Section 301 sets out the rules for exercising a power of appointment, and sections 302 - 304 apply if the powerholder’s intent is unclear. Section 305 clarifies that a powerholder may, unless otherwise prohibited, make an appointment to a permissible appointee in any form, including in
trust or by creating a general power of appointment. Other sections govern appointments to deceased or impermissible appointees, disposition of unappointed property, and a powerholder’s ability to revoke or amend an exercise of power.

**Article 4**  
Section 401 provides that a state’s general law on disclaimers applies to both powerholders and permissible appointees. Sections 402 gives a powerholder authority to release a power unless prohibited by the donor, Section 403 provides a method for releasing powers of appointment, and Section 404 provides rules for revoking or amending a release. Finally, Sections 405 and 406 govern contracts to exercise, or not to exercise, a power of appointment.

**Article 5**  
This article governs creditor claims on appointive property. The rules depend on whether the powerholder also created the power, and whether the powerholder has a power to withdraw property from a trust.

**Conclusion**  
Nothing in the Uniform Powers of Appointment Act should be new or controversial. Estate planning attorneys will already be familiar with most provisions. Both attorneys and their clients will benefit from the certainty provided by this codification of common law principles. The act should be considered by the legislature in every jurisdiction as soon as feasible.

Colorado recently became the first state to enact Uniform Powers of Appointment Act; HB 1353 was signed into law on May 15, 2014.

1. *Is the issue a significant one facing state governments?*  
   Yes. Powers of appointment are largely unregulated except by courts when there is a dispute. A statute would provide certainty for legal practitioners and their clients, and free up overburdened state courts by preventing unnecessary litigation.

2. *Does the issue have national or regional significance?*  
   Yes. Powers of appointment are widely used in every state.

3. *Are fresh and innovative approaches available to address the issue?*  
   Some. The act does not break new legal ground, but is rather a codification of the common law on powers of appointment as summarized in the Restatement (Third) of Property. The main advantage is certainty for estate planners and their clients – currently most states have no law on the subject and courts have only a patchwork of state court decisions as precedent.

4. *Is the issue of sufficient complexity that a bill drafter would benefit from having a comprehensive approach that may have limited relevance for many states?*  
   Yes, the issue is complex enough that anyone who is not a trust and estate professional would likely have difficulty drafting a statute. A powers of appointment statute is relevant in every state.
5. *Is the structure of the legislation logically consistent?*
   Yes. The statute is the product of a ULC drafting committee that spent two years drafting and revising the act. The final product is logically organized into five articles by topic.

6. *Are the language and style of the legislation clear and unambiguous?*
   Yes. The Uniform Law Commission’s Style Committee has reviewed and revised the act according to its exacting standards.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary:
The Alabama Taxpayer Fairness Act (Act No. 2014-146) was signed into law by Governor Bentley on March 11. The act establishes the Alabama Tax Tribunal (ATT) by abolishing the current Administrative Law Division of the Alabama Department of Revenue (ADOR) and transferring both the personnel and equipment to a newly-formed, independent state agency under the executive branch.

The act is substantially similar to the American Bar Association’s Model State Administrative Tax Tribunal Act, except that appeals from the ATT will continue to be filed with the appropriate circuit court rather than with the Alabama Court of Civil Appeals.

The stated purpose of the ATT is to increase public confidence in the fairness of the state tax system by providing an independent agency with tax expertise to resolve disputes between ADOR and taxpayers, prior to requiring the payment of the amounts in issue or the posting of a bond, but after the taxpayer has had a full opportunity to attempt settlement with ADOR based, among other things, on the hazards of litigation. By establishing an independent tax tribunal within the executive branch of government, taxpayers are provided with a means of resolving controversies that ensures both the appearance and the reality of due process and fundamental fairness.

Perhaps of equal importance will be the ability of taxpayers, for the first time, to appeal most final assessments issued by localities or their contract-auditing firms to the ATT.

There are three key features of the ATT:

1. ATT judges are appointed by the Governor for six-year terms. There must be at least one ATT judge, but may be no more than three in total. In addition, the Governor may appoint pro tem judges if necessary.
2. Taxpayers may appeal final assessments of sales, use, rental, and lodging taxes issued by or on behalf of self-administered cities and counties to the ATT, unless the governing body of the self-administered city or county opts out.
3. No filing fees are imposed on taxpayers for appeals to the ATT.

Allowing taxpayers to appeal final assessments issued by self-administered cities and counties or their contract-auditing firms is a major step toward addressing the frustration of the business community and tax practitioners with differing interpretations of the law and varied appeals procedures offered by the many self-administered localities and their private auditing firms. This provision is designed to work hand-in-hand with the new Optional Network Election for Single Point Online Transactions (ONE STOP) e-filing program for local sales, use, and rental taxes.

Status: Signed into law on March 4, 2014.
The recent growth of the independent tax tribunal as a means to resolve state tax issues prior to trial is a significant development in the area of adjudicating state tax appeal controversies. The use of an impartial, independent forum outside the dominion and control of the state tax authority is often helpful in resolving state tax disputes in a more efficient, streamlined manner by judges possessing state tax expertise, without taxpayers having to prepay the disputed tax.

Taxpayers (and their representatives) often find themselves frustrated in the late stages of an audit, if it becomes clear to them that a material tax assessment, with associated interest and penalties, is inevitable. Often, once the assessment is made, taxpayers may appeal the assessment to the administrative appeals unit within the state tax authority, at which point an informal and/or formal hearing may be held. In some cases, following the initial assessment, taxpayers can forgo the additional administrative appeal, pay the assessment, and then challenge the decision in court.

Both of these paths are fraught with problems. Given a choice of accepting an administrative decision that may merely reflect the position of a state tax authority or waiting a long time for a judicial response that may not be successful, alternative methods of dispute resolution have become more desirable. One of these alternatives is a quasi-judicial forum that is independent from the state tax authority.

As of June 2013, 31 states and the District of Columbia had adopted some form of independent state tax tribunal or court (either in the judicial or executive branch), in which there is at least some level of independence from the state tax authority, jurisdiction that is limited to tax matters, published precedents, and judges who are experienced in state tax matters, without the need for taxpayers to pay the tax before the hearing. The overall success of the independent tax tribunal process in each state will ultimately be judged by the states’ ability to properly staff these forums with capable arbiters who truly are unbiased and can make decisions without unduly lengthening the process. Taxpayers need to be confident that the independent tax tribunal will properly protect their interests; affording them an unfettered choice of representation is an important component of this aim. State tax authorities should try to keep an open mind on the value of an independent tax tribunal as well. While the complexity of state and local tax laws guarantees that taxpayers and state tax authorities always will have something to dispute, the independent tax tribunal might make such controversies a little less painful on both sides.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
10-36A-02 Automated Business Record Falsification Devices Kentucky

Bill/Act: HB 69

Summary: Kentucky HB 69 prohibits automated business record falsification devices. Penalties for possessing these devices include a Class D felony, forfeiture of all proceeds gained from using the device, forfeiture of the device and revocation of sales tax permits held by the person for ten years.

House Bill 69 makes the use and possession of automated business record falsification devices illegal. Known as “tax zappers” and “phantom wires,” these devices falsify business records created by a point-of-sale system by eliminating or altering actual retail sales transactions and creating inaccurate and false records.

Status: Signed into law on March 25, 2014.

Comment: From The Courier Journal (February 16, 2014)

Hoping to recoup under-reported taxes, Kentucky legislators are taking aim at a little-known tool used to hide retailers’ sales from tax collectors. House Bill 69 would make possession of so-called “tax zappers” a Class D felony. Rep. Denny Butler, D-Louisville and a retired police officer who filed the bill, said that while no zappers have been reported being used in Kentucky, he believes they’re being used in every state.

Zapper expert Richard Ainsworth, the director of Boston University School of Law’s graduate-level tax program, said he expects they are being used in Kentucky and estimates the fraud costs the state more than $200 million a year.

The devices — which alter sales totals on computerized cash registers and allow retailers to keep sales tax revenue due to the state revenue cabinet — have been found as close as West Virginia. Kentucky officials hope to act before one is found in the state. “Right now if law enforcement found it, it’s not a crime,” Butler said, after testifying for the bill last month during a legislative hearing. “This is just opening the door to figure out how much and what they’re stealing.”


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: The bill sets up a scholarship fund for high school students to train at two-year colleges to become welders, electricians, mechanics or other types of skilled workers through a dual enrollment program. Proponents of the bill contend it is a way to fill gaps in the workforce and lower the dropout rate by keeping some students interested in school. Donations from taxpayers would fund the scholarships. Donors would get a credit on their state income taxes worth up to 50 percent of their donation, up to 50 percent of their tax liability. The total amount of tax credits paid per year could not exceed $5 million.

Status: Signed into law on March 4, 2014.

Comments: From the Tuscaloosa News (May 19, 2014)
State lawmakers and representatives with the Alabama Community College System predict a new tax credit will help boost funding and enrollment in the state's career technical dual enrollment program for high school students.

"In my opinion, this is the beginning," said Rep. Bill Poole, R-Tuscaloosa. Poole was among legislators and officials with Shelton State Community College, the Department of Postsecondary Education, and Mercedes-Benz U.S. International who discussed the dual enrollment program Monday, using a lab filled with mills and other precision machining equipment at Shelton as a background.

The bill enacted during the regular legislative session earlier this year would give an income tax credit beginning in 2015 to individuals and businesses that make contributions to cover tuition, fees, books and other costs associated with participation in the Career Technical Dual enrollment program. The act allows the contributors to direct as much as 80 percent of their donations to a particular career technical program or courses at a specific two-year campus. The two-year system will work with business and industry partners, the state's workforce training council and the Regional Workforce Development Councils ensure the donations for the dual enrollment program address regional workforce needs, according to the speakers.

Terry Waters, executive director of economic and workforce development for the Alabama Department of Postsecondary Education, said taxpayers can contribute as much as $10 million annually under the new tax credit program, which allows them to receive a credit for as much as 50 percent of their total contributions. The tax credit cannot exceed 50 percent of the taxpayers' total state income tax liability or $500,000 in any year. The act caps the annual tax credits given by the state at $5 million. The bill was sponsored during the 2014 regular session by Rep. Mac Buttram, R-Cullman.

Waters, Poole and State Sen. Gerald Allen said there has been an ongoing conversation between two-year officials and lawmakers during the past couple years about the growing need for additional funding for the dual enrollment program, which allows high school students in grades 10-12 to enroll career technical courses at community colleges.
This year, the program was only able to award 2,100 scholarships, Waters said.

"We hope to be able to expand career technical dual enrollment scholarships to 10,000 annually," he said.

In a best-case scenario, the tax credit could lead to as many as 300 to 350 scholarships and waivers per two-year campus in the state, with a third being needs-based awards, according Allen.

Waters said the combination of an additional $5-million line item for the program included in the fiscal year 2015 education budget for the dual enrollment program and the tax credit are expected to allow the program to expand. The $5 million will help buy new equipment and assist with transportation needs in rural areas, Waters said.

"What a difference this program is going to make in Alabama," Waters said.

Read more: http://www.tuscaloosanews.com/article/20140519/NEWS/140519668

Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: Indiana HB 1003 allows school districts and charter schools to partner with businesses to train students for high demand careers requiring industry certification. Businesses that hire students who have participated in cooperative programs are eligible for a state tax credit.

Status: Signed into law on March 26, 2014.


House Bill 1003, authored by Rep. Steven Braun, R-Zionsville, aims to create programs that help high school students obtain the skills they need for high-demand jobs.

“A highly educated workforce is the key factor to Indiana’s future economic success, in my opinion,” Braun said.

The bill would expand the Economic Development for a Growing Economy program, commonly known as EDGE. Under the program, secondary schools partner with businesses who invest in the school’s curriculum and training of students. The businesses are then allowed a tax credit if they hire the previously interned student once he or she obtains certification.

Kathy Heuer, R-Columbia City, co-authored the bill and worked primarily on the business-school partnership portion.

“The bill will help create career pathways for students who are unsure of their future plans and are not college-bound,” Heuer said. “By giving these kids opportunities to experience jobs before they graduate, they can have a much better opportunity to establish that career path.”


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
11-36A-03 Veteran Job Assistance, College Credits, Fraud Protection  Ohio

Bill: **HB 488**

Summary: Ohio HB 488 has multiple provisions to assist veterans. Components include helping train veterans in skills that will assist in employment, fast tracking state licensing, provide preference for veterans and spouses, assist veterans with the transition to college, provide veterans with college credit for their military training and experience, and increase penalties for voter fraud on active duty service members.

Status: Signed into law on June 16, 2014.

Comment: From the *Crescent-News* on July 6, 2014
Veterans will have an easier time getting certain state licenses, and crooks will face stiffer penalties for stealing the identities of Ohio's military men and women, under legislation signed in to law recently. Backers say House Bill 488 will help Ohioans who have served in the armed services as they make the transition back to civilian life and seek out jobs and educational opportunities.

Among other provisions, HB 488 will enable veterans to earn college credits and certain state licenses to account for their military training. It also provides a means for connecting private employers who want to hire veterans with military men and women looking for jobs. Colleges and universities will be required to provide increased academic and career counseling to veterans, and offer priority status when those men and women are registering for classes. HB 488 also increases criminal penalties for those convicted of identity theft against active duty service members and their spouses.

"These changes will make Ohio one of the toughest states for punishing felons who commit identity fraud against active-duty service members," Republican Attorney General Mike DeWine said in a released statement. "... Military service members and their families sacrifice so much to protect our country, and it's our job to do all we can to protect them."

The Ohio House and Senate OK'd the law changes on unanimous votes last month.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: The bill establishes the Second Service for Veterans Program, which seeks to attract veterans to the teaching profession. To this end, education departments at Indiana universities must:

- Provide academic and career counseling specifically tailored to veterans
- Offer in-state tuition to out-of-state veterans who apply to and are accepted to the program
- Design and implement an initiative to attract veterans to their program and the teaching profession

Furthermore, veterans can receive credit for qualifying courses taken at previous institutions and for certain military experiences.

Status: Signed into law on March 25, 2014.

Comment: From *Greencastle Banner-Graphic* (April 24, 2014)

Legislation creating the Second Service for Veterans program was signed into law Thursday by Indiana Gov. Mike Pence.

Co-sponsored by State Rep. Jim Baird, SEA 331 establishes the program to help connect veterans with a job in the teaching profession. "Indiana is committed to lowering the unemployment rate for veterans by providing them with every opportunity to find a job and succeed once their service is over," Baird, himself a veteran of the Vietnam War, added. "The Second Service for Veterans program accomplishes this by helping our honorable service men and women obtain a job in the teaching profession."

The Second Service for Veterans program is aligned with the Combat to College program, enacted in 2013, and requires state colleges to provide academic and career counseling to honorably discharged veterans that pursue a degree in education. Under this bill, those colleges would also be required to develop a plan to attract more veterans into the major.

SEA 331 also allows military training and experience, if applicable, to count as college credits toward a degree in education. In addition, this legislation requires state universities to offer in-state tuition to veterans serving out-of-state that apply and are accepted into the program.

"Hoosier veterans, who are taught leadership and communication skills throughout their service, possess many of the qualities necessary to be effective educators," Rep. Baird noted.

SSL Committee Meeting: 2016 A

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( ) Reject

Comments/Note to staff
HB 1002 establishes the Indiana Career Council, a 15-member board that will increase coordination among those who work on the state’s education, job skills development and career training system.

Status: Signed into law April 15, 2013.

Comment: From *Evansville Courier & Press* (April 15, 2013)

Pence also signed House Bill 1002 – legislation co-authored by House Republican and Democratic leaders – that will coordinate the efforts of a number of existing jobs-related boards and commissions and then focus on matching workers with the jobs skills identified as most in need.

House Speaker Brian Bosma, R-Indianapolis, said the bill was one of the top priorities of the GOP caucus, which controls the chamber.

“The Indiana Career Council will go a long way to put Indiana workers back on the job and to equip Hoosiers with the skills necessary to meet the changing demands of a 21st century workforce,” Bosma said in a statement.

HB 1002 creates the Indiana Career Council, which will oversee a data system to track the effectiveness of the state’s educational and workforce programs. The council will also be submitting recommendations to the General Assembly on necessary improvements to Indiana’s job skills training system.


Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
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Comments/Note to staff
Summary: The bill prohibits any employer from including a question on a job application regarding whether a potential employee has ever been arrested, charged or convicted of any crime. After determining that a candidate is a finalist or a conditional job offer has been made, an employer may then ask about criminal background. This does not apply to educational facilities or law enforcement agencies.


With the start of the new year, Rhode Island employers will have to wait a little longer to ask job applicants if they have a criminal record. Rather than ask on job applications, employers will have to wait until the first interview.

Advocates say the so-called “Ban-the-Box” law, passed by state lawmakers last year and signed by Governor Chafee, will give applicants with past convictions a better chance to make a case for why they should be hired.

“People who have made mistakes need to be able to move on, to move forward with their lives, and we need to change our laws to allow them, even encourage them, to do so,” Rep. Scott Slater, D-Providence, one of the lead sponsors, said in a statement shortly after the bill passed.

“They are not being allowed to do so if every application they fill out looks like an instant dead-end because of that one question about criminal history.”

The law applies to employers with at least four workers. But it provides exceptions, allowing employers to ask up front about past convictions in cases where a criminal record would disqualify an applicant based on federal or state law, or make it impossible for an applicant to obtain insurance protection that is needed to do the job.

Read More: http://www.providencejournal.com/breaking-news/content/20140101-rhode-island-has-new-laws-for-job-applications-pay-days-and-wages-for-workers.ece

Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: This bill prohibits a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It permits inquiry and consideration of criminal background after the conditional offer has been made. The bill specifies that once a background check is conducted an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check.

Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.

Status: Signed into law on May 08, 2014.

Comments: Delaware Online (May 1, 2014).
‘Ban the Box,’ the name of a measure that would prohibit most public agencies in Delaware from requiring job applicants to disclose their criminal history during the early steps of the hiring process, passed in the Senate Thursday.

Gov. Jack Markell mentioned the effort, which passed 15-5, during his State of the State speech earlier this year. If it becomes law, it would not apply to law enforcement agencies and private businesses. The bill has already passed the House and now awaits Markell’s signature.

Under the legislation, employers could only ask a job candidate about their criminal background once the first interview was completed.

Sen. Bryan Townsend, D-Newark, said the legislation is a step in the right direction to assist those with a criminal charge who are trying to get back on their feet. But he wishes it went further.

“We want people to look for jobs. We want people to take initiative. We want people to have hope. We want people to believe that they’ve made amends and they’ll have opportunity,” he said. “I think it’s important to emphasize how many people don’t even apply because they know by checking that box their application will not be looked at.”

Several lawmakers raised concerns that the legislation offers those people false hope, but also makes a critical employment decision on behalf of the state’s local governments.

“I feel like this is going a bit too far,” said Senate Minority Leader Gary Simpson, R-Milford. Sen. Brian Bushweller, D-Dover, expressed similar concern, but supported the bill.
“I’m uncomfortable with forcing what we would consider to be good employment practices of this nature on local governments,” he said.

Several Republicans voted for the bill, including Senate Minority Whip Greg Lavelle, R-Sharpley, who said he agreed with the intent of the legislation, but expressed “great reservations” that it could cause litigation and could come back to be extended to private businesses.

“I hope we don’t come back here some day and my vote was proven to be wrong,” he said. “I will adamantly fight any future bill to make this apply to the private sector.”

Rep. James “J.J.” Johnson, D-Wilmington and the bill’s prime sponsor, said he was pleased with the passage and the fact that it gained some bipartisan support.

“This is a very good step to show that the state is practicing what they are preaching, that people deserve an opportunity to recover,” he said.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
11-36A-08 Pregnant Workers' Fairness Act                      West Virginia
Bill/Act: HB 4284

Summary: Under the West Virginia Pregnant Workers Fairness Act, covered employers will be required to provide reasonable accommodation to employees or applicants for employment for limitations related to pregnancy, childbirth or related medical conditions. The Pregnant Workers' Fairness Act allows employees to request modified duties and other accommodations as long as they do not place undue hardship on employers. It allows such accommodations as bathroom breaks and assistance with manual labor. The measure also requires employers to provide nursing women time to express breast milk. It bars employers from turning away a qualified job applicant out of concern she might be asked to provide some accommodations for her pregnancy.

Status: Signed into law March 21, 2014

Comments: Associated Press (February 5, 2014)
The West Virginia Senate has passed legislation to help accommodate pregnant women in the workplace.

The Pregnant Workers' Fairness Act allows employees to request modified duties and other accommodations as long as they do notplace undue hardship on employers. It allows such accommodations as bathroom breaks and assistance with manual labor.

The measure also requires employers to provide nursing women time to express breast milk. It bars employers from turning away a qualified job applicant out of concern she might be asked to provide some accommodations for her pregnancy.

Only Monongalia Democrat Robert Beach voted against the bill.

The bill has been passed in both the House and the Senate and now goes to the governor.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
11-36A-09 Civil Liability Protections to Licensed Professional Engineers and Architects
Kentucky
Bill/Act: SB 74

Summary: Provide civil liability protections to licensed professional engineers and licensed architects who voluntarily provide professional services at the request of officials during or after a declared emergency, disaster, or catastrophe; establish limitations to liability protection; require the Division of Emergency Management to promulgate administrative regulations.

Status: Signed into law April 25, 2014.

Comment: From the American Institute of Architects
SB 74, which provides Good Samaritan protection for architects and engineers who volunteer their services, passed late on the final night of the session. This legislation will encourage more members of the profession to make their services available in times of need without fear of frivolous law suits.

Read more: http://www.aia.org/advocacy/state/AIAB103905

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Amends Title 54, Public Utilities, provides that the definitions of an electrical corporation and public utility do not include certain entities that sell electric vehicle battery charging services unless the entity conducts another activity in the state that subjects the entity to the jurisdiction and regulation of the commission as an electrical corporation.

Status: Signed into law March 20, 2014.

Comment: From *The Salt Lake City Tribune* (March 10, 2014)
[This] proposed tweak in state law could go a long way toward making electric vehicles, which typically travel no more than 80 miles between charges, a more practical option for Utah drivers.

Under current law, Utahns who drive electric vehicles (EV) long distances away from home depend on the good will of employers and retailers who install charging equipment for them to use for free.

This is because the resale of electricity requires regulation as a public utility, so, not surprisingly, the private sector has done little to build a charging infrastructure.

HB19 would exempt businesses that provide vehicle battery charging from regulation as a public utility or electric corporation. With expansion of quick-charge facilities, EV owners… would experience less "range anxiety" and others would be encouraged to drive the efficient, low-emission vehicles, says the bill’s sponsor, Rep. Patrice Arent, D-Millcreek.

… “It’s an important signal to send that Utah is open for business for electric vehicles," Kevin Emerson, of Utah Clean Energy, told a Senate panel last week. "Making it more convenient is going to help more of these vehicles get on the road. It’s a chicken-and-the-egg thing.”


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
14-36A-01 Driver’s License and Designation of Autism and Intellectual Disabilities  Virginia

Bill/Act: **SB 367**

Status: Signed into law on April 6, 2014.

Summary: SB 367 allows the Virginia Department of Motor Vehicles to designate autism spectrum disorder and intellectual disabilities on applicants’ driver’s licenses, as well as autism, intellectual disabilities, hearing and speech impairments, and insulin-dependent diabetes on special identification cards. These designations are optional for applicants, and they must have a signed statement from a physician confirming their condition.

Comment: From **WRIC** (June 18, 2014)
A new tool will soon be available in Virginia to help people who have autism or intellectual disabilities enhance their lives.

For Pam Mines, JP's Law is literally her dream come true. "June 19, 2013. And I woke up that morning and I was like 'I have to call Senator McEachin,'" says Pam Mines, who helped pass JP's Law

Named after her 10-year-old son JP, who has autism, the new law allows people who have an intellectual disability to get a code put on their Virginia driver's license or state ID card.

"My son, he's a wanderer. If something happened and he had that and we're able to teach him to have a wallet and have his id, when law enforcement pulls that out they will see it."

Pam played a major role in helping to get the law passed, including working with congressmen, local advocacy groups and law enforcement.

Sergeant Tim Sutton with the Hanover County Sheriff's Office says these medical indicators will alert officers so they can better understand and handle traffic stops and other situations.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Create a new section of KRS Chapter 189 to establish exemptions allowing the operation of a mini-truck on a public highway or roadway or the right-of-way of any public highway or roadway; permit operation of a mini-truck by persons possessing a valid operator's license who are crossing a two-lane public highway with a mini-truck if travel is two-tenths of a mile or less or who are engaged in farm or agricultural-related activities, construction, road maintenance, or snow removal; require mini-truck operators to comply with applicable traffic regulations; restrict operation of mini-trucks to daylight hours, except when engaged in snow removal or emergency road maintenance.

Status: Signed into law on March 21, 2013.

Comment: From Rep. Lynn Bechler

House Bill 273 would allow the operation of mini-trucks on Kentucky's public highways. The proposal treats mini-trucks the same as ATV's, and would allow farmers to drive on roadways for short distances to transport supplies from one farm to another.

Read more: http://lynnbechler.com/legislative-updates/halfway-there-weekly-update-february-25/

Comment: From the Insurance Institute for Highway Safety (July 2014)

Minitrucks are sold as off-road vehicles for farms and construction sites and are far smaller than conventional small trucks sold for on-the-road use. These vehicles go by many names, including Japanese minitruck, Kei truck, microtruck, and utility transportation vehicle. Minitrucks have the capacity to reach top speeds of 55 mph or more, but many are sold with devices that limit their speed to 25 mph.

Federal safety standards don't apply to minitrucks because they are sold as off-road vehicles, even though they are permitted on public roads in some states. Twenty states now allow minitrucks on specific portions of public roads. In Illinois and Missouri, minitrucks are allowed only by local ordinance. Minitrucks must comply with federal safety standards for low-speed vehicles in 5 states (Illinois, Kansas, Maine, New Hampshire, and Tennessee).

Read more: http://www.iihs.org/iihs/topics/laws/minitrucks

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Bill/Act: **SB 810**

Summary: Oregon SB 810 establishes a voluntary program for vehicle owners to pay a per-mile road usage charge in lieu of the motor fuel tax. The bill outlines qualifications and procedures for the program. Sets per-mile road usage charge at 1.5 cents per mile. It specifies that money collected will be deposited into the State Highway Fund and provides for distribution between state, counties and cities.

Status: Signed into law on August 14, 2013.

Comment: From *Governing* (July 15, 2013)

Oregon is poised to become the first state to charge drivers based on how many miles they drive -- as opposed to how many gallons of gas they purchase -- in a move that could foreshadow the future of how transportation infrastructure gets funded.

The bill would allow up to 5,000 drivers to voluntarily enlist in a new program in which they'd pay a tax of 1.5 cents for every mile they drive in lieu of the 30 cents-per-gallon tax that drivers pay in the Beaver State.

The newly created program is the result of years of study by state lawmakers and officials at the Oregon Department of Transportation, who have viewed the gas tax as increasingly unsustainable for funding the state's transportation and transit needs.

Indeed, the per-gallon gas tax -- the primary tool used by the state and federal government to fund transportation infrastructure -- is the victim of competing policy goals. Governments encourage the use and development of fuel-efficient vehicles for environmental reasons. Yet at the same time, the success of those efforts means that drivers are paying less for each mile they drive, even as their vehicles cause the same amount of congestion and wear-and-tear on roads.

The switch to a transportation tax based on miles driven, as opposed to gallons of gasoline consumed, is viewed as a way to more closely align the extent to which drivers use the road network with the amount of money they pay to maintain it.

"The bottom line is it's about fairness, and people who use the system ought to pay for the use of the system," Oregon state Sen. Bruce Starr told *Governing* last year.

The new, voluntary program came about after Oregon lawmakers unsuccessfully pursued a plan to require mileage-based fees for the state's most fuel-efficient vehicles.

James Whitty, manager of Oregon DOT's Office of Innovative Partnerships and Alternative Funding, says the new program is a milestone. For starters, unlike previous ODOT pilots, it's a permanent program that doesn't have an end date. It's also much larger than earlier pilots that explored the viability of miles-traveled fees.
More importantly, the system the state is developing will ultimately be the same one it uses when, eventually, mileage-based fees become widespread. The new system is set to launch in 2015, and ODOT is expected to spend $2.8 million over two years implementing it.

Whitty says he expects the new program to provide more evidence and information to lawmakers that they'll be able to use to create broader miles-traveled fees.

Additionally, ODOT typically hasn't been permitted to do much in the way of drumming up publicity for the issue. That would change under the new program. "One of the cool things about the bill is that the expectation of strong communication with the public means that ODOT will be able to spend time and resources actually marketing the program and finding a way to move the needle on public acceptance," Whitty says.

Indeed, the idea of charging drivers based on miles instead of gallons has been controversial in some places, where the concept has been labeled a "driving tax." One of the biggest hurdles to changing public opinion about the concept are the privacy concerns that come with the state tracking driving.

ODOT recently conducted a study of different options for calculating drivers' mileage in anticipation of the day when a program like this might be created. They considered a range of technologies for tracking mileage -- including those with and without GPS.

Whitty says the department didn't want to pick a "best" option but instead explored several that motorists might one day be able to choose from.

Pilot participants can use a simple device that counts mileage but doesn't involve GPS. They can use a GPS if they want to avoid being charged for driving on private or out-of-state roads. They can use a smart-phone app that uses GPS -- but only when the app is turned on. Or they can opt out of any measurements at all and just pay a flat fee.

Oregon has long been a leader in the study of mileage-based fees. It first began looking at alternatives to the gas tax in 2001 and has conducted several pilot programs since then that have gained national attention in transportation circles. Many view the state as being on the cutting edge of transportation funding.

A Congressional Budget Office report published in 2011 suggested a miles-driven fee as a viable alternative to the gas tax, and many national transportation experts have endorsed the idea too. Yet the issue hasn't gain traction at the federal level -- the White House famously shot down the idea when former Transportation Secretary Ray LaHood suggested it was worth considering -- and even pilot programs are rare outside of Oregon.

Richard Geddes, director of the Cornell Program in Infrastructure Policy, says the idea of a mileage tax shouldn't be that unusual to people, given that it mirrors the same principle used by utilities like water and energy providers: pay for what you use.
Geddes, who served on a federal commission that studied transportation revenue options, says the real promise of mileage-fees is that eventually, they could serve policy goals. If the fees were dynamic -- so motorists paid more to drive during peak hours -- they could become a useful tool to manage congestion.

Jack Schenendorf, a longtime staffer on the House's Committee on Transportation Infrastructure, agreed that mileage-fees are prudent. "The more states that innovate and experiment, the better," says Schenendorf, who served on the same panel as Geddes. Programs like Oregon's can help other states as well as the federal government learn effective ways to adopt policies for the "post gas-tax era."

Still, he says, it will be a while before systems like the one created in Oregon become widespread. "(A mileage fee), at least at this early stage, have a whole set of issues layered on top it: how it will work, whether it will be accurate, and privacy," says Schenendorf. "All those issues still have to be dealt with. That's what pilot projects are for."

But, he added, mileage-fees are a long-term solution and will take years to fully implement; in the meantime, shorter-term solutions are needed to address the need for infrastructure funds at both the state and federal levels.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
14-36A-04 Testing of Autonomous Motor Vehicles  
Michigan

Bill/Act: SB169

Summary: The legislation allows for the operation of an automated vehicle for research or testing purposes. A human operator is required to be present in the vehicle to monitor its performance and intervene, if necessary, except when the vehicle is the subject of testing on a closed course.

Status: Signed into law on December 20, 2013.

Comment: From Michigan Live (December 27, 2013)
Gov. Rick Snyder on Friday announced he had signed Senate Bill 169 allowing manufacturers and “upfitters” to test self-driving vehicles as long as a human is monitoring from the driver’s seat and can control the vehicle if necessary.

He also signed SB 663 to protect original manufacturers from civil liability for damages caused by vehicles that someone else had converted into an automated vehicle. Both bills were sponsored by Sen. Mike Kowall, R-White Lake.

Snyder called for the legislation in his 2013 State of the State address.

"Michigan is the automotive capital of the world," Snyder said in a statement. "By allowing the testing of automated, driverless cars today, we will stay at the forefront in automotive technological advances that will make driving safer and more efficient in the future."

The legislation received near-unanimous support despite concerns from Google, which criticized lawmakers for only allowing test driving and not the operation of the vehicles. Kowall has said he would start working on legislation to regulate vehicle operation once the testing bills became law.

Read more:  
http://www.mlive.com/politics/index.ssf/2013/12/autonomous_vehicle_testing_now.html

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Comments/Note to staff
Modification of Autonomous Motor Vehicles or Automated Technology  

**Bill/Act:**  SB 663

**Summary:** The bill grants manufacturers of automated vehicles, and upfitters recognized by the Secretary of State, immunity from civil liability for damages arising out of third-person modification of automated vehicles and automated technology.

The bill provides that the manufacturer of a vehicle would not be liable for damages resulting from any of the following, unless the defect from which the damages resulted was present in the vehicle when it was manufactured:

- The conversion or attempted conversion of the vehicle into an automated motor vehicle by another person.
- The installation of equipment in the vehicle by another person to convert it into an automated motor vehicle.
- The modification by another person of equipment that was installed by the manufacturer in an automated motor vehicle specifically for using it in automatic mode.

"Automated vehicle" would mean a motor vehicle on which automated technology has been installed that enables the vehicle to be operated without any control or monitoring by a human driver. "Automatic mode" would mean the mode of operating an automated vehicle when automated technology is engaged to enable the vehicle to operate without any control or monitoring by a human driver.

The bill also would grant immunity from product liability to a subcomponent system producer for damages resulting from the modification of equipment installed by that producer to convert a vehicle to an automated motor vehicle, unless the defect from which the damages resulted was present in the equipment when it was installed by the producer.

**Status:** Signed into law on December 20, 2013.

**Comment:** From [Michigan Live](https://www.mlive.com) (December 27, 2013)

Gov. Rick Snyder on Friday announced he had signed Senate Bill 169 allowing manufacturers and “upfitters” to test self-driving vehicles as long as a human is monitoring from the driver’s seat and can control the vehicle if necessary.

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Read more:
http://www.mlive.com/politics/index.ssf/2013/12/autonomous_vehicle_testing_now.html

SSL Committee Meeting: 2016 A
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Comments/Note to staff
SB 27

Summary: From the California Fair Political Practices Commission: [The legislation] will help ensure that campaign contributors can no longer use "dark money" loopholes to avoid disclosure. SB 27 requires large donations from non-profits and other Multi-Purpose Organizations (MPOs) to be disclosed and requires the Commission to post the top 10 contributors to state committees. The bipartisan FPPC sponsored this legislation.

Previously, non-profits and other MPOs with no history of political spending could make a one-time contribution in California without disclosing the identities of the donors…SB 27 tightens these rules and helps prevent large networks of non-profits from being used to conceal the identities of donors.

This bill also increases transparency by requiring state committees that raise $1 million or more to provide the FPPC with a report of their top 10 contributors, which the FPPC will then post on its website. It also mandates that the FPPC compile a list of the top 10 contributors supporting or opposing each statewide ballot measure. This important disclosure will assist voters in understanding who is funding such efforts.

Status: Signed into law on May 14, 2014.

Comments: From the *Los Angeles Times* (May 14, 2014)
Gov. Jerry Brown on Wednesday signed a bill aimed at shedding light on “dark money” in politics, targeting a practice in which nonprofit organizations and other groups put millions of dollars into state campaigns without disclosing the original source of the cash.

The measure was introduced after a web of conservative groups from Arizona poured $15 million into California in 2012 to fight Proposition 30, Gov. Jerry Brown’s tax hike, and support an ultimately unsuccessful move to curb unions' political power.

"Our democracy is tarnished when millions of dollars is funneled through a web of shadowy, out-of-state organizations to hide the identities of campaign contributors,” said Evan Westrup, a spokesman for Brown. “This bill helps close this dark money loophole by ensuring Californians know who is giving and where the money trail starts."

The bill by Sen. Lou Correa (D-Santa Ana) requires large donations from nonprofits and other so-called multi-purpose organizations (MPOs) to be disclosed and the state Fair Political Practices Commission to post the names of the top 10 contributors on its website.

“This bill goes to the heart of disclosing dark money and requiring that the true source of money spent in California elections be reported” said Erin V. Peth, executive director of the FPPC. “SB 27 gives the FPPC the ability to shed more light on the extensive networks of nonprofits and MPOs masking their donations.”

The FPPC sponsored the legislation, providing technical support in drafting the bill.
Correa’s measure requires disclosure of donors if a nonprofit or group spends at least $50,000 on politics in one year or more than $100,000 over four consecutive years. Groups that raise at least $1 million must disclose the top 10 donors who gave $10,000 or more.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: This bill confers immunity from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor from the vehicle for any person who:

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the minor to exit the vehicle;
(2) Has a reasonable, good faith belief that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering harm if not immediately removed from the vehicle;
(3) Contacted either the local law enforcement agency, the fire department or the 911 operator prior to forcibly entering the vehicle;
(4) Places a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor and that the authorities have been notified;
(5) Remains with the minor in a safe location, out of the elements but reasonably close to the vehicle until law enforcement, fire or other emergency responder arrives; and
(6) Uses no more force to enter the vehicle and remove the child from the vehicle than is necessary under the circumstances.

This bill will not affect the civil liability of a person who attempts to render aid to a minor in addition to what is authorized by this bill.

Status: Signed into law April 24, 2014.

Comments: *The Tennessean* (April 16, 2014)
Tennesseans who break into vehicles to rescue endangered children — as when temperatures rise — will be protected from paying for damage costs.

State senators and representatives unanimously passed legislation to protect good Samaritans who pull kids from cars, as long as the vehicles are locked, there’s no other way to rescue the child and harm is imminent. They also must call 911 or law enforcement before forcing their way in.

The new legislation pairs with the state’s existing law that makes it a misdemeanor to leave children unattended in vehicles.

“In conjunction with the state law of not leaving children alone in vehicles — and people need to understand it’s never safe to do that — it sounds like it’s thought out well enough,” said Janette Fennell, founder of KidsandCars.org, an advocacy group that tracks child-related vehicle injuries and fatalities.

Fennell said passers-by have rescued children from cars in some states, although the scenario isn’t common. She said unattended children face dangers of heatstroke, putting vehicles into gear and becoming stuck in open windows.
Her group knows of 28 child heatstroke deaths in Tennessee vehicles since 1990. Three Nashville-area children died inside hot cars in summer 2012. The state did not have any child heatstroke deaths in vehicles last year.

“It’s very warm in Tennessee and I think people underestimate how quickly cars heat up,” Fennell said.

Rep. David Hawk, R-Greeneville, crafted the legislation. He said it was not in response to any particular incidents.

“This was an opportunity to bring awareness to the issue and empower the average citizen to take action,” he said.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Bill/Act: HB 225

Status: Signed into law June 10, 2014.

Summary:
This act mandates that the Law Enforcement Advisory Board (LEAB) will establish statewide policies concerning the use and calibration of electronic control devices, such as Tasers. The act specifies a number of provisions that must be included in the LEAB policy, including the standard for when an electronic control device may be used. All law enforcement agencies and officers must adopt the policy by January 1, 2016, and all officers who carry electronic control devices must receive training. In addition, all officers, regardless of whether they carry an electronic control device or not, must receive more general training concerning mental health issues. This act contains a number of reporting requirements, including that all uses of an electronic control device must be reported to the Criminal Justice Training Council, and that the Council must, in turn, report that information to the General Assembly every year.

Comments: Rutland Herald (June 11, 2014).
New regulations on the use of electronic stun guns by law enforcement were signed into law Tuesday by Gov. Peter Shumlin while the family of a man who died after being shocked with one of the devices looked on.

The law makes Vermont the first state to regulate the use of electronic stun guns, commonly referred to by the brand name Taser, and require training for all officers who use them. Debate over the use of Tasers has gone on for years but intensified after the death of 39-year-old MacAdam Mason in 2012.

“I’m proud that Vermont is the first state in the country that has a uniform policy for the use of Tasers,” Shumlin said before signing the bill at the State House. “We have to remember that law enforcement officers, every day, have extraordinarily difficult situations. We want to give them the tools to try to bring about a peaceful resolution in difficult situations. So, Tasers have a role, an important role.”

The law requires the Law Enforcement Advisory Board to develop a statewide policy on how the weapons are used and when they can be used. It requires all law enforcement agencies in the state to adopt the policy, which must include situations when police are allowed to use them.

Additionally, the legislation requires law enforcement personnel carrying stun guns to obtain training that goes beyond what the manufacturer provides and instructs officers on how to deal with people suffering from mental illness.

“This is a common-sense bill that basically cements Vermont’s Taser policy with the hope that uniform training and a statewide policy for the use of Tasers, in a sense, a uniform plan … will make it more likely we avoid tragedies like what happened to MacAdam,” Shumlin said.

Read More: http://www.rutlandherald.com/article/20140611/NEWS03/706119922
Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Colorado HB 1191 creates a statewide notification system similar to the one for child abduction Amber Alerts to help law enforcement track down hit-and-run drivers. Such an alert could be issued when a hit-and-run accident involving a serious bodily injury or death occurs and the law enforcement agency has additional information concerning the suspect or the suspect's vehicle. The bill directs the executive director of the department of public safety to publicize rules governing the program.

Status: Signed into law on March 24, 2014

Comment: From the *Rocky Mountain News* on March 26, 2014
Gov. John Hickenlooper signed a law Tuesday morning that is designed to help Colorado law enforcement track down hit-and-run drivers.

The Medina Alert law, named after 2011 hit-and-run victim Jose Medina, creates a statewide notification system similar to the one used for child abduction Amber Alerts.

Stevenson created the Medina Alerts for use in Denver in 2011. He has already trained hundreds of taxicab, bus and residential drivers to be on the look for cars and people that are involved in hit-and-run accidents.

"Hit-and-runs are the most unsolved crime law enforcement officers see," Stevenson said in a phone call before the signing. "This was a way of doing what was responsible."

Almost three times a month, someone is killed in Colorado by a motorist who flees the scene, according to the investigation.

The Medina Alert means that witnesses will be available to help track down a driver who flees after injuring or killing someone, Stevenson said. A taxi driver followed the car that struck Medina, wrote down the license plate numbers and contacted police.

The law will be implemented in Colorado next year.


SSL Committee Meeting: 2016 A
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Comments/Note to staff
Bill: **SB 606**

Summary: The bill provides updated criminal sentencing for intentionally harassing or terrorizing a child or ward or any other person because of that person's employment for the first, second, and subsequent violations. This bill clarifies that misdemeanor harassment of a child because of the employment of the child’s parent or guardian may include attempting to record the child’s image or voice if done in a harassing manner; increases criminal penalties; and subjects a person who commits misdemeanor harassment to civil liability.

Status: Signed into law on September 24, 2013.

Comment: From *Reuters* on September 25, 2013
A California bill aimed at keeping paparazzi away from the children of celebrities and supported by film stars and parents Halle Berry and Jennifer Garner was signed into law by Governor Jerry Brown on Tuesday.

The California Newspaper Publishers Association and other groups had opposed Senate Bill 606, which increases penalties for harassing children because of their parents' job, on the grounds that it could restrict reporters and photographers covering the news.

The penalties for harassing children of celebrities would increase from a maximum of six months in jail to a maximum of one year. Potential fines would increase to $10,000, from the current $1,000.

The bill got a boost when Hollywood moms Berry and Garner testified on its behalf at a California legislative hearing in August.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: The bill seeks to reduce the number of children in juvenile detention facilities by diverting status offenders – children who have committed minor crimes that would not be considered crimes as adults. The bill also increases treatment opportunities in an attempt to reduce recidivism. According to estimates, the bill could save the state $24 million over five years.

Status: Signed into law April 25, 2014.

Comment: From the Courier-Journal (April 25, 2014)
Troubled children who skip school or run away from home will be placed in diversion programs rather than receive jail time under sweeping reforms that take effect next year in Kentucky.

The state has ranked high nationally in recent years for incarcerating children for "status offenses," infractions that aren't considered crimes for adults such as truancy, running away or uncontrollable behavior.

Youth jail admissions for status offenses totaled around 1,125 in Kentucky last year. But lawmakers, officials and advocacy groups behind the reforms say they intend to reduce those numbers by keeping juveniles at home, in the classroom and out of the criminal pipeline. They also are moving away from incarcerating children for minor crimes – all at a projected savings of $24 million for the state over the next five years.

"This could be the most fundamental reform for kids in Kentucky since 1990 with the Kentucky Education Reform Act," said Terry Brooks, executive director of Kentucky Youth Advocates, a statewide child advocacy organization. "I think it is that deep and that broad."

Senate Judiciary Committee Chairman Whitney Westerfield, R-Hopkinsville, said it will mark a "sea of change" in the state's approach to juvenile justice. "For some kids, you need to have a softer touch," he said. "Instead of just locking them up and putting them in that environment, perhaps what they need is a mentor."

The shift results from Senate Bill 200, a measure sponsored by Westerfield and based on a two-year review of state policies.

It passed with bipartisan support in the final days of the 2014 General Assembly session.

When the bill takes effect in summer 2015, it will expand the role of court-designated workers and create a review process to oversee cases in the juvenile system.

The goal is to develop an individualized diversion plan that will steer status offenders into community services, where they can get help with the underlying troubles causing their behavior. Experts say offenses are frequently related to emotional problems, poverty, substance abuse or turmoil at home.
Other bill provisions restrict courts from committing juveniles to state custody for misdemeanors and class D felonies unless there are charges involving deadly weapons or sexual offenses, or the child has a criminal history.

The bill also reduces the amount of time low-level offenders can spend in out-of-home placement, depending on the severity of the offense and the child's criminal history. Supporters say the changes will concentrate the state's most expensive resources on the most high-risk youths.

"From a policy standpoint, it's a win-win," said House Judiciary Committee Chairman John Tilley, D-Hopkinsville.

**Seeking better outcomes, alternatives to incarceration**

Kentucky has cut the number of detention bookings on status offenses by about 50 percent in the past six years, down from a peak of 2,270 in 2007.

Much of the decline has resulted from efforts by judges and community officials to find alternatives to incarceration.

Yet many lawmakers and advocates have remained critical of jailing low-level offenders, arguing that it diverts money from more serious crimes and leads to worse outcomes for children. Westerfield and Tilley sought to eliminate all use of secure detention for status offenders, but this year’s legislation stopped short of removing that option to build support in the Legislature. The bill is instead will prevent jailing status offenders in all but the most difficult cases, when children refuse intervention efforts.

School administrators have fought to preserve jail as a last resort, arguing that it provides a "hammer" for children with the worst behavior problems.

Legislators who opposed the reform also called it soft on juvenile crime and charged that temporary detention is often the best way to reunite families and protect children from further harm.

The bill "holds juveniles less accountable for their actions," said Sen. John Schickel, R-Union. "It undermines parental authority. And it undermines the authority of locally elected officials, county attorneys and judges, and delegates some of that authority to unelected bureaucrats out of Frankfort," Schickel said.

Westerfield and Tilley argue that the diversion process ultimately forces parents to become more involved, rather than leaving a child's supervision to teachers or the court system.

"The bill does all the things that (Schickel) says it should do," Westerfield said. "This bill strengthens families. It brings parents in and more involved than they are today. It holds them more accountable for doing their job."
Brooks, meanwhile, contends the bill has essentially eliminated the jail option for status offenses because he doubts that officials who oversee a child's diversion plan would resort to incarceration.

'We're putting them in there with the worst influences'
According to the Pew Charitable Trusts – which helped craft this year's legislation – a number of states, including Texas, have enacted similar reforms in recent years.

A Pew analysis of the Texas overhaul found that it contributed to large drops in juvenile detention while saving money and improving public safety.

Between 2007 and 2011, jail admissions there fell 59 percent, the state saved more than $50 million annually and juvenile arrests declined 27 percent, Pew reported.

Jake Horowitz, state policy director for Pew's Public Safety Performance Project, said the juvenile commitment rate to out-of-home facilities also dropped 48 percent across the nation between 1997 and 2011, which mirrored a decline in juvenile arrests for violent crimes.

States have recognized "the high cost and poor return on placing lower-risk youth in state-run, out-of-home facilities," Horowitz said. "The research here is quite clear that putting kids in these out-of-home facilities does not lower the likelihood of their re-offending."

In Kentucky's case, about half of the Juvenile Justice Department's $102.6 million budget was spent on secure and nonsecure residential facilities last year, with the average bed costing $100,000 annually. About 13 percent of children in detention were status offenders.

The Department for Community Based Services also spends $6 million a year on out-of-home placements for status offenders.

Officials project that the reforms eventually will cut the out-of-home population by about 30 percent and set the stage for closing detention facilities or reducing capacity.

Westerfield also argues that "untold savings" will result from diverting children from the criminal path.

"We are putting them in there with the worst possible influences, and for a lot of kids, for things they are not ultimately responsible for," he said.

Plan for implementation, improved recidivism tracking
The reform includes provisions to create an oversight council of legislators, officials and others to monitor implementation, and it calls on the state to improve data collection and better track juvenile recidivism.

Chief district judges are also tasked with appointing a 15-member response team to advise court-designated workers. And the bill creates a fiscal incentive program for communities to beef up services for juveniles.
J. Michael Brown, secretary of the Kentucky Justice and Public Safety Cabinet, said one challenge is making sure youths have adequate community services to treat substance abuse, emotional problems and other issues.

Offenders who receive those services in detention centers may need to complete the balance of their treatment in outside programs if serving shorter sentences, he predicted.

Still, Brown said, Kentucky is taking a "big step in the right direction."
"These paradigm shifts are difficult," he said. "The first thing you have to recognize is that we have to do something differentially, and I think that's what Senate Bill 200 does."

**Juvenile justice reform highlights**

- Most status offenders, who commit infractions such as running away or skipping school, will be steered into diversion programs.
- Courts are restricted from committing many juveniles on low-level crimes, depending on their criminal history and the seriousness of the offense. The length of time a child can remain in state custody will be limited based on those factors.
- Court designated workers will work with youth offenders on individual diversion plans and interventions.
- Judicial districts will establish response teams to review cases and oversee the process with the court designated worker.
- Communities can receive fiscal incentives for improving local services for juveniles.
- The state must increase data collection and reporting to gauge the effectiveness of programs and track recidivism.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
17-36A-06 Voyeurism  
Kentucky
Bill: **SB 225**

Summary: Kentucky SB 225 extended the definition of voyeurism to include recording or viewing underwear which is not publicly visible. Amends existing law to add “an undergarment worn without being publicly visible” to a list of body parts and behavior that may not be observed, or recorded by camera, videotape, photooptical, photoelectric or other image recording devices without a person’s consent. Similarly, the bill also adds “an undergarment worn without being publicly visible” to other descriptions and definitions of voyeurism.

Status: Signed into law on April 9, 2014

Comment: From the *Washington Times* (March 27, 2014)

The Kentucky House has given final passage to a bill that would update the state’s voyeurism law to punish people who take photos up women’s skirts.

The proposal takes aim at a practice known as “upskirting.” The bill would make it illegal to photograph or videotape an undergarment that isn’t publicly visible. Voyeurism can result in jail time in Kentucky.

The bill’s supporters said the voyeurism law needs to be expanded to keep up with the increasing use of mobile phones to take photos.


Disposition of Entry:

SSL Committee Meeting: 2016 A  
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( ) Reject

Comments/Note to staff
Kentucky HB 222 establishes crime victim address protection program for victims of domestic violence and abuse, stalking, and felony sexual offenses. It allows crime victims to use an address provided by the Secretary of State in lieu of the person's actual physical address and allows program participants to vote by mail-in absentee ballot.

Status: Signed into law on March 22, 2013.

Comment: From the *Lexington Herald-Leader* (March 25, 2014)
A newly launched program allows victims of domestic violence and sexual assault in Kentucky to remove their addresses from public voter registration records in an attempt to stay safe from their abusers.

Secretary of State Alison Lundergan Grimes, at a Capitol news conference, said the Address Confidentiality Program will "allow people to register to vote and vote without fear for their safety, or the safety of their children."

The program was created by House Bill 222 in last year's General Assembly. Rep. Joni Jenkins, D-Louisville, sponsored the measure.

To be eligible to participate in the free program, a person must have either a current emergency protective order or a domestic violence order, or be a victim of a specified sex offense in a criminal case that is open or has resulted in a conviction.

Kentucky State Police Commissioner Rodney Brewer said the program gives such victims "a valuable way to protect themselves in trying to vote freely."

Fayette County Sheriff Kathy Witt said Kentucky now is one of 36 states that have address-confidentiality programs.

Read more: [http://www.kentucky.com/2014/03/25/3160625/grimes-launches-confidentiality.html#storylink=cpy](http://www.kentucky.com/2014/03/25/3160625/grimes-launches-confidentiality.html#storylink=cpy)
Summary: Kentucky SB 184 allows non-violent crimes committed by victims of human trafficking to be expunged. Victims charged with non-violent offenses may make a motion in the court to expunge the offense after 60 days of being charged. If the court finds that the offense occurred because the individual was a victim of human trafficking the charges may be dismissed with prejudice.

Status: Signed into law on April 9, 2014.

Comment: From WKYT (May 1, 2014)
Victims forced into prostitution with human trafficking can take steps to clear their record of those offenses, under a bill ceremonially signed today by Governor Steve Beshear.

Senate Bill 184 allows individuals to seek expungement of non-violent offenses that are the result of being a victim of human trafficking. The measure, signed at the Louisville Metro Police Department headquarters, passed unanimously in both the House and Senate during this year’s legislative session.

The law specifies that documentation from a federal, state, local or tribal governmental agency indicating the individual was the victim of human trafficking at the time of the offense creates a presumption that his or her participation was a direct result of being a victim. The individual can file to have the records of the offense expunged once 60 days have passed after final judgment is entered.

Human rights representatives indicate that human trafficking is a growing problem in the Commonwealth. From June 26, 2013, when Kentucky’s Human Trafficking Victims Rights Act went into effect, until Oct. 18, 2013, the Department of Community Based Services received 20 reports concerning 25 child victims of suspected human trafficking.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
18-36A-01 SNAP Benefits for Drug Felons and Use at Farmers’ Markets

Bill/Act: **SB 680**

Summary: SB 680 lifts a lifetime ban on drug felons with three or fewer drug convictions from receiving SNAP benefits. The bill also creates a pilot program making it easier for SNAP recipients to purchase fresh food at farmers’ market. Participants in the farmers’ market pilot program will be able to buy fresh produce with SNAP benefits with EBT cards and receive dollar-for-dollar match up to 10 dollars a week for every SNAP dollar spent at a participating farmers’ market or vending urban agricultural zone.

Status: Signed into law on June 20, 2014.

Comment: From [Kansas City News](http://example.com) (June 20, 2014)
Missouri is relaxing its lifetime ban on providing food assistance to people convicted of felony drug offenses. The legislation will allow people with three or fewer drug felonies to receive aid through the Supplemental Nutrition Assistance Program, so long as they meet certain conditions.

To qualify for food stamps, they would have to prove their sobriety through urine testing and must complete, enroll in or be determined not to need a substance treatment abuse program approved through the Department of Mental Health.

A 1996 federal welfare law banned people convicted of felony drug offenses from receiving food stamps or cash welfare payments. But it allowed states to opt out of the ban.

Missouri was one of about 10 states that still maintained a permanent ban on food and welfare payments for all people convicted of drug felonies.

During legislative hearings, people with prior drug convictions testified that the food-stamp ban has made it harder for people to climb out of poverty. Some also questioned its fairness, noting that the ban did not apply to convicted murders or sex offenders who are released from prison.

State Sen. Kiki Curls, D-Kansas City, had been one of several lawmakers pushing to modify Missouri’s ban. "This is really important when these individuals are trying to re-establish themselves," Curls told colleagues when the legislation received a Senate committee hearing earlier this year. "Sometimes, food stamps help get folks over the edge."

The legislation also allows the Department of Social Services to establish a pilot program to encourage people to use their government food benefits to buy fresh products at farmers' markets.

The bill includes several provisions intended to catch potential misuse of food and welfare payments. Electronic benefit payments would be temporarily suspended pending a state investigation any time a recipient does not make at least one electronic benefit transaction in Missouri during a 90-day period.
That provision comes after a state audit last year questioned the out-of-state use of welfare benefits through the Temporary Assistance for Needy Families program. The audit found 366 cases in which recipients used a total of $461,000 of benefits exclusively outside of Missouri for at least three months.

The legislation adds food stamps to an existing ban on using cash welfare payments to buy alcohol, tobacco products and lottery tickets or at casinos and strip clubs.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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( ) Reject

Comments/Note to staff
Summary: Create a new section in existing law to require entities that provide personal care services to vulnerable adults to query the Cabinet for Health and Family Services as to whether a prospective employee, contractor, or volunteer has been the subject of a validated substantiated finding of adult abuse, neglect, or exploitation; allow queries for current employees, contractors, and volunteers; allow an individual to query the cabinet to determine whether a validated substantiated finding of adult abuse, neglect, or exploitation has been entered against him or her; make false queries a criminal violation; require the cabinet to promulgate administrative regulations to implement the query process in a secure manner.

Status: Signed into law April 10, 2014.

Comment: From the *Courier-Journal* (February 20, 2014)

Just hours after Gov. Steve Beshear joined top legislative leaders to support a long-sought adult-abuse registry in Kentucky, the state Senate unanimously approved a bill Thursday that would provide what advocates say is a badly needed safeguard for some of its most vulnerable citizens.

After several years of failed attempts to create a registry of personal caregivers who abuse, neglect or exploit disabled or elderly adults, Senate Bill 98 is an important step to protect adults “who aren’t able to protect themselves,” said the bill’s sponsor, Sen. Sara Beth Gregory, R-Monticello.

While Kentucky has a registry of people found to have abused or neglected children, there is no similar accessible system for personal caregivers who abuse adults. Since 2009, the Cabinet for Health and Family Services has substantiated more than 7,400 adult-abuse allegations, state figures show. But most do not result in criminal charges, and the findings aren’t accessible to potential employers, according to the Kentucky Protection and Advocacy Division.

As a result, advocates say, abusive caregivers can move from job to job among group homes, personal-care companies and families who hire such workers. And that’s left thousands of adults vulnerable as they rely on caregivers to manage money, medications and daily bathing, and provide help getting around.

Gregory’s bill would create a registry to identify workers involved in abuse cases that are substantiated by Adult Protective Services, and would require that the records be checked by personal-care agencies and made accessible for families seeking to hire a home-care worker.

The bill aims to close a gap in the state’s current system, which includes criminal background checks, as well as tracking of substantiated adult abuse by certified nursing assistants. But those don’t cover non-certified caregivers, who provide care to many adults.

Beshear also noted that his 2012-14 budget set aside $2.2 million for creation of the registry, but the measure failed to pass in last year’s legislature. He said those funds could be used this year to create the web-based system. “The family members who hire these caretakers have a right to
know whether potential employees have a documented history of hurting, neglecting or exploiting the elderly,” Beshear said. “Our senior citizens and their families are counting on us to create this registry.”

About 40 percent of states have some form of adult abuse registries, including Missouri, Tennessee, West Virginia and Ohio, according to a recent National Baseline Survey of Adult Protective Services.

Despite an inability to get previous measures out of a committee in recent years, this time the registry bill passed the Senate with no dissent after being sponsored by a Republican who is also an attorney. Gregory said she worked to ensure her bill answered some of the due-process concerns that arose in the past. Her bill, for example, would include a procedure to alert workers being investigated and having an allegation substantiated, and allow them to appeal in administrative hearings or circuit court, where a higher burden of proof is required, before they are listed. The registry will not include any workers with previous substantiated complaints, because they didn’t have those same due-process rights, Gregory said.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Termination of Parental Rights for Rapists

Kentucky

Bill/Act: SB108

Summary: SB108 creates a new section in existing law to provide that a person convicted of rape in which a child was born as a result of the offense shall lose parental rights, visitation rights, and rights of inheritance with respect to that child; provide for an exception at the request of the mother, and provide that a court shall impose an obligation of child support against the offender unless waived by the mother and, if applicable, a public agency supporting the child.

Status: Signed into law on April 25, 2014.

Comment: From WEKU News (March 14, 2014)

The Kentucky Senate has unanimously approved a bill terminating parental or custody rights of anyone convicted of felony rape when the mother chooses to keep the child.

The bill was brought by Monticello Senator Sarah Beth Gregory. "I think most people are surprised to learn that under current Kentucky law a mother who's been a rape victim and the child can be subjected to years of a court battle with the convicted rapist father over custody and visitation rights with regard to the child," said Gregory.

Gregory says the measure also requires the father to pay child support and ensures he could not inherit property from the child. "A person who would commit a rape could be a person of a variety of financial means. It could be someone who is quite capable of paying child support and if that, is in fact, the case, we would not want to deprive the child of those resources," added Gregory.

Read more: http://weku.fm/post/ky-senate-approves-termination-parental-rights-rapists

Disposition of Entry:

SSL Committee Meeting: 2016 A
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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.

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.”


**Additional Background:**

In order to encourage high school students to seek out Career and Technical Education (CTE) courses, a number of states have begun the process of allowing these nontraditional courses to count towards graduation credit standards in math and science. For example, an appropriately rigorous CTE course – with a curriculum that adequately covers what would be taught in a traditional classroom - can be substituted for a science credit instead of a chemistry or physics class.

Incentivizing CTE in this way is relevant for two reasons. First, according to the Association for Career and Technical Education\(^1\), over 90 percent of students who take CTE courses graduate high school, compared to a national high school graduation rate of 79 percent among all students\(^2\), and 81 percent of high school dropouts say that real-world learning opportunities would have kept them in school. Secondly, as the Minnesota Department of Education\(^3\) explains, CTE courses in the state’s high schools are designed to be the first step in learning programs that extend past high school at a community or technical college. Allowing students to get credit towards high school graduation in these courses will encourage them to engage in career and technical education while still in high school, providing both a clear career path and shortened time in postsecondary education.

Before schools can award credit, CTE courses must be evaluated to ensure affected students are receiving instruction that appropriately substitutes for a traditional course. As part of the larger process, states have dictated that their boards of education develop processes by which CTE courses can be examined prior to deeming them appropriate replacements.

Additional bills from Minnesota and Wisconsin follow.

**Sources:**

\(^1\) Association for Career and Technical Education. “CTE Basics.”

\(^2\) National Center for Education Statistics. “Public high school 4-year adjusted cohort graduation rate (ACGR), by race/ethnicity and selected demographics for the United States, the 50 states, the District of Columbia, and other jurisdictions: School year 2011–12.”

\(^3\) Minnesota Department of Education. “Career and Technical Education.”
Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Chapter 116 of H.F. 630 allows students to use qualifying career and technical education courses to substitute for math and science credits. It also requires school districts and charter schools to revise standards for career and technical education courses, ensuring that they are adequate. Administrators must establish a formal process for periodic review of these courses.

Status: Signed into law on May 22, 2013.

Comments: Every Minnesota high school student is required to take at least three science credits, one of which must be biology. The remaining two may be filled with chemistry, physics or an elective science. Chapter 116 of the omnibus bill allows for an agricultural science or career and technical education course to replace the chemistry, physics or elective science course if the district decides that the course satisfactorily meets the underlying academic standards set for chemistry or physics. Students may not use a career and technical course to substitute for the necessary biology credit. In addition, Chapter 116 allows students to use a district-approved career and technical education course as one of the three math credits needed to graduate, or for the one needed credit in general arts.

As part of adopting these changes, school districts and charter schools must align district or school standards for career and technical education courses with state standards to ensure that they are appropriately rigorous. Districts and charter schools must establish their own formal review process to be carried out periodically in order to maintain a high level of instruction in career and technical education.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: SB 51 expands math and science graduation requirements – from two credits each to three credits each – but allows for approved career and technical education courses to count for one credit in both areas. This includes allowing computer science to count as a math credit towards graduation.

Status: Signed into law on December 12, 2013.

Comment: From Wisconsin Public Radio (December 12, 2013)
Wisconsin students will soon have to take more math and science courses before they can graduate high school under a bill signed into law on Wednesday by Gov. Scott Walker. Right now, students are required to take two years of math and two years of science before they can graduate. Under this new law, students will have to take three years of each. Walker signed the bill at SOLOMO Technology, a Madison-based information technology company.

SOLOMO CEO Liz Eversol said they rely on people well-versed in technology. “A strong math and science education is critical to a career path, and it's really critical to the success of our Wisconsin companies,” she said.

The plan would give schools some flexibility on how they meet the three-year requirement. A student who takes a computer science course would be granted one math credit. They don't get that credit right now, which Walker said doesn't make a lot of sense.

“In many ways, some of the computer science courses that are offered or could be offered in our high school environments are just as relevant if not more so than some of the math and science courses they'd be taking for requirements to graduate.” he said.

The new law would also grant math or science credits to students who've taken multiple technical education courses. The plan passed the state Assembly and Senate on bipartisan voice votes. It won't take effect until the 2016-2017 school year.

Read more: http://www.wpr.org/governor-signs-bill-requiring-more-high-school-math-science

Disposition of Entry:

SSL Committee Meeting: 2016 A
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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.

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.


**Additional Background:**

Educational partnerships are quickly emerging in various forms as they are recognized as beneficial to all parties involved; businesses that partner with educational institutions give direct input to education and get a steady stream of qualified applicants, schools receive guidance to tailor programs to high-demand careers, and students enter into programs knowing they will be prepared for a career upon graduation.

Examples of business and education partnerships are plentiful and their origins diverse. For example, Volkswagen helped install a version of its international apprenticeship program at Chattanooga State Community College in Tennessee to serve as a pipeline for its local plant.\(^1\) The Automotive Manufacturing Technical Education Collaborative began in 2004 as a partnership between automotive manufacturers and educational institutions in Kentucky, Michigan, Ohio and Tennessee and - after receiving funding from the National Science Foundation - has since become a network of community colleges and manufacturers in 11 states.\(^2\)

Recently states have begun to learn from these types of partnerships and recognize the potential of industry-focused education to attract new businesses and retain current ones. By analyzing labor statistics, states can identify high demand industries – like advanced manufacturing and science and technology fields – and attract businesses with legislation aimed at closing the skills gap for employers in those industries. Increasingly states have begun to implement legislation that allows for partnership infrastructure at secondary and postsecondary institutions.

Additional bills from Indiana and Utah follow.

Sources:

\(^1\) Volkswagen Group of America. “[Partners in Education.](http://www.automotiveinnovation.org/partners_in_education)"

\(^2\) Automotive Manufacturing Technical Education Collaborative. “[AMTEC partners.](http://www.amtec.org)"
Summary: Indiana HB 1003 allows school districts and charter schools to partner with businesses to train students for high demand careers requiring industry certification. Businesses that hire students who have participated in cooperative programs are eligible for a state tax credit.

Status: Signed into law on March 26, 2014.

Comment: From Indianapolis Business Journal (January 23, 2014)
House Bill 1003, authored by Rep. Steven Braun, R-Zionsville, aims to create programs that help high school students obtain the skills they need for high-demand jobs.

“A highly educated workforce is the key factor to Indiana’s future economic success, in my opinion,” Braun said.

The bill would expand the Economic Development for a Growing Economy program, commonly known as EDGE. Under the program, secondary schools partner with businesses who invest in the school’s curriculum and training of students. The businesses are then allowed a tax credit if they hire the previously interned student once he or she obtains certification.

Kathy Heuer, R-Columbia City, co-authored the bill and worked primarily on the business-school partnership portion.

“The bill will help create career pathways for students who are unsure of their future plans and are not college-bound,” Heuer said. “By giving these kids opportunities to experience jobs before they graduate, they can have a much better opportunity to establish that career path.”


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Science, Technology, Engineering and Math Education  Utah

Bill/ Act: HB 150

Summary: HB 150 addresses STEM education beginning in middle school, in part by funding the STEM Action Center, which can give grant money to school districts or charter schools to create and maintain nationally recognized STEM certification programs. To provide a STEM certification program, school districts and charter schools can partner with a Utah College of Applied Technology campus, Salt Lake Community College, Snow College or a private sector employer.

Status: Signed into law on April 1, 2014.

Comment: From Deseret News (May 15, 2014) HB150 was approved by unanimous votes in both the Utah House and Senate and included more than 40 co-sponsors. The bill creates a number of STEM initiatives, including an endorsement and initiative program to provide training for Utah's science, technology, engineering and mathematics teachers.

Gov. Herbert said taxpayer dollars are finite and must be responsibly prioritized. But he added that investing in education is a key component to maintaining a healthy and growing state economy. "My focus is on economic development, but we also understand that long-term economic growth can only be sustained if we have an educated labor force that has the skills that are demanded in the marketplace," the governor said. Science and technology have the potential to improve lives, Herbert said, but the needs of employers to fill STEM jobs has been insufficiently met. "We’re having to import engineers into Utah," he said. "In fact, we’re having to import engineers from outside the country into America, and that ought not to be."

UVU President Matthew Holland described HB150 and Herbert's continued focus on STEM education as "near and dear to the heart of Utah Valley University." Holland said educators recognize there is a demand for workers with STEM-related skills and higher education is working to respond to those market needs.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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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
Additional Background:
Postsecondary education is more valuable now than ever before. The Bureau of Labor Statistics estimates that careers requiring postsecondary education will increase by 14 percent by 2022, almost doubling the growth of careers for which one needs only needs a high school degree or GED. To keep pace with this growth, states are focusing on ways to increase postsecondary attendance and completion by beginning as early as middle school.

States can help students be more college ready by helping them articulate a college and career plan early. For example, since 1990 Indiana’s 21st Century Scholars program has given financial assistance to low-income college students provided they meet academic standards as well as college planning benchmarks beginning their freshmen year of high school. Working with a counselor, these benchmarks – like taking a career interest assessment and learning about available scholarships – help students begin thinking about postsecondary plans early.

Legislation can also help students be more prepared academically for postsecondary education by changing the traditional high school format and permitting students to begin earning college credits or – for students who are unlikely to enroll in traditional postsecondary education - putting them on a defined career track while still in high school. Dual enrollment allows students to enroll in college courses that will serve as both college credit and credits towards high school graduation. An example is the Early College High School Initiative which – funded mostly by private foundations - has transformed 280 schools in 28 states since 2002. Four year students at these schools earn a high school diploma as well as an Associate’s Degree or two years towards a Bachelor’s Degree. Results from these schools – like the 90 percent high school graduation rate and the 30 percent of graduates with an Associate’s Degree – speak to their effectiveness.

Additional bills from Arkansas and Texas follow.

Sources:
2 “Indiana 21st Century Scholars Program.”
3 Jobs for the Future. “Reinventing High Schools for Postsecondary Success.”
Summary: HB 2039 expands the piloted College and Career Coaches Program, which will aid students at low-income schools in the college planning process. College and Career Coaches will be located at higher education institutions and at nonprofits and will begin working with students and their school counselors when the students are in ninth grade. Combining experiential learning and counseling on career tracks and industry needs, coaches will help students complete high school ready for postsecondary education.

Status: Signed into law on April 16, 2013.

Comment: From the Associated Press (November 9, 2009)

Forty-three "career coaches" will be placed in high schools around Arkansas next year to help students chart their college and career goals. The coaches will be placed in schools starting in January as part of a $10 million expansion of Arkansas Works, a state program to coordinate education, training and economic development. The three-year pilot program is funded by federal money, officials said.

Gov. Mike Beebe said the career coaches would assist existing guidance counselors at the schools by providing help to students in planning their careers and college goals.

"Our counselors are overworked in our high schools," Beebe said at a joint meeting of the state boards of education and higher education at Pulaski Tech. "We've asked our counselors to be mama and daddy and social worker, disciplinarian, sometimes health expert. We've asked them to do everything in the world without giving them additional resources."

The career coaches will be employed by the two-year colleges located in the communities where the coaches are placed. The coaches will be placed in 58 school districts in 21 counties, mostly in the Arkansas Delta, and the counties were chosen because they had either high unemployment or a low percentage of students going to college.


Disposition of Entry:

SSL Committee Meeting: 2016 A
   ( ) Include in Volume
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       ( ) next SSL mtg.  ( ) next SSL cycle
   ( ) Reject

Comments/Note to staff
Summary: HB 5 creates the Foundation High School Program, which allows high school students to partake in more flexible coursework. While maintaining some statutory requirements – such as three standard English classes and Algebra and Geometry – the program then permits students to use remaining credits to earn an endorsement dependent on their interests and college or career goals. Endorsements are available in STEM, business and industry, public services, arts and humanities, and multidisciplinary studies.

Furthermore, students who earn an endorsement and meet other credit and grade requirements will be eligible for top 10 percent automatic admission, meaning they will receive guaranteed admission to any public college in Texas.

Status: Signed into law on June 10, 2013.

Comment: From the Dallas News (August 5, 2013)
Texas eighth- and ninth-graders getting ready to go back to school need to add an item to this year’s to-do list: Getting clear on a new graduation plan. HB 5, the sweeping education bill passed last legislative session, killed what was called the “four-by-four” and replaced it with something more flexible.

But more flex means more responsibilities. Not only will many schools need to revamp course offerings and retrain counselors, but students and their parents must start talking about career choices long before high school. Supporters say the changes will particularly prepare students who aren’t headed to college for careers. But even those who like the plan recognize there’s a danger.

Some districts are looking forward to the graduation plan changes in HB 5. “Everyone is excited about the No.1 word you get from this bill: flexibility,” said Jim Hirsch, Plano ISD’s associate superintendent for academic and technology services.

Summary: The Tennessee Promise plan will effectively make tuition free for all high school graduates who go to a two-year college. Participating students will have to maintain a 2.0 grade point average, attend mandatory meetings, work with a mentor, and perform community service. The program, expected to cost $34 million per year, will be paid for using $300 million in excess lottery reserve funds and by creating a $47 million endowment. The bill also lowers the state’s current scholarship for four-year colleges, also funded with lottery money, from $4,000 to $3,500 for freshmen and sophomores, while increasing it to $4,500 for juniors and seniors.

Status: Signed into law on May 12, 2014.

Comments: From the *Tennessean* (April 16, 2014)

Higher education experts and states around the nation will have their eyes on Tennessee as the Volunteer State embarks on an ambitious plan to provide free community college to all high school graduates. The Tennessee Promise plan will make the state a leader in working to make higher education more affordable. The aim is to boost college graduation rates and build a more educated and skilled workforce. The bill is the first of its kind in the nation.

"Governors across the country will be watching to see how the Tennessee plan plays out as they all try to figure out how to best tap into the talents of an increasingly diverse student population," said Richard Kahlenberg, a senior fellow at The Century Foundation, a nonpartisan think tank.

Thomas Bailey, director and founder of the Community College Research Center at Teachers College, Columbia University in New York, said Tennessee is making a big political statement that two-year college is free. Generally, research has found that a $1,000 reduction in tuition increases enrollment between 2 percent and 3 percent, he said. But the practical effects of the plan remain to be seen. For one, community college already is relatively cheap and for some students it is free when federal aid is taken into account, Bailey said.

Tennessee Promise will effectively waive the tuition and fees for two years of community college by paying the costs not already covered by other scholarships and grants.

Still, free college doesn't necessarily mean more people will enroll, Bailey said. Some prospective students may not be able to give up jobs to enroll.

What will be important for Tennessee is the follow-through, Bailey said. The state must put just as much emphasis on the services — counseling and help transferring to a four-year school — for students once they are enrolled, he said.

Kahlenberg, an expert on inequality in higher education, said Tennessee's plan makes sense. "In today's economy, we need a more highly educated workforce, and 'free' is something people understand," he said. "It's important to provide a welcome mat for students of all economic backgrounds."
Kahlenberg said some object that the plan subsidizes upper-middle-class students, but attracting them to community colleges could strengthen those two-year institutions.

"Higher education is seeing increasing segregation by race and class — with low-income and working-class and minority students attending community colleges and better-off and white students attending four-year institutions," he said.

"That rising economic and racial segregation reduces the political capital of community colleges, which are increasingly underfunded. Helping integrate two-year institutions will help all students attending."

But the plan is not without its critics. Tennessee uses lottery proceeds to fund its Hope Scholarships, and the plan calls for reducing the amount provided to freshmen and sophomores at four-year universities to $3,500, a $500 cut. The plan also shifts money from the lottery's reserves to the new endowment. U.S. Rep. Steve Cohen, D-Tenn., who helped create the lottery when he was a state lawmaker, has been one of the plan's biggest critics. Cohen has said the plan spreads resources too thin and creates a program with no achievement incentive or standards.

Some four-year institutions also worry the plan will make it more difficult for them to maintain socioeconomic diversity in their student body.

Nonetheless, lawmakers overwhelmingly backed the proposal this week. Haslam is expected to sign the measure into law. When he does, the state will use proceeds from its lottery to fund a $300 million endowment to help pay the estimated annual $34 million cost.

"This makes a clear statement to Tennessee families that education beyond high school is a priority in our state," Haslam communications director Alexia Poe said in a statement. "It is a bold promise that will make college a reality for more high school graduates." The plan is a big component in the governor's "Drive to 55" initiative aimed at increasing the number of college graduates in the state from 32 percent to 55 percent by 2025.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: (Section 2) Allows secondary school students to earn credit for core courses by passing a mastery exam.

School districts are required to develop assessment tools and standards for demonstrating mastery in specific secondary school courses, including mathematics, language arts, science, social studies, and world languages. Students who pass such assessment tests will be provided full credit for the course.

Status: Signed into law on May 14, 2014.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
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Comments/Note to staff
Summary: (Section 19) Requires public schools to provide K-12 students with opportunities for learning computer science, including computer coding and computer programming. Authorizes elementary and middle schools to establish digital classrooms to provide students with opportunities to improve digital literacy and competency; to learn digital skills, such as coding, multiple media presentation, and the manipulation of multiple digital graphic images; and to earn digital tool certificates and certifications and grade-appropriate, technology-related industry certifications. Authorizes high schools to provide opportunities to take computer science courses to fulfill high school graduation requirements, including substituting a computer science credit and earning the related industry certification for a math or science credit for high school graduation. Permits one or more high school computer technology courses in 3D rapid prototype printing and related industry certifications to satisfy up to two math credits for high school graduation. Authorizes the state board to adopt rules to administer these provisions.

Status: Signed into law on June 2, 2014.

Comment: From Orlando Sentinel (June 24, 2014)
Florida is now one of 22 states where students can use a computer science course to meet high school graduation requirements. The state's new rules -- approved by state lawmakers and the governor this spring -- are part of a national push by technology companies to get more students studying computer science, a field where there is a demand for workers.

The non-profit Code.org, backed by Microsoft, among others, has been lobbying states for such changes, arguing that if computer science remains an elective (as it has been) very few students -- even those with potential interest -- will take it because their schedules will be full meeting all their other graduation requirements.

"Computing jobs are in high demand in Florida and across the country," Gene McGee, an official with Microsoft and Code.org told Florida lawmakers this spring as he urged them to change graduation requirements in favor of computer science.

Florida's new rules allow students to substitute computer courses of "sufficient rigor" for some required math and science courses.

Florida initially proposed that high school students be able to swap a computer science course for a math, science, foreign language or physical education class, which are required for graduation and/or admission at state universities. The proposed P.E. swap upset P.E. teachers, who argued it made no sense to cut student a physical education class in an era when so many worry about sedentary, overweight kids. That proposal was dropped. The foreign language idea, also dropped, has been opposed by Code.org when it was pushed in other states. The group argued computer science was "more math and science than anything," among other issues.

But the math/science swap has detractors, too.
Paul Cottle, an FSU physics professor and advocate for K-12 science education, recently posted a blog entry that began, "Code.org has it wrong."

He said the math/science swap may lead to fewer students taking physics in high school and then fewer in college studying engineering or physics, fields that also offer plentiful job opportunities. "Ironically, this strategy may actually reduce the number of engineers and physicists that our nation educates," Cottle wrote.

Code.org makes similar arguments about computer science, saying students needs to learn "foundational" skills in high school, if they want to pursue the field in college.

And the group says the country needs more people to do that. It estimates that by 2020, there will be 400,000 college students studying computer science and more than 1.4 million available jobs.

Read more: http://www.orlandosentinel.com/features/blogs/school-zone/os-florida-high-school-computer-science,0,5769705.post

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Provides that a career diploma is earned through a career major program. Requires that a career diploma be recognized in the same manner as a standard diploma by all Louisiana public postsecondary institutions, as well as for purposes of the school and district accountability system. Provides a school or school system may not be penalized in any manner for students who are issued a career diploma.

Removes references to word processing, desktop production, computer-assisted drafting and graphics, and other uses of technology in provisions related to middle grades career exploration. Requires middle grades career exploration to introduce students to occupations in demand in the state. Substantively revises procedures for creation and modification of Individual Graduation Plans.

Allows students to change their career major at the end of a semester (previously only at the end of the academic year). Requires local career major programs to be aligned to state and regional workforce demands. Repeals provision that allowed school systems to apply for a waiver from offering one or more career major programs. Requires schools to include local business and industry leaders, local economic development agencies, and postsecondary education leaders in their annual review of career major offerings. Adds industry training programs as a potential component of career major programs. Permits a student to complete a career major by completing an approved training program leading to an industry-based credential (previously career and technical sequence of courses only option for completing career major). Specifies English and math courses from which students must choose to complete career major graduation requirements, and includes courses offered by Jump Start regional teams. Removes provision that English or math electives may be fulfilled by courses comparable or identical to those offered by the Louisiana Technical College. Increases career/technical education (CTE) course credits required for career major from 7 to 9; amends provisions on types of courses that may fulfill these requirements. Requires a student to complete a regionally designed series of CTE Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. Reduces social studies and science credit requirements for career major from 3 to 2; specifies science and social studies courses that may fulfill these credit requirements.

Removes language requiring career diploma modifications to questions on an end-of-course exam required for high school graduation. Requires a student pursuing a career diploma to take the ACT and permits a student to take the WorkKeys. Directs the state board to develop a system of equivalent scores for the ACT and WorkKeys and use a student's highest score for school and district accountability. Repeals most criteria students could choose one from to be eligible to pursue the career major curriculum.

Status: Signed into law on June 12, 2014.
Comment: From The Advertiser (April 3, 2014)
Rep. Jim Fannin wants to erase the stigma of receiving a “career” diploma and make it just as valuable as a traditional one.

Fannin, R-Jonesboro, got House backing 94-0 Thursday for legislation that would require public high school graduates who aren’t going to college to earn certifications so they can get decent-paying jobs straight out of high school.

“The career diploma starts in sixth grade, encouraging students to look at options,” Fannin told the House.

HB 944 calls for a second review of students in eighth grade to see if students are leaning toward going to college, going to work straight from high school or are in danger of becoming high school dropouts.

If the new version is approved, “to me, it’s a job preparedness bill as much as it’s a dropout prevention bill,” Fannin said.

Superintendent of Education John White has been traveling the state promoting the changes, which have been adopted by the Board of Elementary and Secondary Education. Fannin’s bill revises current law to allow the new plan.

Students choosing a career track could switch to an academic diploma if they complete the necessary courses.

Those who don’t would co-enroll in community or technical college skill training in 10th grade to gain certification in a selected job that’s needed in the job market at that time.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
20-36A-11 Combat to School Program

Indiana

Summary: Requires state educational institutions that have at least 200 veteran students enrolled to establish a combat to college program. Requires a state educational institution to: (1) provide a centralized location for admissions, registration, and financial administration services for veteran students; (2) provide reasonable accommodations for disabled veteran students at a state educational institution's fitness facility; (3) develop programs to provide academic guidance specifically to veteran students; (4) develop programs to provide access to counseling services or resources to veteran students who are disabled or suffering from posttraumatic stress disorder; and (5) develop job search programs designed for veteran students. Requires each state educational institution to designate a program coordinator.

Status: Signed into law on April 8, 2013.

Comments: From the Indiana Economic Digest (June 6, 2013)
Veterans will now have more support in transitioning into college, thanks to legislation authored by State Sens. Sue Glick and Allen Paul. The law requires state colleges and universities with at least 200 veteran students to establish a “combat to college” program, creating administrative and educational assistance for those students.

“As the unemployment rate for post-9/11 veterans remains high, we must take extra care to provide educational and career assistance for our returning soldiers,” Glick said. “The ‘combat-to-college’ program is pivotal to helping our veterans find success in civilian life.” “The essential goal of this legislation was to support veterans pursuing a college education,” Paul said. “These policies and programs will not only meet the unique needs of veteran students but will give them more opportunities to succeed.”

Under the new law, relevant colleges and universities are required to implement these policies and programs for veterans:
- a centralized location for admissions, registration and financial administration services;
- reasonable fitness accommodations for disabled veterans;
- academic guidance and counseling services; and
- job-search assistance.

Read more: http://www.indianaeconomicdigest.net/main.asp?SectionID=31&SubSectionID=120&ArticleID=70096

SSL Committee Meeting: 2016 A
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Comments/Note to staff
20-36A-12 Academic Credit for Military Training Washington

Bill/Act: SB 5969

Summary: Requires postsecondary institutions to adopt a policy to award academic credit for military training applicable to the student's certificate or degree requirements. Requires that the policy apply to any individual who is enrolled in the institution who has successfully completed a military training course or program as part of his or her military service that is: (1) recommended for credit by a national higher education association that provides credit recommendations for military training courses and programs; (2) included in the individual's military transcript issued by any branch of the armed services; or (3) other documented military training or experience.

Status: Signed into law on April 2, 2014.

Comment: From The Oregonian (March 7, 2014)

Veterans will be able to receive academic credit for certain military training courses at all public colleges in Washington. The bill passed both houses of the Legislature unanimously.

The bill would require all public colleges and universities in the state to award credit for applicable military training. Each institution would be required to have an accreditation system in place by the end of 2015.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Specifies that public or private school student whose parent or legal guardian is an active duty member of the armed forces who has been called to duty for, is on leave from or has immediately returned from deployment to a combat zone or combat support posting, must be granted 10 days of excused absences in any school year. At the discretion of the local or regional board of education, additional excused absences to visit the parent or legal guardian with respect to the leave or deployment of the parent or legal guardian may be granted. The child and parent or legal guardian are responsible for obtaining assignments from the student's teacher prior to any period of excused absence, and for ensuring that the assignments are completed prior to the child's return to school.

Status: Signed into law on June 12, 2014.

Comment: From the Connecticut General Assembly

This bill requires local or regional boards of education to grant 10 days of excused absence in any school year to any student whose parent or legal guardian is an active duty member of the uniformed services who (1) has been called for, (2) is on leave from, or (3) has immediately returned from deployment in a combat zone or combat support posting. It also allows the boards to grant additional excused absences for such visits.

Currently, students are allowed up to three unexcused absences in a month or up to nine unexcused absences in a school year before they are considered truants. According to the State Board of Education's definitions of excused and unexcused absences, an absence is considered excused if:

1. for absences one through nine, the student provides written documentation (i.e., a signed note from parent or guardian) of the reason for the absence submitted within 10 school days after returning to school and
2. for the 10th and any additional absences, the student provides the same written documentation giving one of the following reasons for the absence: (a) the student's illness (with appropriate verification from a medical professional), (b) observance of a religious holiday, (c) death in the family or other emergency beyond the family's control, (d) mandated court appearance, (e) lack of transportation that the district normally provides, or (f) extraordinary educational opportunity pre-approved by the district in accordance with SDE guidance.

An absence is considered unexcused unless it meets one of the definitions of an excused absence or is a disciplinary absence. All other absences are unexcused.

The bill does not define “active duty member of the uniformed services.” But based on the federal definition of “active duty,” the bill appears to apply to children of full-time members of the U.S. Armed Forces, but not National Guard members or reservists. Like the bill, the existing Interstate Compact on Educational Opportunity for Military Children, to which Connecticut is a signatory, allows the boards to grant additional excused absences under the circumstances outlined in the bill. Under the compact, active duty service members include National Guard members and reservists.
Under the bill, the student and parent or legal guardian are responsible for (1) getting assignments from the student's teacher before leaving and (2) ensuring the assignments are completed before the student returns to school.


Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: The bill alleviates financial strain on rural school districts with less than 1,000 students by allowing them to submit certain accountability forms biennially instead of annually. In addition, qualifying districts are exempt from other requirements, such as holding public meetings while preparing school improvement plans and designating an employee to act as point of contact for parent engagement. Finally, small rural districts can apply to have early literacy requirements waived if they develop a sufficient plan to teach students requisite skills for advancement at the end of third grade.

Status: Signed into law on May 31, 2014.

Comment: From Journal Advocate (March 8, 2014)

HB 1204 applies to districts that are defined by the Department of Education as "small rural," based on geographic size of the district, its distance from a large, urbanized area and with less than 1,000 students. A fact sheet from the Department of Education notes that 148 out of 178 districts are rural but have just 20 percent of the student population. Of those 148, about five dozen qualify as small rural. There are 18 small rural districts in the six counties of northeastern Colorado.

Under the bill, small rural districts accredited or accredited with distinction could file certain reports every two years instead of every year. This would include the unified improvement plan, end-of-year enrollment reports and certain human resources reports. Estimates vary on the number of reports required, somewhere between 160 and 500 every year.

Nine of the 18 districts in northeastern Colorado meet or exceed accreditation expectations (see sidebar). The smallest accredited district is Arickaree R-2, in Washington County, with about 100 students. The largest is Wiggins Re-50J, in Morgan County, with 563 students.

School Discipline Reform  Texas

Bill/Act:  SB 393

Summary: The bill amends current law relating to the criminal procedures related to children who commit certain Class C misdemeanors. It requires schools to utilize a progressive sanctions program which includes a warning, a behavioral contract, and school-based community service or counseling for students who engage in disorderly conduct, disruption of class, or disruption of transportation. Schools can only issue a Class C misdemeanor ticket to students for those offenses after the progressive sanctions have been exhausted.

Status: Signed into law on June 14, 2013.

Comments: From the Texas Tribune (June 3, 2014)
New court data show that the number of tickets written by public school police officers for student misbehavior has fallen 71 percent since new laws designed to reduce the procedure went into effect late last year.

Until the new laws, students who caused disruptions on school buses or in classrooms, who trespassed, or who possessed drugs or alcohol on school grounds could be ticketed with a Class C misdemeanor.

The reforms — authored by state Sens. Royce West, D-Dallas, and John Whitmire, D-Houston — took effect Sept. 1 and were attempts to decriminalize student behavior. West’s measure was designed to stop ticketing at school for anything but traffic violations. Whitmire’s measure specifically eliminated “disruption of class” and “disruption of transportation” from the education code.

From Sept. 1 through Dec. 31, there were 515 Class C misdemeanor tickets issued for education code violations, compared to 1,805 for the same four-month period in 2012, according to David Slayton, administrative director of the Texas Office of Court Administration.

“The full intent of the bills was to keep kids out of court,” Slayton said. “There were a lot of kids going to court for minor offenses.”

Slayton’s findings will be released at Tuesday's Senate Committee on Jurisprudence hearing, which will also feature invited testimony from school administrators and police on how the laws are faring.

Many school police officers, like George Dranowsky, chief of the East Central ISD Police Department in San Antonio, believe the reforms have gone too far.

“In my opinion, it’s created other problems,” Dranowsky said. “It’s tying law enforcement hands to enforce laws and assist school administration.”

Dranowsky said the laws leave victims of school violence defenseless. While school police can no longer ticket immediately, they can file a complaint with the local prosecutor’s office. But the
complaint has to be accompanied by an affidavit from an eyewitness. Once submitted, it’s up to the local prosecutor to decide whether a Class C citation is issued.

“Let’s say a kid pushes another kid, there’s a fight, that’s assault," Dranowsky said. "It’s a Class C misdemeanor."

Read more: http://www.texastribune.org/2014/06/03/texas-students-see-fewer-tickets-issued/

From the Texas Tribune (August 29, 2013)
Public school students in Texas who have chewed gum in class, talked back to teachers or disrupted class have often received citations from school police officers. Beginning in September, students who engage in such levels of misbehavior will face discipline in a different manner.

While school administrators and teachers have traditionally handled student discipline, some school districts in Texas over the years have allowed school police officers to deal with certain types of misbehavior by charging students with Class C misdemeanors, a practice commonly referred to as student ticketing. Students charged must appear before a county or municipal judge and can face fines of up to $500 if found guilty by a judge.

Students who do not pay their fines could be arrested as soon as they turn 17 years old. Even if students pay the fines, the offenses could still appear on their criminal records.

The Legislature took steps this year toward decriminalizing such misbehavior at school with Senate Bill 393 by Sen. Royce West, D-Dallas. The measure prevents school police officers from issuing citations for misbehavior at school, excluding traffic violations. Officers can still submit complaints about students, but it will be up to a local prosecutor whether to charge the student with a Class C misdemeanor.

If students are charged, prosecutors can choose to make students get tutoring, do community service or undergo counseling before they get sent to court. According to the Texas Supreme Court, roughly 300,000 students each year are given citations for behavior considered a Class C misdemeanor, including disruption of class, disorderly language and in-school fighting.

Some parents have applauded the change, saying student discipline should be handled in school and not the courtroom. However, some police officers say being able to give citations is a tool an officer should have. The new laws do not address truancy, which made up more than 113,000 Class C misdemeanor cases against children ages 12 to 17 in fiscal year 2012.

Deborah Fowler, executive director of Texas Appleseed, said the law is a step in the right direction because it gives schools a chance to examine why a student was misbehaving in the first place instead and connect them with services that may help them in school.

Texas Appleseed also recommends that school police officers be given mandatory training on how to safely interact with young people and avoid escalating a confrontation. A measure to require this training failed in the legislative session.
Fowler said Texas still has a ways to go in ensuring that students exhibiting certain levels of misbehavior are taken off a negative track. "While I expect the number of Class C offenses to drop, it won't eliminate the problem," Fowler said. "We could cut our numbers in half, but compared to the rest of the country, we would still be off the charts."

Some parents and lawyers say that school discipline is better in the hands of teachers and school administrators and that tickets have no place in schools. Christi Smoot of Splendora said that while her son, a special-needs student, was being escorted to the principal's office last school year, he stopped to drink water. When an assistant principal grabbed him to take him to the office, Smoot said, her son pulled back.

Smoot said the assistant principal then asked for help from a school police officer, who carried him to the office. Smoot's son bit the police officer in the process, and he was charged with assault. Smoot got legal assistance, and the charge against her son was dismissed.

“He wasn’t trying to attack anyone. He’s not aggressive," Smoot said, adding, "I don't think the courts should be so involved in school punishment. I think the schools should handle it the way it's been done for years."

Many students who face Class C misdemeanor charges come from low-income households and cannot afford to pay the fines, said Mani Nezami, an attorney at the Juvenile Justice Project, a Texas Southern University program that offers free legal services for students who face such charges. Most students do not even know they are allowed to have an attorney, he added.

“There are some cases where a student could be facing up to a week in jail for something they did when they were in sixth or seventh grade,” Nezami said.

Clydell Duncan, the police chief at Beaumont Independent School District, said his officers use tickets on a limited basis. Duncan said he understands that tickets can be misused, but he said they were a valuable tool. Officers will not be able to do anything now unless the offense is violent, he said.

"It takes a tool away from the officers that witness behavior at a criminal level," he said. In South Texas, McAllen ISD Police Chief Cris Esquivel Jr. applauded the new law and said his department has always left student discipline primarily to the teachers. Esquivel said his department responds if students are being disruptive and will escort them to the office, but has never issued tickets for student misbehavior. He said his officers respond if a teacher calls and says a student is aggressive, but they will not issue a citation.

Esquivel said he plans to inform teachers in his district about the law change and let them know school police officers stay out of classroom discipline.

"You're going to have to do a better job of managing your class," he said.

Read more: http://www.texastribune.org/2013/08/29/class-disruption-cases-head-principals-office-not/
Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
   ( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: Allows pharmacists to dispense a substitute biological product for the prescribed biological product if the FDA has determined that the substitute is biosimilar and interchangeable for the prescribed biological product and if the prescribing health care provider does not express a preference against substitution. The pharmacist must retain a written or electronic record of the substitution for at least 2 years. The bill requires the Board of Pharmacy to maintain on its public website a current list of biological products that the FDA has determined are biosimilar and interchangeable.

Status: Signed into law on May 31, 2013.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
    ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff

Additional Background:
Biologics are a growing class of medicines available to treat disease. Biologics differ from traditional drugs in a few key ways. Biologics are manufactured in living cells while drugs are manufactured through a chemical process. Many biologics are produced using recombinant DNA technology. Biologics are large, complex molecules while chemical drugs are much smaller molecules.

A generic drug, a substitute to a brand-name drug developed through a chemical process, is approved by the FDA when analysis demonstrates the same active ingredient, strength, dosage form, and route of administration as the brand-name drug. The generic drug becomes available on the market after the patent for the brand-name drug expires. Generic drugs are less expensive. Pharmaceutical companies say the price differential is because the brand-name drugs’ costs must recover companies’ research and development costs.

Biosimilars, interchangeable biologics and follow-on biologics are the names given to the “generic” versions of brand-name biologics. These substitutes will not be identical to the brand-name biologic due to the complexity of the manufacturing process. According to a 2014 research report prepared for the Connecticut legislature, the difference in price between generic (chemical) drugs and the brand-name reference drug can be as high as 80 percent. However, the development and approval process costs for a biosimilar are much higher and the difference in price between the original biologic and the biosimilar typically ranges from 15 to 30 percent. At least 14 biosimilars are currently approved for use in the European Union.
The FDA was authorized to approve an expedited pathway for biosimilars and interchangeables in March 2010 when the Biologics Price Competition and Innovation Act of 2009 was included in the Affordable Care Act. The law provides a 12-year patent protection period for brand-name biologics. While draft guidance for the expedited pathway has been released by the FDA, no final guidance has been approved, nor have any biosimilars been approved for sale in the United States.

Even after a biosimilar is approved by the FDA, it must meet additional requirements to be considered “interchangeable.” The FDA must determine that the biosimilar can be expected to produce the clinical result as the brand-name product in any patient and that it has similar safety risks as the brand-name product. At the point that the FDA deems a biosimilar interchangeable, state law will govern how substitutions will be allowed.

**Comparison of Biosimilar State Laws**

Eight states – Delaware, Florida, Indiana, Massachusetts, North Dakota, Oregon, Utah and Virginia – passed bills in 2013 and 2014 to regulate the substitution of biosimilars for brand-name biologics by pharmacists. In California a bill was passed in the 2013 session but was vetoed by Gov. Jerry Brown. At least 11 other states have considered bills on biosimilar substitution but failed to approve them.

All eight enacted bills restrict substitution to FDA-approved interchangeable biosimilars. Seven of the eight states provide that a pharmacist (or assistant) can make a substitution unless the prescribing authority indicates a prohibition against substitution. The Indiana law reverses the substitution assumption and allows substitution if the prescribing authority specifically authorizes it. Virginia’s law specifically provides that the substitution is not allowed if the patient “insists” on the brand-name biologic. The Utah law requires that the purchaser specifically requests or consents to the substitution.

All states require notice to the patient, or the person receiving the medication, of the substitution of a biosimilar for the name-brand prescribed. The Virginia law, the first in nation to be adopted, requires the label indicate the biosimilar name and manufacturer, and if substituted, the brand-name biologic. Delaware also requires the name of the biosimilar on the label.

All states require the pharmacist provide notice to the prescribing authority of a substitution. Indiana adds that that the prescribing authority also be provided the name of the substitution and the manufacturer. Florida’s notification is limited certain classes of pharmacies placing notice in electronic records.

Record keeping requirements vary across the eight states, from not less than one year to not less than 5 years for the pharmacies. Virginia, North Dakota, Indiana and Massachusetts also mandate record keeping for the prescribing authority. Utah specifies that the pharmacy record include the name of the substitution and the manufacturer.
Utah’s law is the only one that specifies that it applies to out-of-state mail order pharmacies. Florida, Indiana and Delaware require that the state boards of pharmacy maintain on their public websites a listing of FDA approved interchangeable biosimilars.

The laws in Virginia and Utah are set to sunset July 1, 2015 and May 15, 2015, respectively. The Oregon law sunsets the physician (prescribing authority) notification provision on Jan. 1, 2016.

Issues Surrounding the Bills
In his letter to the California Senate after vetoing the bill to allow biosimilar substitutions in 2013, Gov. Brown made several points. He said he supported allowing biosimilar drugs to be substituted once the FDA approves them as interchangeable. Just as with generics, biosimilars would be less expensive. But he noted that absent FDA approval of any biosimilars the bill seemed premature.

His second point addressed the requirement that pharmacists notify the prescriber about the drug that was dispensed. He said, “This requirement, which on its face looks reasonable, is for some reason highly controversial. Doctors with whom I have spoken would welcome this information. CalPERS [the state government retirement authority] and other large purchasers warn that the requirement itself would cast doubt on the safety and desirability of more cost effective alternatives to biologics.”

The safety issue around biosimilar is a point of contention. Some point to the fact that biosimilars are similar but not identical. Others contend that interchangeable drugs will be safe and that excessive substitution and notification rules thwart competition from biosimilars.

In 2014, the leading companies involved in biologic, biosimilar and interchangeable biologics have met and agreed to principles around pharmacist-prescriber communication provisions in state legislation. Eighteen manufacturers of biologics have currently signed on as members of the biosimilar coalition. The principles agreed to are:

- State pharmacy laws should be updated to enable pharmacy substitution of only interchangeable biologics, as approved by the FDA.
- In settings where interoperable electronic health records (EHR) are in place, entry by the pharmacist of the biologic product dispensed shall satisfy requirements for pharmacist-prescriber communication.
- In instances where EHR are not yet available, the pharmacist shall communicate the dispensing of a biologic product to the prescriber, using any prevailing means, provided that communication shall not be required where:
  - There is no FDA-approved interchangeable biologic for the product prescribed; or
  - A refill prescription is not changed from the product originally dispensed
- Other provisions related to the dispensing of a biologic product shall replicate state law pertaining to small molecule products, including that the patient is aware of the medicine they receive, physicians retain dispense as written authority, and pharmacy records are retained.
<table>
<thead>
<tr>
<th>Bill / Law</th>
<th>Signed by Governor</th>
<th>Prescribing authority approval / prohibition of biosimilar substitution</th>
<th>Notice of biosimilar substitution to patient</th>
<th>Notice of biosimilar substitution to prescribing authority</th>
<th>Record keeping requirements</th>
<th>Sunset</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia HB 1422</td>
<td>First adopted 3/16/2013</td>
<td>can substitute unless prescribing authority indicate &quot;brand medically necessary&quot; or patient insists on brand</td>
<td>Yes; label with substitution and manufacturer, and if substituted label as such with brand name</td>
<td>pharmacist must notify prescribing authority</td>
<td>pharmacy and prescribing authority for not less than 2 years</td>
<td>7/1/2015</td>
<td></td>
</tr>
<tr>
<td>North Dakota SB 2190</td>
<td>3/29/2013</td>
<td>can substitute unless prescribing authority indicates prohibition</td>
<td>Yes</td>
<td>pharmacist must notify prescribing authority</td>
<td>pharmacy and prescribing authority keep records not less than 5 years</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah SB 78</td>
<td>4/1/2013</td>
<td>can substitute unless prescribing authority indicates prohibition and the purchaser specifically requests or consents to the substitute</td>
<td>Yes</td>
<td>pharmacist must notify prescribing authority</td>
<td>name of substitution and manufacturer on file copy</td>
<td>5/15/2015</td>
<td>applies to out-of-state mail service pharmacies</td>
</tr>
<tr>
<td>Florida HB 365</td>
<td>5/31/2013</td>
<td>can substitute unless prescribing authority indicates prohibition</td>
<td>Yes</td>
<td>in certain class of pharmacies, enter into electronic medical record</td>
<td>pharmacy keeps records not less than 2 years</td>
<td></td>
<td>requires Board of Pharmacy to maintain website listing of FDA approved substitutions</td>
</tr>
<tr>
<td>Oregon SB 460</td>
<td>6/6/2013</td>
<td>can substitute unless prescribing authority indicates prohibition</td>
<td>Yes</td>
<td>pharmacist must notify prescribing authority</td>
<td>pharmacy keeps records not less than 3 years</td>
<td>1/1/2016</td>
<td>requires Board of Pharmacy to maintain website listing of FDA approved substitutions</td>
</tr>
<tr>
<td>Indiana SB 262</td>
<td>3/25/2014</td>
<td>prescribing authority has indicated &quot;may substitute&quot;</td>
<td>Yes</td>
<td>Notice of name and manufacturer of substitution to prescribing authority as already required under law (2 years for pharmacy and 7 years for prescribing authority)</td>
<td></td>
<td></td>
<td>requires Board of Pharmacy to maintain website listing of FDA approved substitutions</td>
</tr>
<tr>
<td>Delaware Senate Substitute 1 for SB 118</td>
<td>5/28/2014</td>
<td>can substitute unless prescribing authority indicates prohibition</td>
<td>Yes</td>
<td>pharmacist must notify prescribing authority</td>
<td>pharmacy, prescribing authority and administering practitioner not less than 1 year</td>
<td></td>
<td>requires Board of Pharmacy to maintain website listing of FDA approved substitutions</td>
</tr>
<tr>
<td>Massachusetts H 3734</td>
<td>6/24/2014</td>
<td>can substitute unless prescribing authority indicates prohibition</td>
<td>Yes</td>
<td>pharmacist must notify prescribing authority</td>
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<td></td>
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</tbody>
</table>
21-36A-01 Biosimilar Biological Products North Dakota
Bill/Act: SB 2190

Summary: Upon notification of a patient’s physician, the bill provides that a pharmacy may substitute a prescription biosimilar product for a prescribed product only if:

- The biosimilar product has been determined by the Food and Drug Administration to be interchangeable with the prescribed product;
- The prescribing practitioner does not specifically indicate “brand medically necessary”;
- The pharmacist informs the individual receiving the biological product that the biological product may be substituted with a biosimilar product and that the individual has a right to refuse the biosimilar product;
- The pharmacist notifies the prescribing practitioner orally, in writing, or by electronic transmission within 24 hours of the substitution; and
- The pharmacy and the prescribing practitioner retain a record of the interchangeable biosimilar substitution for a period of no less than five years.

Status: Signed into law on March 29, 2013.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
      ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: This bill allows a pharmacist to substitute an interchangeable biosimilar product for a prescribed biological product if certain conditions are met. The bill requires a pharmacist to record in a certain manner the name and manufacturer of a biologic product that the pharmacist is dispensing not later than ten days after dispensing the biologic product. The bill requires the Board of Pharmacy to maintain a link on the Board's website to the current list of all biological products that are determined by the United States Food and Drug Administration to be interchangeable with a specific reference biological product. It allows the Board of Pharmacy to adopt rules. The bill provides that a written or electronic prescription for a biological product must comply with the existing prescription form requirements.

Status: Signed into law on March 25, 2014.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: This bill authorizes pharmacists to substitute U.S. FDA approved interchangeable biological products for prescribed reference biological products if certain conditions are met: requires a pharmacist to record in a certain manner the name and manufacturer of a biologic product that the pharmacist dispensed and communicate which product was dispensed to the prescribing physician no later than ten days after dispensing the biologic product; and requires the Board of Pharmacy to maintain a link on the board's website to the current list of all biological products that are determined by the U.S. FDA to be interchangeable with a specific reference biological product.

Status: Signed into law on May 28, 2014.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Interchangeable Biosimilar Biological Products  Virginia

Bill/Act: HB 1422

Summary: This bill authorizes pharmacists to substitute U.S. FDA approved interchangeable biological products for prescribed reference biological products unless the prescriber has prohibited same by noting “brand medically necessary” or the patient insists on the branded biological. Patient notice required and label with substitution name and manufacturer and if substituted, indicate brand name. Prescriber notification required. Prescriber and pharmacist must keep records not less than 2 years. Sunset date is 7/1/2015.

Status: Signed into law on March 16, 2013.

Comments: The Virginia law was the first in the nation. Since then seven other states have adopted laws governing substitution of biosimilars.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
   ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: Biosimilars approved by the U.S. FDA can be substituted unless the prescriber indicates a prohibition against substitution. The purchaser must specifically request or consent to the substitute. The pharmacist must notify the prescriber and maintain on file the name of the substitution and the manufacturer. The provisions of the law are applicable to out-of-state mail service pharmacies, including patient notification, labeling and record keeping.

Status: Signed into law on March 16, 2013.

Comments: Utah’s law differs from other states in that it applies to out-of-state mail order pharmacies. Some commentators have observed that without such a provision a significant percentage of prescriptions may not be affected by a state’s biosimilar substitution law.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: This bill allows a pharmacist to substitute an interchangeable biosimilar product for a prescribed biological product if certain conditions are met: the prescribing practitioner has not designated that substitution is prohibited; the patient is informed; the pharmacist notifies the prescribing practitioner within three business days; and the pharmacist maintains a record of the substitution for not less than three years. The bill requires the Board of Pharmacy to maintain a link on the Board's website to the current list of all biological products that are determined by the United States Food and Drug Administration to be interchangeable with a specific reference biological product. The physician notification requirement sunsets January 1, 2016.

Status: Signed into law on June 6, 2013.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
   ( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Interchangeable Biosimilars

Bill/Act: General Laws, Chapter 112, Section 12EE (H 3734)

Summary: This bill allows a pharmacist to substitute an interchangeable biosimilar product for a prescribed biological product if certain conditions are met. A pharmacist may not substitute if the prescriber instructs otherwise in writing. The pharmacist shall notify the prescribing practitioner through notation in the interoperable electronic record or through other means. The patient or his authorized representative shall be notified. The dispensing pharmacist, the prescribing provider and administering practitioner shall maintain records for not less than one year.

Status: Signed into law on June 24, 2014.

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
        ( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Maine this year became the third state to pass a bill allowing dental hygienists to become dental hygiene therapists. Alaska and Minnesota are the only other states to have this mid-level dental care provider.

Dental hygiene therapists will be able to practice in Maine and receive reimbursements from Medicaid and all other insurance carriers after Oct. 1, 2015. Before passing the Maine bill, legislators travelled to Minnesota to see how that state’s 2009 legislation was rolling out.

“It was eye-opening; we went into various settings, schools, various clinics,” said Maine Rep. Heather Sirocki, co-sponsor of Bill LD 1230.

“We saw firsthand the positive effects this bill could have for the state of Maine. It sold itself.” Sirocki said Maine suffers from a dental care shortage that hinders access to oral health care.

According to the Pew Charitable Trusts, 15 of 16 Maine counties in 2013 were federally designated dental shortage areas.
“In Maine, a lot of dentists are nearing retirement age and few work five days a week,” said Sirocki.

In fact, 40 percent of Maine’s dentists are approaching retirement, according to Pew’s children’s dental policy project. The state adds new dental school graduates every year, but in 2010 and 2011, the state saw a net increase of only four dentists each year.

In a state where 55 percent of children lack dental health care and 51 percent of adults have had at least one of their teeth extracted for reasons other than trauma, access to these new mid-level providers could be a cost-effective way to relieve the shortage and serve the public, according to Sirocki.

“This is a free market solution” said Sirocki. “need to get these people trained and out there to meet the demand of our state and the market.”

Andrew Peters, an associate in children’s dental policy at Pew Charitable Trusts, said Pew research found Maine’s rural population and Medicaid population were the most in need of access to oral health care. One-third of all Maine dentists practice in Cumberland County, although this county is home to only 21 percent of Maine’s population.

The dental hygiene therapists will be able to perform assessments, preventive services, simple cavity preparation and restoration, and simple extractions, as well as prepare and place stainless steel crowns and aesthetic crowns, and provide urgent management of dental trauma.

The legislation didn’t come without opposition; some Maine dentists feared the quality of patient care might suffer. But Dr. Leon A. Assael, dean at the University of Minnesota School of Dentistry, provided written testimony to the Maine legislature in full support of the new mid-level providers. The dental therapists in his state are being trained through the Minnesota School of Dentistry.

“Indeed, at the University of Minnesota they are educated in exactly the same courses that educated dentists with regard to these services. Their devotion to a limited area of practice makes them very effective in that specific area,” Assael wrote.

The Maine bill will require a dental hygienist who already has a four-year degree to complete another four semesters, pass a competency-based clinical exam and complete 2,000 supervised clinical hours.

The law requires dental hygiene therapists to practice in a setting with at least 50 percent Medicaid enrollees to ensure they are serving populations most in need. Today, MaineCare, the state’s Medicaid program, has extremely limited benefits for adults and many beneficiaries claim it is hard to find a provider who will accept Medicaid.

California, Colorado, Kansas, New Hampshire, Rhode Island, Vermont and Washington are considering similar legislation to address dentist shortages.
Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
   ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff

Read more: http://knowledgecenter.csg.org/kc/content/dental-hygiene-therapists-help-fill-dentist-shortage-maine
Summary: In 2009, Minnesota became the first state to establish new mid-level dental practitioners, called dental therapists and advanced dental therapists. The advanced dental therapist is required to complete more education and 2,000 hours of clinical practice. The Minnesota statute requires that a dental therapist work under the direct or indirect supervision of a dentist, while the advanced dental therapist may work without a dentist on-site. The scope of practice of the DT and the ADT differs only in that the ADT may extract mobile permanent teeth and may “provide” limited medications.

Dental therapists are authorized to work in nursing homes, community health centers, Head Start programs, and U.S. Department of Veterans Affairs clinics. They can also work in other settings, including private practices, as long as more than 50 percent of patients are low-income, disabled, chronically ill, or uninsured.

Signed into law: May 16, 2009.

Comment: The Minnesota Dental Association supported the bill creating dental therapists 2009, but it also actively opposed an oral health practitioner bill that they believed had fewer consumer safeguards.

In other states that have considered similar legislation (so far not adopted), the dental associations have been opponents. In a USA Today article (May 6, 2014), an ADA statement read, "The ADA does not consider the one-size-fits-all mid-level dental provider model to be a viable solution to the diverse set of barriers that impede millions from getting dental care."

Read more:
- Alicia McElhaney, “Dental therapists aim to fill in oral health shortfalls.” USA Today, May 6, 2014,
- Alaska Dental Health Aide Program, www.phsdental.org/depac/akdentalhealthaide.html

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
*21-35B-03 Hepatitis C Screening  New York
Bill/Act: Bill A1286A

Summary: During the 2013 Legislative Session the New York State Legislature passed a first-in-the-nation law requiring that hospitals offer Hepatitis C screening tests for baby boomers (those born between 1945 and 1965). Since the passage of the legislation in New York, lawmakers in Colorado and Connecticut have also passed screening legislation. A Massachusetts bill under consideration in the current 2013-14 session would require primary care providers to offer a screening test to those born between 1945 and 1965.

According to supporters, the New York 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 requires 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 U.S. 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 Centers for Disease Control, Hepatitis C Information for the Public

Hepatitis C is a liver disease that results from infection with the Hepatitis C virus. It can range in severity from a mild illness lasting a few weeks to a serious, lifelong illness. Hepatitis C is usually spread when blood from a person infected with the Hepatitis C virus enters the body of someone who is not infected. Today, most people become infected with the Hepatitis C virus by sharing needles or other equipment to inject drugs. Before 1992, when widespread screening of the blood supply began in the United States, Hepatitis C was also commonly spread through blood transfusions and organ transplants.

Hepatitis C can be either “acute” or “chronic.” Acute Hepatitis C virus infection is a short-term illness that occurs within the first 6 months after someone is exposed to the Hepatitis C virus. For most people, acute infection leads to chronic infection. Chronic Hepatitis C is a serious disease than can result in long-term health problems, or even death. Liver disease, liver cancer, and the need for liver transplantation are long term issues associated with Hepatitis C.

There is no vaccine to prevent Hepatitis C. Vaccines are available only for Hepatitis A and Hepatitis B. The best way to prevent Hepatitis C is by avoiding behaviors that can spread the disease, especially injection drug use.

Also according to CDC, an estimated 3.2 million persons in the United States have chronic Hepatitis C virus infection. Most people do not know they are infected because they don’t look or feel sick. Approximately 75%–85% of people who become infected with Hepatitis C virus develop chronic infection.
Two new drugs approved by the FDA in late 2013, have cure rates between 90 and 95 percent and treatment regimens with far fewer side effects than earlier treatments. However, the estimated cost for treatment is $1,000 to $2,000 a day, with a 12-week course costing $84,000 and $168,000 per patient. Other all-oral treatments could hit the market in one to three years.

In the meantime, private insurers, Medicaid programs, and state corrections departments are struggling to adopt policies on treatment with the new drug. Some have suggested that patients already suffering from impaired liver function be treated first. In England, their health system has declined to recommend the drug, waiting for more effectiveness data.

Read more:
- Centers for Disease Control, Hepatitis C Information for the Public;
- New York Times, F.D.A. Approves Pill to Treat Hepatitis C
- USA Today, Could new hepatitis C drugs bust state budgets?

Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
   ( ) next SSL mtg. ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: During the 2014 session, Connecticut passed a bill that requires certain health care providers to offer screening tests for Hepatitis C to certain patients. The required providers are physicians, advanced practice registered nurses and physician assistants who provide primary care services. They must offer to provide or order a screening or diagnostic test for those born between 1945 and 1965.

Status: Signed into law on June 13, 2014.

Comment: From CTNews (May 13, 2014)
Hepatitis C is a leading cause of liver cancer and it could impact as many as 5 million Americans.

That’s the bad news. The good news is that if caught early it’s curable nearly 90 percent of the time, Dr. Joseph Lim, director of the Yale Viral Hepatitis Program, said Tuesday.

“A single pill taken for 8 to 12 weeks will likely cure more than 90 percent of the patients,” Lim said. “It’s truly striking and I think it’s in that context where screening actually makes a difference.”

The population at the greatest risk, according to the Centers for Disease Control, are Baby Boomers born between 1945 and 1965. In 2012, the CDC recommended that everyone in that age group — 79 million Americans — get tested for the disease.

Only about one-third of those carrying the virus have been diagnosed, Lim said. Most of Lim’s patients learn they have the disease after a routine blood test or a life insurance exam.

“It’s relatively uncommon that someone comes in with some type of symptom and then are diagnosed. It’s usually because they are screened for other reasons,” Lim said.

He said there’s also a misconception that it’s only illicit drug users who contract the disease. Intravenous drug use is one way to get the virus, but some patients got it from transfusions before 1992, when blood wasn’t screened for the virus. Others got it from tattoos, and a majority of patients don’t know where they got it.

In an effort to crack down on what Lim and others see as a growing public health epidemic, the General Assembly unanimously passed legislation that requires physicians to screen patients born between 1945 and 1965 for the virus.

According to the CDC, if everyone born during those decades was tested it would prevent more than 120,000 deaths.
Lim understands that not all of his medical colleagues favor the idea of mandated screening for Hepatitis C, but he said it will reduce future medical costs and prevent deaths. He also admits that he is biased because he focuses on viral Hepatitis.

“In a perfect world we wouldn’t need a law, but I think the reality is that because what I know very well first-hand in our own state is that our own physicians are not screening,” Lim said.

“There are exceptions to the rule, but that’s the vast minority. The vast majority of physicians are either unaware of these recommendations altogether, or if they are aware, they’re too busy to do it or don’t believe it’s necessary.”

But not everyone agrees with Lim.

The Connecticut State Medical Society and the Connecticut Chapter of the American College of Physicians testified against the bill, which passed on the final day of the legislative session.

Dr. Robert Nardino, an internist with Northeast Medical Group in New Haven, said the objections to the legislation have nothing to do with screening for Hepatitis C.

“Physicians object to the need to pass laws as a way to entice physicians to do certain procedures or tests,” Nardino said. “Is this the way that we’re going to approach health care now by legislating it?”

The physician groups felt the bill was unnecessary, that it codifies a medical protocol and interferes with the physician-patient relationship.

“We feel resources would be better spent educating physicians and the public of the need for hepatitis screening for citizens born between those years as well as others at high risk, rather than mandated protocols,” the two groups testified in March.

In a phone interview Tuesday, Nardino said that if this helps increase awareness then it might be helpful.

“Educating people about it is more important than them passing a law,” Nardino said. “I think that the legislature should focus on making sure that people who are screened and have Hepatitis C get access to the specialized care they will need.”

Read more:
http://www.ctnewsjunkie.com/archives/entry/hepatitis_c_screening_bill_headed_to_governors_desk/

http://www.ccjm.org/content/77/9/616.full
Disposition of Entry:

SSL Committee Meeting: 2016 A
( ) Include in Volume
( ) Include as a Note
( ) Defer consideration:
    ( ) next SSL mtg.  ( ) next SSL cycle
( ) Reject

Comments/Note to staff
Summary: During the 2014 session, Colorado passed legislation that recommends, but does not require, all primary health care providers offer a test for Hepatitis C to patients born between 1945 and 1965. If a test is offered and results in a positive finding, the provider may offer follow-up health care or a referral for such follow-up care. The Department of Public Health and Environment (DPHE) must promulgate rules to ensure that providers offer tests in a culturally appropriate manner.

Status: Signed into law on May 19, 2014.

Comments: Fox31 Denver (May 19, 2014)
More than 5 million Americans are living with hepatitis, including some 50,000 in Colorado. Health experts call it a silent epidemic. In order to raise awareness, and help stop the spread of the disease, Gov. John Hickenlooper signed a bill recommending primary care physicians offer screenings to baby boomers.

Researchers say 75 percent of people who have hepatitis aren’t even aware of it. Baby boomers (those born between 1945 and 1965) are five times more likely to contract the disease.

Hepatitis infections are spread through contact with infected blood. Those who use needles to inject recreational drugs are at an increased risk. The disease can cause liver disease and other complications.

Dr. Bill Burman of Denver Public Health said a person can walk around with hepatitis for years without any symptoms. That’s why early detection is the key to successful treatment.

“We’re now in the midst of having medications introduced that are much easier to take so all pills are much more effective and cure rates are going to be more than 90 percent,” Burman said.

Once symptoms do set in, they are often confused with other illnesses since they include fever, fatigue, loss of appetite and nausea.

Read more: http://kdvr.com/2014/05/19/hickenlooper-signs/
*21-35A-07 Chronic Care Coordination Act  
North Carolina

**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 on June, 26 2013.

**Comment:** Supporters of the bill note that it was unanimously approved and it will provide benefits to the state including:
- 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.

21-36A-11 Standards of Health Care Coverage through the Insurance Marketplace  Arkansas

Bill/Act: HB 1143

Summary: Arkansas Payment Improvement Initiative attempts to move away from the fee-for-service payments and towards a system that rewards value and outcomes by instituting a shared-savings/shared-risk model based on the providers’ average cost for selected episodes of care. HB 1143 mandates that insurance carriers in the state’s health insurance marketplace participate in the payment initiative.

Working closely with hundreds of physicians, hospital executives, patients, families and advocates, the payers worked for nearly a year to design and build the new payment system. Though some aspects of this initiative have been or are being tried elsewhere in the country, Arkansas is the first to use this approach statewide and with both public and private payers.


Comments: From the New York Times (September 5, 2012)
The state has a vision for changing the way Arkansans pay for health care. It is moving toward ending “fee-for-service” payments, in which each procedure a patient undergoes for a single medical condition is billed separately. Instead, the costs of all the hospitalizations, office visits, tests and treatments will be rolled into one “episode-based” or “bundled” payment. “In three to five years,” John M. Selig, the head of Arkansas’s Department of Human Services, told me, “we aspire to have 90 to 95 percent of all our medical expenditures off fee-for-service.”

The change will encourage doctors and hospitals to work together to provide patients with the highest quality care, while at the same time lowering costs by eliminating unnecessary tests and treatments. It has been done before, in small-scale experimental pilot programs. But as the Arkansas officials make clear, this change will now be made in every corner of the state, for every hospital, and physicians in almost every specialty: surgeons, anesthesiologists, obstetricians, pediatricians, primary care physicians. For policy makers and the public, the Arkansas experiment is fascinating.

This is how it will work: Medicaid and private insurers will identify the doctor or hospital who is primarily responsible for the patient’s care — the “quarterback,” as Andrew Allison, the state’s Medicaid director, put it. The quarterback will be reimbursed for the total cost of an episode of care — a hip or knee replacement; treatment for an upper respiratory infection or congestive heart failure; or perinatal care (the baby’s delivery, as well as some care before and after).

The quarterbacks will also be responsible for the cost and quality of the services provided to their patients, and will receive quarterly reports on those metrics from the state (for Medicaid patients) or private insurers. If they have delivered good care based on agreed-upon standards, and if their billings come in lower than the agreed-upon level, they can keep a portion of the difference. If their billings come in above an acceptable level — usually because they have ordered too many unnecessary tests, office visits or inappropriate treatments — they will have to pay money back to the state or insurer.
Arkansas may seem an odd place for such a bold experiment. It has the sixth-highest poverty rate in the country, and ranks near the bottom in everything from the percentage of pregnant women getting prenatal care and the infant mortality rate to obesity, diabetes and life expectancy. It doesn’t have enough doctors; all but two of the state’s counties are designated as either entirely or partially medically underserved. And until recently, it was way behind on the adoption of electronic health records.

Yet Arkansas also has certain advantages. It has a governor who understands the issues very well. And it has doctors and hospitals who — faced with a State Legislature resistant to raising taxes, an imminent shortfall in state Medicaid funds and the threat of imposed managed care — agreed to support the scheme. Finally, it helps that Arkansas is a small state; when everyone knows everyone, it’s easier to work out implementation problems.

Still, it will be a challenge. Bundled payments for hip and knee replacements, which have similar costs for all patients, have been previously tested. But for other conditions, not every patient’s needs are the same. Some pregnant women are healthy while others have diabetes. The state and insurers will have to provide “risk adjustment” payments — in which providers are reimbursed more for treating sicker patients — and some patients with especially complicated illnesses may need to be excluded from the bundling system.

Even some low-cost conditions, like upper respiratory infections, are treated at widely varying costs, mainly because physicians prescribe different tests, numbers of office visits and medications (in 14 Arkansas counties, over 50 percent of patients with upper respiratory infections receive antibiotics, even though national guidelines say they should rarely be prescribed because most infections are viral).

But this is exactly what the new program will work to change, by providing standards for appropriate care linked to the costs of treatment and the quality of the doctor’s performance compared with that of other doctors.

Maybe Arkansas’s biggest challenge was getting the state’s insurers to work together. On that, it has succeeded. Arkansas’s two biggest private insurers, Blue Cross Blue Shield and QualChoice, are on board with Medicaid. But there is one big player missing: Medicare. To really make this innovation effective, the federal government should join in.

Read more: http://opinionator.blogs.nytimes.com/2012/09/05/the-arkansas-innovation/
• Arkansas Health Care Payment Improvement Initiative: Overview FAQs
• National Academy for State Health Policy: Arkansas Health Care Payment Improvement Initiative
Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
21-36A-12 Enrolling Medicaid and CHIP Beneficiaries into Care Coordination Program  Illinois

Bill/Act: **HB 5420**

Summary: (Section 23) Requires that the state enroll fifty percent of medical program assistance clients in “coordinated care” by January 1, 2015. “Coordinated care” or “care coordination” means a delivery system where recipients will receive their care from providers who participate under contract in integrated delivery systems that are responsible for providing or arranging the majority of care.

Status: Signed into law on January 25, 2011.

Comment: From the *Illinois Government News Network* (January 25, 2011) Governor Pat Quinn signed legislation establishing comprehensive Medicaid reform in Illinois. House Bill 5420 was crafted by bi-partisan legislative committees and passed both houses of the General Assembly with bi-partisan support.

…“Medicaid reform is one part of my plan to stabilize our budget. A priority of my administration is eliminating inefficiencies, so that we are saving money while delivering better services to those that most need them,” said Governor Quinn.

Under the new law, the Department of Healthcare and Family Services will improve the efficiency of the program by expanding coordinated care to cover at least 50 percent of recipients by 2015.

Illinois’ Medicaid program, which is administered by HFS, provides health coverage to 2.8 million low-income individuals and families, people with disabilities and older adults.

Read more:

- Care Coordination: [http://www2.illinois.gov/hfs/PublicInvolvement/cc/Pages/default.aspx](http://www2.illinois.gov/hfs/PublicInvolvement/cc/Pages/default.aspx)
- Care Coordination Expansion: [http://www2.illinois.gov/hfs/SiteCollectionDocuments/CCExpansionMap.pdf](http://www2.illinois.gov/hfs/SiteCollectionDocuments/CCExpansionMap.pdf)

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SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: This act requires the public health (DPH) commissioner to develop and implement a plan to (1) reduce the incidence and effects of chronic disease, (2) improve chronic disease care coordination in Connecticut, and (3) improve outcomes for conditions associated with chronic disease. She must develop the plan (1) within available resources and (2) in consultation with the lieutenant governor or her designee and local and regional health departments.

The plan must address chronic cardiovascular disease, cancer, lupus, stroke, chronic lung disease, diabetes, arthritis or another metabolic disease, and the effects of behavioral health disorders. It must be consistent with (1) DPH's Healthy Connecticut 2020 health improvement plan and (2) the state healthcare innovation plan developed under the State Innovation Model Initiative by the Centers for Medicare and Medicaid Services Innovation Center.

The act also requires the commissioner to report to the legislature biennially on chronic diseases and the plan's implementation and post the report on the DPH website. The report must include a description of the diseases most likely to cause death or disability and recommendations for what health care providers and patients can do to reduce the diseases' incidence and effects.

Status: Signed into law on June 9, 2014.

Comments: From the Connecticut Department of Public Health in testimony before the Public Health Committee on March 5, 2014

“Seven out of the top ten causes of death in CT are due to chronic disease. It is well established that deaths and disability from chronic disease could be substantially reduced through widespread adoption of proven preventive interventions. The intent of the bill is to reduce the burden of chronic disease and improve care coordination.”

Comments: From Boehringer Ingelheim in testimony before the Public Health Committee on March 5, 2014

“One estimate is that 83 cents of every Medicaid dollar is spent on preventable and highly manageable chronic diseases, including diabetes, asthma, and hypertension”

“In Connecticut, nearly two million cases are seven common chronic diseases- cancers, diabetes, heart disease, hypertension, stroke, mental disorders, and pulmonary conditions- were reported. The cost of treating these conditions resulted in $3.3 billion, plus the impact of lost workdays and lower employee productivity resulted in an annual economic loss of $12.9 billion in the state”

The legislation was also supported by AARP, the Arthritis Foundation, the American Heart/Stroke Association and the Connecticut Hospital Association.
Read more: http://www.cga.ct.gov/2014/PHdata/Tmy/2014HB-05386-R000305-Department%20of%20Public%20Health%20TMY.PDF


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Comments/Note to staff
21-36A-14 Collaborative Practice Agreements Between Physicians and Pharmacists
Kansas
Bill/Act: HB 2146

Summary: (Sections 1, 9) Allows the practice of collaborative drug therapy management by a pharmacist. A pharmacist is allowed to perform patient care functions for a specific patient delegated to the pharmacist by a physician through a collaborative practice agreement. The physician remains responsible for the care of the patient throughout the collaborative drug therapy management process. A pharmacist may not alter a physician’s orders or directions, diagnose or treat any disease, independently prescribe drugs, or independently practice medicine. Establishes a seven-member collaborative drug therapy management advisory committee.

Status: Signed into law April 10, 2014.

Comment: From the Topeka Capital-Journal (July 7, 2014)

Kansas pharmacists say a bill that went into effect this past week will improve patient care by allowing them to enter into agreements with physicians to do things like monitor and change medication levels without new orders.

Greg Burger, a pharmacist at Lawrence Memorial Hospital who helped push for the bill, said studies have shown reductions in cost and improvements in care when pharmacists have the authority to adjust medication levels, provide the right antibiotics for certain infections and adjust for drug allergies without waiting for a doctor's say-so.

“There's all kinds of things we do in hospitals now that we’re hoping to expand out to where pharmacists might be in clinics,” Burger said.

The pharmacy reforms contained in Senate Substitute for House Bill 2146 are an extension of the coordinated care movement intended to foster cooperation and information-sharing among health care professionals to prevent unnecessary hospitalizations and duplicate testing.

In a state that is increasingly short of physicians, especially in rural areas, Burger said it is time for pharmacists, the "most underused resource in the health care community," to fill the void where they can.

“We’re the most available health care worker out there,” Burger said. "There’s one on almost every street corner. So, pharmacists need to be more involved in patient care.”

Burger said once the bill is fully implemented, consumers may see a more streamlined process when their prescription changes.

“Hopefully, in a retail setting, if the pharmacist can have some agreements with physicians — basically the pharmacist will be able, without calling the doctor, to change the doses and monitor drug interactions,” Burger said. "Hopefully that would cut down on time to get the prescription filled and be less of a hassle.”

The details of what will be allowed under the new collaborative agreements aren’t yet formed. The bill has yet to go through the rules and regulations process, and it includes a provision that forms an advisory committee that includes doctors and pharmacists to hash out the details.
Billingsley said the bill's objective is clear.

“We believe it’s going to increase treatment adherence, it’s going to lower any cost barriers and it's going to improve on patient drug therapy outcomes,” Billingsley said. "So that’s kind of the goal.”

Burger said there was some concern about the bill originally from physicians in the Kansas Medical Society, but he believes their concerns were mollified in part by doctors who were already collaborating with pharmacists and vouched for the system.

"As he said this is something that's already happening across the state and the law clearly codifies the practice in a way that's positive for patients, physicians and pharmacies and provides a board for oversight," said Rochelle Colombo, a lobbyist with the Kansas Medical Society. "So we think it's positive."


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Comments/Note to staff
Right to Try Act

Summary: Proposed law establishes findings concerning barriers that terminally ill patients may face in access to potentially life-preserving treatments.

Proposed law provides the following definitions for purposes of proposed law:

(1) "Eligible patient" means a person who meets all of the following criteria:

   (a) Has a terminal illness.
   (b) As determined by the person's physician, has no comparable or satisfactory treatment options that are approved by the U.S. Food and Drug Administration and available to diagnose, monitor, or treat the person's disease or condition, and the probable risk to the person from the investigational drug, biological product, or device is not greater than the probable risk from the person's disease or condition.
   (c) Has received a prescription or recommendation from his physician for an investigational drug, biological product, or device.
   (d) Has given his consent in writing for the use of the investigational drug, biological product, or device; or, if he is a minor or lacks the mental capacity to provide consent, a parent or legal guardian has given consent in writing on his behalf.
   (e) Has documentation from his physician indicating that he has met the requirements provided in proposed law.

(2) "Investigational drug, biological product, or device" means a drug, biological product, or device that has successfully completed phase one of a U.S. Food and Drug Administration approved clinical trial, but has not been approved for general use by the U.S. Food and Drug Administration and remains under investigation in a clinical trial.

(3) "Terminal illness" means a disease that, without life-sustaining procedures, will result in death in the near future or a state of permanent unconsciousness from which recovery is unlikely. Provides that this diagnosis shall be confirmed by a second independent evaluation by a board-certified physician in an appropriate specialty.

Proposed law authorizes manufacturers of investigational drugs, biological products, and devices to make available those drugs, products, and devices to eligible patients. Provides, however, that nothing in proposed law shall be construed to require provision of any drug, product, or device by a manufacturer.

Proposed law authorizes a manufacturer to provide an investigational drug, biological product, or device to an eligible patient with or without compensation.

Proposed law authorizes health insurers to provide coverage for the cost of an investigational drug, biological product, or device. Specifies that nothing in proposed law shall be construed to require such coverage by health insurers.

Proposed law provides that a physician who prescribes an investigational drug, biological product, or device pursuant to proposed law shall be immune from civil liability, including but
not limited to any cause of action arising under medical malpractice provisions of present law, for any adverse outcome resulting from a patient's use of the investigational drug, biological product, or device pursuant to proposed law.

Proposed law prohibits the La. State Board of Medical Examiners from revoking, failing to renew, or taking any other action against the license of a physician based solely upon his recommendation to an eligible patient regarding or prescription for or treatment with an investigational drug, biological product, or device when such recommendation, prescription, or treatment is undertaken in strict conformance with proposed law.

Proposed law provides that proposed law shall be known and may be cited as the Right To Try Act.


Comments: From the Washington Post (May 16, 2014)

Colorado, Missouri and Louisiana are poised to become the first states in the nation to give terminally ill patients the right to try experimental drugs without the blessing of the Food and Drug Administration, setting the stage for what could be a lengthy battle over who should decide whether a drug is too risky to try.

Lawmakers in the three states have passed “Right to Try” laws with unanimous votes in recent weeks, after high-profile, social media campaigns in which families of dying patients have pushed for access to unapproved but potentially lifesaving drugs. Colorado’s governor is expected to sign that state’s law Saturday.

Proponents of the measures argue that patients desperate for treatments must navigate a lengthy, cumbersome process to get the FDA to approve early access to experimental drugs and to persuade companies to provide them. The Right to Try laws are intended to cut through some of that red tape by essentially cutting the federal government out of the picture.

“For people who are facing death and have one last hope, they should have a choice to try every possible drug,” said state Rep. Joann Ginal, a Democrat and co-sponsor of the bill in Colorado. Ginal introduced it in part because she witnessed how an experimental treatment helped her older brother, who has a rare blood cancer.

Opponents of the approach call it an ill-advised effort that circumvents federal law, undermines the drug development process and threatens to harm more people than it helps by providing access to medications that haven’t been proven safe and effective.

“The notion is based on the ‘Dallas Buyers Club’ — the idea that you have to get around the indifferent and cruel government to get access to drugs,” said Arthur Caplan, director of the bioethics division at New York University Langone Medical Center, referring to the Oscar-winning movie based on an AIDS patient who smuggled unapproved drugs into Texas during the 1980s.
The reality, Caplan said, is more complicated than singling out the FDA, which approves almost all the requests it receives for “compassionate use” exemptions. He noted that the new legislation does nothing to compel cooperation from drugmakers, who often are reluctant to hand out unapproved drugs, for reasons including high costs, lack of adequate supply and worries over liability.

Frank Burroughs, founder of the Virginia-based Abigail Alliance for Better Access to Experimental Drugs, which has long pushed the FDA to widen access, said people aren’t after just any new medication that comes along.

“We’re talking about ‘promising’ drugs,” said Burroughs, whose group has helped the Goldwater Institute, a conservative advocacy organization, push for the state laws. “Patients are much smarter and savvy than they get credit for.”

Burroughs said the FDA simply hasn’t moved quickly enough and that people who are out of options are willing to take on more risk than an ordinary person. “The risk-benefit is much different than someone who’s waiting for a new allergy medication or a new toe fungus cream,” he said.

The FDA on Friday declined to take a position on any of the state Right to Try bills. But in a statement, the agency said it is concerned about any efforts that might undermine the “congressionally-mandated authority and agency mission to protect the public from therapies that are not safe and effective.”

FDA regulations allow for access to investigational drugs outside of a clinical trial for patients who have serious or life-threatening illnesses and have no comparable alternatives. While these “compassionate use” exemptions can apply to individuals on a case-by-case basis, the FDA also can grant expanded access for larger groups of patients. However, the agency cannot force a company to provide a drug to patients.

The Right to Try bills aim to provide a streamlined alternative to the FDA process. Instead of having to fill out lengthy and complex paperwork, patients would only need to get an okay from a drug company and a simple prescription or “recommendation” from a doctor to access an unapproved treatment. The drugs involved also must have successfully completed an initial safety trial and moved to the next phase of development.

It’s unclear how many drugmakers might be willing to make use of the state laws at the risk of angering federal regulators. But at least one company plans to take advantage of the new legislation in Colorado.

Neuralstem, based in Germantown, Md., has begun looking for doctors in the state to use its treatment — which involves surgically transplanting neural stem cells in the spinal cord — for Lou Gehrig’s disease. The company’s chief executive, I. Richard Garr, said results of its first trial, involving 15 patients, were promising in slowing down the disease’s progression. “On average, these patients die within two to four years of diagnosis, so our hope is to make this available to everyone as quickly as possible,” Garr said.
Sascha Haverfield, vice president of scientific and regulatory affairs at the Pharmaceutical Research and Manufacturers of America, said companies take expanded use requests seriously and evaluate each case carefully.

Ultimately, Haverfield said it’s incumbent on all stakeholders — drugmakers, doctors, the FDA and patients — to figure out the most efficient way to get drugs to those who most need them. But he said it’s also important not to undermine the clinical trial process, which can lead to FDA approval. Granting unwarranted expanded access requests not only places “an individual’s health ahead of the public’s health,” he said, but it also could undermine the regulatory process and hinder a company’s ability to make new drugs available to a broader patient population.

For Amy Auden, of Lone Tree, Colo., the decision to publicly push for the new law in her state was deeply personal. Her husband, Nick, died in November after a two-year battle with melanoma. For much of last year, the family tried unsuccessfully to persuade Bristol-Myers Squibb and Merck to give it access to a promising developmental drug for his cancer.

“Given that there was something on this earth to help Nick, we needed to do everything in our power to try to get it,” said Auden, now a widowed mother of three. “Of course, there was a chance Nick would not have been in the 52 percent of people who are responding to the drug; however, a 52 percent chance at life is better than a zero percent chance at life.”

With the new law, Auden said more families might at least have the hope that hers did not. “Not a day goes by where it doesn’t haunt me,” Auden said. “Those with serious illnesses should not have to fight the illness as well as fight for the right to gain access to lifesaving treatments.”

Read more: [http://www.washingtonpost.com/national/health-science/right-to-try-laws-spur-debate-over-dying-patients-access-to-experimental-drugs/2014/05/16/820e08c8-dcfa-11e3-b745-87d39690c5c0_story.html](http://www.washingtonpost.com/national/health-science/right-to-try-laws-spur-debate-over-dying-patients-access-to-experimental-drugs/2014/05/16/820e08c8-dcfa-11e3-b745-87d39690c5c0_story.html)

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: Montana is the first state to pass a law creating a review panel on suicides in the state. The team will meet at least eight times a year and report to the governor on recommendations to reduce suicide. The Montana Department of Public Health and Human Services will produce a biennial suicide reduction plan and submit it to the Legislature. The plan must include specific activities to reduce the suicide rate; concrete targets for reducing the rate among various populations, including American Indians, veterans and youth; and measurable outcomes for all activities. The law will sunset on June 30, 2016.

Signed by Governor April 30, 2013.

Comment: From the Billings Gazette (June, 27, 2014 )
Montana’s Suicide Review Team, the first of its kind in the nation, is running into some roadblocks as it examines “gruesome” documents hoping to discover how more suicides can be prevented. One of the biggest barriers for the volunteer team has been securing consistent and complete reports from county coroners. The seven-member team, appointed in 2013 by Gov. Steve Bullock, has pledged to examine every suicide after Jan. 1.

Of the 95 confirmed suicides since then, the team received coroner reports on only a few of them. They hope for 100 percent participation from coroners.

Each coroner handling a suicide death receives a questionnaire from Karl Rosston, the state’s suicide prevention coordinator. With the results, he may contact health care and mental health professionals who have been involved with the deceased. The team will also review if the person had a criminal background and hopes to get toxicology reports from the state crime lab.

There have been significant discrepancies in the coroner reports. Some have offered one-word responses. The team is focusing on getting more thorough and consistent information in a timely manner.


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SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary:
The bill expands the law governing insect sting emergency treatment to create the “Emergency Allergy Treatment Act,” which makes epinephrine auto-injectors (EAIs) available for the treatment of any severe allergic reaction and in more public places. The bill permits certain authorized entities, such as restaurants and youth sports leagues, to obtain a prescription for an epinephrine auto-injector. Authorized entities may stock and store EAIs, and their employees who have completed certain training and are certified may provide an EAI to a person suffering a severe allergic reaction for self-administration, administer an EAI to a person suffering a severe allergic reaction, or provide an EAI to a person to administer it to another person suffering a severe allergic reaction. The bill extends the civil liability immunity protections of the Good Samaritan Act to any person who possesses, administers, or stores EAIs in compliance with Emergency Allergy Treatment Act.

Status: Signed into law on June 13, 2014.

Comments:  News4Jax (June 26, 2014)
Gov. Rick Scott recently signed a bill that will help protect people who suffer from an allergic reaction in a public place. It allows public places like restaurants, amusement parks, sports arenas and more to carry and use epinephrine without worrying about liability.

A local allergist says this is a smart move by the governor and thinks it can only be beneficial. Dr. Sunil Joshi said 25 percent of people don't even know they have a food allergy and will likely experience their first allergic reaction in a public place like a restaurant.

Right now most businesses don't carry epinephrine injectors due to liability issues, but once this bill goes into effect, any business with proper training can administer it which could save lives.

“People who have significant allergic reactions to foods insect stings or medications can be potentially treated even if they don't have the medicine on them,” said Joshi.

Allergist Joshi said, thanks to the just-signed bill people who suffer from a severe allergic reaction in a public place will have a better chance of recovery.

The bill goes into effect July 1st and will allow public places like movie theaters, restaurants, sports arenas and amusement parks to carry Epinephrine and use it if appropriate.

Joshi said before this bill, places wouldn't have epinephrine because of the fear of liability associated with administering it for someone who may or may not have needed it.

Any business will be able to get the allergic reaction treatment, but Joshi said they have to get proper training first.
“It’s not obvious how to use it so they need to be trained in the appropriate timing and technique of its use as well as how to recognize an allergic reaction,” said Joshi.

He said the training is fairly simple and hopes businesses jump on board because Joshi said this will help save lives.

“As opposed to having to go to the hospital or call 911 because with severe reactions, timing is very important the earlier you’re treated the more likely you are to have a good outcome with that,” said Joshi.

Disposition of Entry:

SSL Committee Meeting: 2016 A
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Comments/Note to staff
21-36A-18 Prescription Monitoring Program Compact Kentucky
Bill/Act: HB 1

Summary: (Section 12) Among other provisions, HB 1 specifies that the state will join the Prescription Monitoring interstate compact, which allows state governments to share prescription drug monitoring information with the governments of other states in the compact. The provisions of the bill regarding the compact are to become effective and binding upon the legislative enactment of the compact into law by no less than six states.

The bill enacts the Prescription Monitoring Compact to provide a mechanism for state prescription monitoring programs to securely share prescription data to improve public health and safety.

This interstate compact is intended to:
• Enhance the ability of state prescription monitoring programs, in accordance with state laws, to provide an efficient and comprehensive tool for:
  o Practitioners to monitor patients and support treatment decisions;
  o Law enforcement to conduct diversion investigations where authorized by state law;
  o Regulatory agencies to conduct investigations or other appropriate reviews where authorized by state law; and
  o Other uses of prescription drug data authorized by state law for purposes of curtailing drug abuse and diversion.
• Provide a technology infrastructure to facilitate secure data transmission.

The compact address issues specific to prescription drug data sharing such as the following: authorized uses and restrictions on the prescription drug data, technology, security, and funding.

Additionally the compact ensures that each member state retains control and sovereignty over their existing prescription monitoring program, while also being to share data across state lines.

Kentucky is the first state to join the new compact.

Status: Signed into law on April 24, 2012.

Disposition of Entry:
SSL Committee Meeting: 2016 A
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Comments/Note to staff
Summary: The Student Data Accessibility, Transparency and Accountability Act:

- Requires the State Board of Education to publish a public inventory of student data elements collected by the State Department of Education with definitions of each student data element,
- Requires the Board to publish a public list of additional student data elements it is proposing for collection including a statement about the reason for the proposal,
- Requires the Board to develop and make public policies and procedures to comply with all relevant privacy laws,
- Requires the Board to develop and make public policies limiting who can access student data, what student data can be accessed and the circumstances under which the data may be accessed,
- Requires that student data collected and maintained by the Department be kept confidential except where the Board has developed and made publicly available the criteria for exceptions,
- Requires the Board to ensure compliance by the Department with privacy laws,
- Requires the Board to ensure vendor contracts include express provision that safeguard privacy and include penalties for noncompliance, and
- Requires the Board to make annual reports to the Governor and Legislature.
- Establishes new strict limits on the transfer of student data, including de-identified data, to federal, state or local agencies or organizations outside Oklahoma, and
- Further restricts the Department from requesting delinquency records, criminal records, medical and health records, social security numbers and biometric information as part of student data collected from districts.

Status: Signed into law on May 29, 2013.

Comments: From the Heartlander (May 27, 2013).

Oklahoma Gov. Mary Fallin signed a student privacy bill Oklahoma lawmakers passed by large margins in July. Its state-level protections are the first of their kind in the nation, said John Kraman, executive director of student information at the Oklahoma Department of Education, and may provide a model for other states as privacy concerns rise.

House Bill 1989 passed the House 88-2 on May 16 and the Senate 41-0 on May 22.

“There are a lot of states that have [data] governance and transparency, but we’re creating a novel way we think is stronger than any state has to make sure there is no chance for someone to be in the dark about what we’re doing,” Kraman said. “And if the public disagrees with what we’re doing, they have a chance to say no. This really pushes the boundaries of data privacy.”

HB 1989 requires the state Board of Education to inventory and publicly post what student-specific data the state collects, create a detailed data security plan and student privacy policies, and send no student-specific information outside the state except for specific circumstances such as out-of-state student transfers or contracts with testing companies. And it requires the board to get legislative approval for any new data it wants to collect.
Lawmakers in Alabama, Georgia, Louisiana, New York, and Oregon have proposed similar legislation this year after a broad public outcry sparked by revelations eight states have transferred student information, including even Social Security numbers and hobbies, to private databases without public knowledge or consent.

**Automatic Inclusion**
One of the best parts of the bill is that it prevents the state from folding criminal, biometric, and health records into school files, said Jenni White, cofounder of Restore Oklahoma Public Education. But it’s not perfect, she said, because, “Nothing in the act really protects children from excessive data collection. It just prevents it from going across state lines.”

HB 1989 also automatically opts all students into data collecting, instead of requiring parent consent beforehand.

“Some districts have told parents they can't opt out,” White noted.

The bill also ties compliance to a federal privacy law that recent regulations have gutted by allowing any government agency to share student information without parents’ knowledge or consent. White would prefer requiring compliance with state law, which is stronger. Under current open-records laws, private organizations or individuals can receive much information about students, Kraman said. The bill “gives us leverage over the people who are currently trolling for data” by giving the board discretion to limit student information it releases under such requests, he said.

“There are lots of things we do need to know,” he said. “HB 1989 requires us to be really clear about who gets what for what purpose. So think, ‘What do I need to know to evaluate the effectiveness of a program? What is sufficient but not more than what is necessary to do that work?’”


Comment: From *Stateline* (December 17, 2013)
In Kentucky, parents, educators and policy makers can track how many students from a high school go to college, and once they are there, how many require remedial classes. Massachusetts is one of several states with an early warning indicator system, which flags school officials when students appear to be at risk for dropping out of high school. And in Georgia, teachers can easily access years of test scores, class grades and attendance rates for any student.

Student data evangelizers argue that used correctly, data, including student attendance, test scores and demographics, can enrich education. Teachers can better personalize instruction for students, principals can view the academic records of students who move across school districts and parents can determine whether a child is on track for college, to name just a few examples.
But that promise comes with threats to students' privacy. Parents have expressed concerns that if teachers have easy access to students' entire academic histories, they might write off those with poor records, or that student information might fall into the hands of sexual predators. Those concerns have led to heated debates about how much data schools should be collecting, how it should be stored and who should have access to it.

Over the past year, the Common Core State Standards have also sparked discussions about student data, although the standards do not call for the federal government to collect data.

“There's no denying that education technology has the potential to transform learning if it's used wisely,” said Joni Lupovitz, vice president of policy at Common Sense Media, which this fall launched a campaign to raise awareness about student privacy issues. “What we're working to ensure is that as educators, parents and student embrace more and more education technology, (and) balance the equation by focusing on student privacy to help ensure that we're creating an atmosphere where kids can learn and be engaged but thrive without putting their personal information at risk.”

Relying on a 1970s Law
Until recently, most states weighing privacy questions relied on the federal Family Educational Rights and Privacy Act (FERPA), a 1974 law intended to protect student education records. But in recent years, the U.S. Department of Education has made regulatory changes to the law, creating many exceptions. For example, education records now may be shared with outside contractors, such as private companies that track grades or attendance on behalf of school systems. The changes have prompted some states to examine whether they should play a stronger role in protecting student data.

Paige Kowalski, director of state policy and advocacy for the Data Quality Campaign, a nonprofit that advocates for the effective use of data to improve student achievement, said states are starting to realize they need more sophisticated and comprehensive policies, regulations and practices around student privacy, and that they can't just rely on FERPA.

“All states have privacy laws on the books, but a lot of them are old,” Kowalski said. “A lot of them just don't have modern policies that were written acknowledging that data is even at the state level, let alone stored electronically and because of technology is able to move.”

Kowalski said states' privacy policies might refer to outdated information practices, such as checking out paper documents, while failing to discuss modern needs like encryption.

Most school districts rely on cloud computing — meaning data are stored on servers that can be accessed through the Internet — for everything from cafeteria payments to attendance records. But a recent study by the Center on Law and Information Policy at Fordham Law School concluded that most cloud-based services are “poorly understood, nontransparent and weakly governed” by schools. Most school districts fail to inform parents that they are using cloud-based services, and many contracts with web-based vendors fail to address privacy issues, the study found.
Keeping Parents in the Dark
The Electronic Privacy Information Center, a nonprofit research group in Washington, D.C., filed a lawsuit in February 2012 against the U.S. Department of Education challenging its FERPA changes, but a federal court dismissed the lawsuit for lack of standing.
Khailah Barnes, the center's administrative law counsel, said many schools and states are doing a poor job of informing parents of the issues that can arise with technology. She said school districts should tell parents about the kinds of information they collect, to whom that information is disclosed and for what purposes. Parents should also have the right to opt out of disclosing certain types of information, she said, and should be informed how to access and change incorrect information.

Barnes said schools are using new technology to collect information that goes far beyond attendance records and test scores. Schools have used palm scanners to help students speed through cafeteria lines, and GPS or microchip technology to tell schools when students get on the right school buses or arrive at school, for example.

One state leading the conversation on student data privacy is Oklahoma, which in June adopted the Student Data Accessibility, Transparency and Accountability Act establishing rules for the collection and transfer of student data by the state.

“It was designed as a system of safeguards to protect student privacy,” said state Rep. David Brumbaugh, a Republican, who sponsored the legislation. “It stops the release of confidential data to organizations outside of Oklahoma without written consent of parents or guardians.”
The law prohibits the state from releasing any student-level data without state approval, which means the education department can release only data that is aggregated and cannot be tied to any individual student.

“To my knowledge, we're the only state that doesn't release student-level data,” said Kim Rich ey, general counsel for the Oklahoma Department of Education.

Brumbaugh said he's heard from lawmakers around the country interested in proposing similar legislation for their states. The conservative American Legislative Exchange Council has also proposed model legislation similar to the Oklahoma bill.

Other states also have taken action on student data privacy this year:
• In New York, where a handful of bills related to student data privacy have been introduced in the legislature, the Senate Education Committee held a series of public hearings this fall on topics including student privacy around a planned data collection system. Last week, state Sen. John Flanagan called for a one-year delay in the launch of the data collection system. The Long Island Republican urged lawmakers to strengthen protections for data on the statewide data portal and set civil and criminal penalties for violations.
• Georgia Gov. Nathan Deal, a Republican, signed an executive order in May prohibiting the state from collecting or sharing personally identifiable data on students and prohibiting student data from being collected for the development of commercial products or services.
• In October, the Alabama State Board of Education adopted a new policy on student data that allows the state to share student data with the federal government only in aggregate. The policy also calls on school districts to adopt their own policies on the collection and sharing of student data.

• Republican Gov. Terry Branstad of Iowa signed an executive order in October reaffirming that student data should be collected in accordance with state and federal privacy laws and that only aggregate student data would be provided to the federal government.


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Comments/Note to staff
Summary: Regulates the use of Automated License Plate Recognition Systems (ALPR systems) for legitimate law enforcement purposes as well as the release, retention, and disposition of ALPR data. Specifically, a law enforcement officer must be properly certified in order to operate an ALPR system, and use of ALPRs are restricted to legitimate law enforcement purposes; requests for active or historical ALPR data must include certain information and be retained by the Vermont Information and Analysis Center for no fewer than three years; ALPR data must be destroyed after an 18-month period except if this period is extended under a preservation order or a warrant issued under the Rules of Criminal Procedure.

Status: Signed into law on June 4, 2013.

Comments: From Stateline (November 20, 2013)
Police have used cameras that read the license plates on passing cars to locate missing people in California, murderers in Georgia and hit-and-run drivers in Missouri.

The book-sized license plate readers (LPRs) are mounted on police cars, road signs or traffic lights. The images they capture are translated into computer-readable text and compiled into a list of plate numbers, which can run into the millions. Then police compare the numbers against the license plates of stolen cars, drivers wanted on bench warrants or people involved in missing person cases.

Privacy advocates don't object to police using LPRs to catch criminals. But they are concerned about how long police keep the numbers if the plates don't register an initial hit. In many places there are no limits, so police departments keep the pictures—tagged with the date, time, and location of the car—indefinately.

The backlash against LPRs began in earnest this year, as three more states limited law enforcement use of the systems and in some cases banned private companies from using the systems, for example, to track down cars for repossession. So far, five states limit how the cameras are used, and the American Civil Liberties Union anticipates that at least six other states will debate limits in the upcoming legislative session.

In New Hampshire, police and private companies (with the exception of the tolling company EZ Pass) are forbidden from using license plate readers. Utah requires police to delete license plate data nine months after collection. In Vermont, the limit is 18 months and in Maine it is three weeks. Arkansas police have to throw out the plate numbers after 150 days and parking facilities are the only private companies allowed to use the technology.

"It's been surprising to find out how license plate readers are being used and how long the data is being kept," said Michigan state Rep. Sam Singh, a Democrat, who is sponsoring legislation to limit police in his state from keeping license plate numbers for longer than 48 hours. Police are using the cameras in a handful of Michigan cities, including Detroit and East Lansing.
Singh's legislation would also make the license plate data exempt from public records requests so that, for example, divorce attorneys couldn't request license plate reader data to confirm where a spouse was at a particular time. The bill, which is still in committee, also would limit how private companies can use license plate readers to track down cars for repossession.

"We just fundamentally believe that Americans don't need to be watched unless there's probable cause of wrongdoing," said Shelli Weisberg, legislative director for the Michigan ACLU, which supports Singh's bill. "We don't need a 'just in case' database. That just turns democracy and our sense of due process on its head."

For proponents of the technology, the timing of the NSA leaks couldn't have been worse. "I would hate to see that because of bad timing, a great technology is banned or didn't rise to the level it could have," said Todd Hodnett, the founder and chairman of Digital Recognition Network, a license plate reader manufacturer which sells the cameras to private companies, including towing firms, banks and insurance companies. An LPR system, which typically includes four cameras, costs between $15,000 and $18,000.

Lumping license plate readers in with the NSA surveillance system creates a false equivalency, according to Hodnett. "The NSA revelations have created an environment that has people on edge, but it's unfortunate and quite scary that someone could compare listening to a phone call to photographing a publicly visible license plate," he said.

Hodnett also argued the focus on data limits is misplaced, because matching a license plate to a person's DMV records or driver's license record is a two-step process governed by the Driver's Privacy Protection Act passed by Congress in 1994. When law enforcement officers want to make a query of DMV records using a license plate number, they have to show a "permissible purpose," which includes public safety, motor vehicle theft, court proceedings or notifying owners of towed or impounded vehicles.

Until a license plate number is matched to DMV data, it's as anonymous to officers as it is to a person standing on a street corner. That two-step process is what keeps the technology from infringing on privacy, said Robert Stevenson, the executive director of the Michigan Association of Chiefs of Police and the retired police chief of Livonia, Mich.

"There's an additional step that has to be taken to find out who the drivers are," said Stevenson.

"People's pictures and names don't just pop up when they drive past license plate readers."

The U.S. Supreme Court and multiple federal courts have affirmed there is no expectation of privacy for a publicly visible license plate. Hodnett is building a case to argue that prohibiting license plate readers from taking photographs of publicly visible license plates is a violation of the First Amendment.

Tracking the Marathon bombers
In the hunt for the Boston Marathon bombers, police used license plate reader data to establish where the Tsarnaev brothers had traveled and where they might be headed, based on places
they'd already been. Police used license plate readers to track Dzokhar Tsarnaev to Watertown, Mass., where police found him hiding in a boat in a resident's backyard.

Even though LPR data was used in that investigation, Watertown's state representative is pursuing legislation to limit license plate readers. Under Democratic Rep. Jonathan Hecht's legislation, police would be required to delete license plates collected after 48 hours, but they could hang on to data longer if it was specifically part of a criminal investigation, like the search for Tsarnaev.

"Public safety is very important and we want to use new this technology for safety," said Hecht. "But as has been true throughout our history, public safety has to be balanced against other important privacy values. In wake of the revelations about the NSA, people are concerned that we're letting technology get away from us."


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Comments/Note to staff
Summary: SB 150 requires farmers who apply nutrients on farms of 50 or more acres to undergo a “best management practice/fertilizer” seminar to become state certified. The bill also provides affirmative defense against complaints for any farmer who voluntarily creates a nutrient management plan that meets the bill’s criteria.

Status: Signed into law May 22, 2014.

Comment: From Northeast Ohio Media Group (May 19, 2014)
Gov. John Kasich is set to sign into law new agricultural regulations that mark Ohio’s largest effort yet to combat algal blooms on Lake Erie and other state waterways.

However, state officials and environmentalists each called the legislation, which requires farmers who use commercial fertilizer to be certified by the state, only a good first step. And the Ohio Department of Agriculture said it’s still unclear what impact the new rules will have to curb the foul-smelling, toxic blooms.

Algal blooms are increasingly plaguing Lake Erie and other bodies of water during warm weather, thanks in part because of phosphorus-rich fertilizer runoff that washes down into tributary rivers.

Under Senate Bill 150, starting in 2017, farmers using fertilizer must first take a state-run certification course that teaches things such as how much fertilizer to use on a plot of land and when it should be applied, according to Department of Agriculture spokeswoman Erica Hawkins.

Farmers who voluntarily develop nutrient management plans would be given legal protections under the bill.

The bill passed both the Ohio House and Senate unanimously.

Hawkins said the bill will help address the causes of algal blooms. But she said it’s not clear how much the certification process will do to curb the problem, as there’s still little scientific research into the issue.

SB 150, she said, will help with that research by allowing state agricultural officials to track how much fertilizer is sold in various parts of the state.

“This is a good first step in order to try and get a better grip on the situation,” Hawkins said. Jack Shaner of the Ohio Environmental Council said the bill marks Ohio’s "first big step" toward stopping algal blooms, though he said state policymakers still need to do much more to resolve the problem.
For one thing, Shaner said, the legislation doesn’t cover animal manure waste, which he said is another significant source of the phosphorus runoff that algae thrive on. Shaner said he suspects Ohio eventually will need to pass fertilizer restrictions that are mandatory, not voluntary.

“We’re going to need a lot more than this,” he said.

Read more:

From Farm and Dairy (June 5, 2014)

Working together
Lawmakers and state agencies willingly worked with the farm industry over the past several years to form recommendations to improve the water quality issue, which had led to nutrient overloading and the growth of harmful algal blooms in places like Lake Erie, as well as inland lakes and streams.

More than 100 farmers and farm organizations worked together to shape the new recommendations, including Ohio Farm Bureau Federation.

“This new law benefits all Ohioans by helping farmers take effective steps to preserve the quality of our state’s waters,” said Jack Fisher, executive vice president of Ohio Farm Bureau. “It will complement the many voluntary actions already being taken by responsible farmers.”

Fisher said the bill meets Farm Bureau policy goals of including an educational component, being economically feasible and being part of a comprehensive strategy to reduce all sources of nutrients that may get into Ohio’s waters.

It also provides farmers with an option to employ affirmative defense in lawsuits related to fertilizer application, if they keep and follow the appropriate records.

Farmers and state lawmakers have long-known that water pollution comes from many sources, but farmers and the state’s ag leaders decided to be proactive about agriculture’s share.

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Comments/Note to staff
Summary: Kentucky HB 232 requires that in the event of a data security breach information holders are to contact anyone whose data may have been accessed by an unauthorized person. Additionally, this act requires that cloud computing service providers will not process student data without parental permission.

Status: Signed into law on April 10, 2014.

Comment: From King and Spaulding, Client Alert

House Bill 232 requires any business that believes a data breach has or will cause identity theft or fraud to contact people whose data may have been accessed by an unauthorized person. Personally identifiable information includes Social Security number, driver’s license number, account number, credit or debit number, or password or security code. Businesses must send out notifications quickly unless law enforcement is conducting a criminal investigation. If more than 1,000 people have been affected, major credit agencies must also be notified.

Although Kentucky is the 47th state to enact legislation regarding information breach and notification requirements, it is among the first to regulate cloud computing providers in regards to minors. Cloud service providers’ storage of k-12 student data may only be used with parental permission but allows limited use for assisting educational institutions with research in accordance with the Family Education Rights and Privacy Act of 1974. Student data absolutely may not be used for advertising and may not be sold. Any cloud service provider must certify in writing that it will comply with these provisions.


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Comments/Note to staff
Summary: Authorizing specified representatives to request a security freeze on the consumer report or a specified record of specified minor children and individuals under guardianship or conservatorship; requiring a consumer reporting agency to place a security freeze for a protected consumer under specified circumstances and within a specified period of time; etc.

Status: Signed into law on May 2, 2012.

Comments: WTOP News (May 3, 2012)
Children in Maryland are better protected from identity theft after Gov. Martin O'Malley signed a bill giving parents a preventative way to protect their kids' credit.

The Maryland Child Identity Lock bill allows parents and legal guardians to place a preemptive freeze on their child's credit report starting in January 2013. The freeze prevents thieves from applying for credit in a child's name. Previously, credit freezes were only available to people who have a credit history.

Maryland is the first state to respond to recent reports that children are fast becoming the favorite target of identity thieves. Identity theft among the five-year-old and younger age group increased by 105 percent since 2011, according to an AllClear ID report.

Russell Butler, the executive director of the Maryland Crime Victims Resource Center, is an expert on tracking and preventing ID theft. He says this bill is significant step for ensuring kids' financial futures, "You really can't prevent [child identity theft], right now. What this will do its put a freeze on it. Once there's a freeze then it will not allow the identity to be used to create a credit record," Butler says.

Kids are 35 times more likely to become victims of ID theft than adults because they "present a clean slate," the report All Clear ID report says. Their names are not tied to any type of credit card, student loan or financing, which means that years can go by before the theft is detected.

"Children are very vulnerable because what will happen is, they wont check their credit 'til probably they're applying to college," Butler says. "So no one will know that someone has stolen their identity for decades."

There are about 140,000 identity fraud cases against minors each year, according to a study released last year by ID Analytics. The study was based on a review of more than 172,000 children, whose identities were protected, from April 1, 2010, to March 31, 2011.

Criminals are able to steal a child's identity by tying a different name and date of birth to the child's Social Security number, according to AllClear ID. Experts recommend parents do not share their kids' Social Security number unnecessarily. They also suggest shredding documents and getting anti-virus software updates to prevent id theft.
Butler says the best thing for parents to do for themselves and their children is to check their credit reports regularly. And he adds, no matter what age, once someone is a victim of identity theft, they'll have a higher chance of being a victim again. "If you're a victim of id theft, and you think everything is cleared up, that file might be at the bottom of the thief's pile, and then in five years, ten years, 20 years, they'll be using your identity again. You have to be very diligent to make sure that you don't become revictimized, even if you're a victim once."

Under previous Maryland law, credit agencies had to place a security freeze on the credit of anyone who requested it. However, companies could refuse to lock the credit of those who do not have a pre-existing credit report. That was a problem for children. If they had a credit report, it meant they were already a victim of fraud.

Some states have created laws in recent years to protect identity theft of foster children, who can be especially susceptible as they are shuffled from home to home. But the Maryland bill is the first aimed at protecting all children. California, Colorado and Connecticut have passed laws mandating credit checks for foster children before they leave state custody.


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