Submissions for any SSL docket should be sent to CSG at least eight weeks in advance of any scheduled SSL meeting in order to be considered for the docket of that meeting. Submissions received after this will typically be held for a later meeting. Anyone desiring an exception to this policy must contact the SSL committee leadership and will be responsible for preparing and distributing to the SSL committee any materials that are related to the docket submission in question. The status of any item on this docket is listed as reported by the submitting state’s legislative Internet Web site or by telephone from state legislative service agencies and legislative libraries. Abstracts of the legislation on SSL dockets and in SSL volumes are usually compiled from bill digests and state legislative staff analysis.

CSG COMMITTEE ON
SUGGESTED STATE LEGISLATION

2015 CYCLE
DOCKET BOOK A
September 19-20, 2013

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

The Committee on Suggested State Legislation guides the SSL Program. SSL Committee members represent all regions of the country and many areas of state government. Members include legislators, legislative staff and other state government officials.

SSL Committee members meet several times a year to consider legislation. The items chosen by the SSL Committee are published online at www.csg.org after every meeting and then compiled into annual Suggested State Legislation volumes. The volumes are usually published in December.

SSL Committee members, other state officials, and their staff, CSG Associates and CSG staff can submit legislation directly to the SSL Program. The committee also considers legislation from other sources, but only when that legislation is submitted through a state official. Other sources include public interest groups and members of the corporate community who are not CSG Associates.

It takes many bills or laws to fill the dockets of one year-long SSL cycle. Items should be submitted to CSG at least eight weeks in advance to be considered for placement on the docket of a scheduled SSL meeting. Items submitted after that are typically held for a later meeting.

Committee members prefer to consider legislation that has been enacted into law by at least one state. Legislation that addresses a single, specific topic is preferable to omnibus legislation that addresses a general topic or references many disparate parts of a state code. Occasionally, committee members will consider and adopt uniform or proposed “model” legislation from an organization, or an interstate compact. In this case, the committee strongly prefers to examine state legislation that enacts the uniform or model law, or compact.

In order to facilitate the selection and review process on any submitted legislation, it is particularly helpful to include information on the status of the legislation, an enumeration of other states with similar provisions, and any summaries or analyses of the legislation.

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

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

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

Docket ID#  
Title  
State/source  
Bill/Act  

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

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

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

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

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

**Comments/Note to staff:**

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13-35A-01 Licensure Reciprocity for Military Spouses HI
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21-35A-03 Regulating Pharmacy Benefit Managers HI
21-35A-04 Retail Community Pharmacists/Pharmacy Benefit Managers HI
21-35A-05 Sudden Infant Death Syndrome/Safe Sleep Policy HI
21-35A-06 Alzheimer’s disease and Dementia Services Coordinator HI
21-35A-07 Chronic Care Coordination Act NC
21-35A-08 Medicaid Regional Care Organizations AL
21-35A-09 Biologics Sold at Pharmacies FL
21-35A-10 Sudden Unexpected Infant Death FL
21-35A-11 Family Caregivers Support Act RI
21-35A-12 Permanent Task Force on Alzheimer's Disease NV
21-35A-13 Training Requirement for Compensated In-home Caregivers AR

(22) CULTURE, THE ARTS AND RECREATION

(23) PRIVACY

(24) AGRICULTURE

(25) CONSUMER PROTECTION

(26) MISCELLANEOUS
Summary: The bill would authorize the utilization of “graywater”, which is wastewater from a building’s showers or hand washing sinks or washing machines, by cities and counties for non-drinking water purposes like irrigation or to flush toilets. The Colorado Water Control Commission would be directed to create statewide standards for gray water systems that protect public health and water quality. The Commission would not allow the use of graywater systems unless a local city, county, or municipality has approved an ordinance or resolution.

Status: Signed into law in May 2013.

Comment: Supporters estimate that an average household could save 58,000 gallons of water a year if graywater filtration systems were installed. From an article in the Northern Colorado Business Report:

Gov. John Hickenlooper this week signed into law a bill allowing homeowners and businesses to reuse bathroom sink, shower and other graywater.


The bill directs the Colorado Water Control Commission to create statewide standards for gray water systems. It defines graywater as water coming from bathroom and laundry room sinks, bathtubs, showers and laundry machines.

The law comes as the state of Colorado forecasts a shortage of more than 3 million acre-feet of Colorado River water by 2060. An acre foot equals 326,000 gallons, enough to supply 2.5 households for one year.

The new law lets cities, towns and counties decide whether to approve graywater use in residential and commercial settings.

"This new law helps to address the problem of how we are going to provide water for Colorado's growing population," Fischer said in a statement.

The bill had support from the Northern Colorado Water Conservancy District, the state's largest water wholesaler, because it promotes water efficiency.

Read more at: http://www.ncbr.com/article/20130517/NEWS/130519915&source=RSS

Disposition of Entry:

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

Comments/Note to staff:
Summary: In 2013, Connecticut became the first state to pass comprehensive legislation requiring manufacturers to establish a program to manage unwanted mattresses with a recycling program. The law will assess a fee at the point of new mattress sales (with the exception of those for cribs and bassinettes) to finance the program. Retailers will transfer this money to the mattress manufacturers who will use it to pay for transportation and recycling of unwanted mattresses and the state will not administer the program or control the funds collected. However, mattress manufacturers are required to submit a recovery plan to the state Department of Energy & Environmental Protection (DEEP) by July 1, 2014. Further, the amount of the fee itself will be determined by a non-profit council of mattress manufacturers that must go through an auditing and approval process by the DEEP.

Status: Signed into law in May 2013.

Comment: From a May 2013 AP article in the Boston Globe:

A bill that would create a recycling program for old mattresses is moving through the Connecticut General Assembly.

The House of Representatives passed legislation Thursday, 117-21, creating a nonprofit council of mattress producers that would develop a plan for managing discarded mattresses. Foam, metal, cotton and wood inside mattresses is considered highly recyclable.

Ansonia Rep. Linda Gentile said more than 350,000 mattresses are discarded each year in Connecticut. It costs municipalities more than $1.3 million to dispose of them, often in landfills.

Gentile said she expects an $8-to-$12 fee would be charged to consumers to pay for the program. But lawmakers amended the bill, allowing the new council to devise a financial incentive program for consumers, similar to rebates for returnable bottles and cans. Read more: http://www.boston.com/news/local/connecticut/2013/05/02/conn-bill-creates-mattress-recycling-program/f4ynlmmkGkqSNvqJJxKShl/story.html

Disposition of Entry:

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

Comments/Note to staff:
Contractor Cost Recovery for Environmental Protests  
**Oregon**

**Bill/Act:** [HB 2596](#)

**Summary:** The bill allows private contractors with the state Department of Forestry to bring a right of action for the amount of actual damages plus $10,000 against any person that, while on state forestland or an access road, intentionally commits an act that hinders, impairs or obstructs or is an attempt to hinder, impair or obstruct, the performance of the forest practice by the private entity. In addition, courts are directed to award successful plaintiffs reasonable attorney fees and costs.

**Status:** Signed into law in July 2013.

**Comment:** From an April 2013 article in the Oregonian:

"With talk about "environmental terrorism," the Oregon House approved two bills Monday that target tree sitters and other environmental activists who interfere with logging in state forests. House Bill 2595, which passed 43-12, would create the crime of interference with state forestland management. House Bill 2596, which passed 51-4, would allow private contractors with the Oregon Department of Forestry to sue environmental protestors for the cost of damaged equipment, employee wages, attorney fees and similar costs.

The legislation comes amid divisive efforts to increase logging in Elliott State Forest near Reedsport and proposals to increase logging in federal forest lands. Environmental activists affiliated with Cascadia Forest Defenders and Cascadia Earth First! staged protests at Elliott State Forest in recent years and at the Oregon State Capitol in May and June 2012, which led to arrests.

"They are known to overturn their vehicles on roads, chain themselves to trees, chain themselves to equipment, damage equipment, dig ditches in the roads, drive spikes in trees to cause injuries to workers, among other dangerous acts," said Rep. Wayne Krieger, R-Gold Beach, who carried both bills. "This type of conduct cannot and should not be tolerated."…

"Krieger also cited protests at a State Land Board meeting in 2011 and sit-ins in the offices of Secretary of State Kate Brown and Treasurer Ted Wheeler in June 2012, when protestors locked themselves together. One protestor also urinated on the carpet in the offices of the treasurer, and protestors howled and made animal noises, Wheeler's spokesman said. State police arrested six protestors.

The bills passed despite concerns from environmental activists and the American Civil Liberties Union of Oregon that they would infringe upon free speech rights of environmental protestors. Activists can already be prosecuted for disorderly conduct, trespass, property damage and criminal mischief, said Becky Straus, legislative director of ACLU of Oregon.” Read more: [http://www.oregonlive.com/politics/index.ssf/2013/04/citing_environmental_terrorism.html](http://www.oregonlive.com/politics/index.ssf/2013/04/citing_environmental_terrorism.html)
Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill would establish a water conservation advisory council and would direct the Texas Water Development Board (TWDB) to appoint 23 members, representing diverse industry, governmental, municipal, and non-governmental organizations that would:

- monitor trends in the implementation of water conservation;
- monitor new technologies for possible inclusion in the best management practices guide developed by the water conservation implementation task force;
- monitor the effectiveness of a statewide water conservation awareness program created under the bill;
- develop a state water management resource library;
- implement a public water conservation recognition program;
- monitor the implementation of water conservation strategies by users in regional water plans; and
- monitor water conservation guidelines for state implementation.

Every even numbered year, the Board would be tasked with submitting a water conservation awareness program, a water conservation plan, and a water conservation plan review to the Governor and legislature. Further, the legislation set in motion the authoritative body for reviewing water conservation and reservoir projects passed in a separate bill that will divert $2 billion from the state’s rainy day fund to deal with historic drought problems and projected future growth.

Status: Signed into law in May 2013.

Comment: From a May 2013 article in Reuters:

The measure, which was overwhelmingly approved by the Legislature, sets up a system for Texas to provide loans for projects such as reservoirs, wells and conservation efforts. Lawmakers passed a separate proposal to draw $2 billion from the state's rainy-day fund to help finance the loans.

Texas voters will be asked this fall to approve the creation of the water fund.

"This is making history," Perry told reporters at a ceremonial bill-signing event at the state Capitol. "We're securing the future of our great state by making sure that Texas has the water it needs for decades to come."

The fund will pay for up to $30 billion in water projects over 50 years, Perry said. In that time, the fast-growing state's population is projected to grow from 26 million to more than 50 million people, Lieutenant Governor David Dewhurst said.
For the past two years, at least half of Texas has been in drought, said state climatologist John Nielsen-Gammon. In 2011, the state experienced its driest year on record, according to the National Weather Service. Cities such as San Angelo in West Texas have imposed emergency restrictions on water use.

"We have all seen the devastating effects that severe drought can have on our farms, on our communities and really on our entire economy," said House Speaker Joe Straus, who said the measure was a priority for the chamber.

The governor, who has traveled to states such as Illinois and California to recruit businesses, said that business leaders tell him they love Texas' tax structure.

"Then they ask: 'What are you going to do about water?'' he said. This legislation, he said, "soundly answers that question."

Texas' biennial legislative session, which began in January, ended on Monday, but the governor called lawmakers back for a special session to address redistricting. Read more: http://www.reuters.com/article/2013/05/28/us-usa-texas-water-idUSBRE94R0ZF20130528

Disposition of Entry:

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

Comments/Note to staff:
Summary: Supporters of the bipartisan legislation tout it as the nation’s toughest laws governing the process of hydraulic fracturing to extract oil and natural gas from shale formations. Although many states have passed chemical disclosure rules on fracking fluids used in the drilling process, Illinois is the first to require that the specific chemicals used both before and after fracking occurs be disclosed. Further, it is the first to require water testing throughout the entire well stimulation process. Among the many regulations in the new bill:

- Producers will be required to register with the Department of Natural Resources and disclose past violations in other states and proof of $5 million in insurance to cover injuries, damages or loss related to pollution.
- Operators may apply for a permit to begin operations 30 days after registration by paying a nonrefundable fee of $13,500. The permit application must disclose how and where the well will be drilled, the amount of fluid to be used and at what pressure; chemicals used and concentration; and plans for everything from management to water withdrawal, well safety, traffic and waste containment.
- Within five days of receipt, the department must post a copy of the permit application on its website and provide the dates for the public to comment on the application. The department has 60 days to approve or reject the application.
- Applicants must mail notification to property owners within 1,500 feet of a proposed well and inform affected counties and municipalities.
- Seven days after the Department of Natural Resources receives a permit application the public will be given 30 days to comment.
- Before fracking begins, drillers must conduct baseline water quality sampling within 1,500 feet of a well for the presence of radioactivity, hydrocarbons and other contaminants that could be attributed to fracking. If those contaminants are found in water that tested clean before fracking, drillers are presumed to have caused the contamination.
- People who suspect fracking has polluted their supply can request an investigation. The Department of Natural Resources has 30 days to initiate an investigation and 180 days to reach a determination.

Status: Signed into law in June 2013.

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Comment: From an article in the Chicago Tribune covering the Governor’s signing ceremony:

Gov. Pat Quinn today signed sweeping legislation to regulate horizontal hydraulic fracturing, better known as "fracking." The move, which was expected, adds a bevy of restrictions and protections to an industry that while legal, was largely unregulated.

Legislators, who overwhelmingly supported the bill, say they hope the new regulations will encourage the oil and gas industry to invest in Illinois, bringing jobs. Many oil and gas
companies have held off on investing in drilling operations pending the outcome of proposed regulations.

"It's about jobs, and it's about ensuring that our natural resources are protected for future generations," Quinn said. "I applaud the many environmental advocates and representatives from government, labor and industry who worked with us to make Illinois a national model for transparency, environmental safety and economic development."

The legislation calls for oil and gas drillers to be subject to one of the toughest disclosure laws in the country. It also gives individuals the opportunity to appeal permits and launch lawsuits when they suspect the law has been skirted.

"We know high-volume fracking is already underway in Illinois, and this legislation is needed more than ever to protect the environment while allowing for job creation and economic growth not just in downstate communities but throughout Illinois," said State Sen. Michael Frerichs (D-Champaign), who sponsored the legislation along with Rep. John Bradley (D-Marion).

Environmental groups helped hash out the law, which places most of the responsibility for enforcing the law with the Illinois Department of Natural Resources, together the Illinois Environmental Protection Agency.

Environmental groups said they would have preferred a moratorium on fracking over concerns about the impact a potential oil boom could have on the environment and public health but said there wasn't enough political support for the move. The method for releasing oil and natural gas involves pumping massive amounts of pressurized water, sand and chemicals below ground.

"While our community still has concerns about the environmental impacts of this new technology, it is essential for these tough restrictions to become law to protect our communities," said Jen Walling, executive director of the Illinois Environmental Council, who called the law "the most comprehensive environmental regulatory bill in the country on hydraulic fracturing."


Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation would expand the state's underlying renewable power requirement to allow large-scale hydroelectric power to qualify under the standard when wind and solar are not available, in addition to expanding the ability of the state to enter into long-term contracts with renewable energy providers. The state’s renewable portfolio standard, first passed in 1998, requires each electric supplier and each electric distribution company to meet at least 20% of its power demand by using "Class I" renewable energy (solar power, wind power, a fuel cell, methane gas from landfills, etc.) by January 1, 2020. The bill would allow large-scale hydroelectric power, for the first time, to be counted towards meeting the requirements of the state’s 20% Class I renewables mandate.

Status: Signed into law in June 2013.

Comment: From a May 2013 article in the Hartford Courant after Senate passage:

The state Senate on Wednesday approved a renewable energy bill that would increase the percentage of electricity that must come from clean sources, such as solar and wind.

But environmentalists said provisions of the bill could benefit giant power companies such as Northeast Utilities and hurt development of new energy sources.

The vote on Senate Bill 1138 was 26-6. It now goes to the House for consideration.

Proponents of the bill, including the Malloy administration and its commissioner of the Department of Energy and Environmental Protection, Dan Esty, said the measure promotes expansion of new solar, wind and other renewable energy sources.

At the same time, they say, it maintains the option of using large-scale hydroelectric power to pressure producers of those newer energy sources to keep their prices down.

The bill means "cheaper, cleaner and more reliable energy," said Sen. Bob Duff, D-Norwalk, co-chairman of the legislature's energy and technology committee, at the outset of Wednesday's Senate debate.

But critics said the bill is flawed.

"It's very disappointing," Christopher Phelps, director of Environment Connecticut, said after the vote. "Passage of this bill would make Connecticut the first state to walk backwards from its commitment to renewable energy."
"There's a push to rush this through, and there has been from the very beginning," Phelps said. "This is … a very fast process toward rolling back our renewable energy commitment. … I saw lobbyists for Northeast Utilities today working very hard … to pass this bill.

"This legislation was opposed by environmental advocates, consumer advocates, clean energy businesses, dirty energy businesses," Phelps said. "Literally, the only … interest group that supports it is Northeast Utilities and the Canadian utility they want to buy power from."

He was referring to Hydro-Quebec, which would fund construction of the controversial Northern Pass transmission line that NU wants to build through New Hampshire that would increase availability of Canadian hydroelectric power in Connecticut.

The hydroelectric option in Senate Bill 1138 could increase the prospects of its construction, environmentalists say.

Phelps said the bill contains one good idea: it allows DEEP to enter into long-term contracts with renewable energy providers.

"The bill takes one step forward and four or five steps backward," he said.

The bill would require power companies to obtain an increasing percentage of their energy from renewable sources, such as solar and wind, in coming years, topping off at 20 percent in 2020.


Disposition of Entry:

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

Comments/Note to staff:
03-35A-03 Net Metering Review  California
Bill/Act: AB 2514

Summary: The bill requires the state Public Utilities Commission (PUC) to complete a study on the cost of net energy metering to ratepayers. Specifically, this bill:

- Requires PUC to complete a study by June 30, 2013, to determine the extent to which each class of ratepayers and each region of the state receiving service under the net energy metering tariff is paying the full cost of the services provided to them by the investor owned utilities.
- Requires PUC to report on the extent to which customers receiving net metering pay their share of the costs of public purpose programs, and the benefits of net energy metering.
- Requires PUC to report the results of the study to the legislature within 30 days of its completion.

Status: Signed into law in September 2012.

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Comment: From a 2012 staff analysis by the California General Assembly:

“Under net-metering, the electric utility is required to "buy back" all electricity generated by a customer-owned generator that is not consumed by the customer on-site. The price is set by the applicable retail rate under the customer’s existing contract. When the customer generates electricity, he/she uses most of it for his or her own facility. At the end of each 12-month NEM period, the electric corporation calculates the amount of electricity distributed to the grid by the customer and reduces the customer's annual bill by the amount of electricity generated by the customer. If the customer consumes more electricity than their facility generates the utility calculates a bill based on the net consumption of utility delivered kilowatt-hours.

This NEM statute allows the credit at the customer's retail price - a price that is much higher than the generation costs because the retail price includes non-generation charges, including but not limited to transmission and distribution service, the California Rates for Energy (CARE) subsidy, public good charges, and service charges for billing and customer service. (Note that transmission and distribution service charges include, among other things funding for PUC and California Independent System Operator (CAISO), and utility return on investment.) If the customer-generator is being paid the retail price, the non-generation costs are shifted to the utilities' other ratepayers.”

http://leginfo.legislature.ca.gov/faces/billStatusClient.xhtml

From a July 2012 story on Los Angeles public television KCET:

California Assembly member Nancy Skinner, a strong advocate for renewable energy in the California Legislature, told a group of solar industry executives yesterday that the energy industry is mobilizing to fight renewables in Sacramento. According to Recharge correspondent Benjamin Romano, who observed the conversation in the hallways of this week's Intersolar North America conference in San Francisco, Skinner spoke bluntly about the power companies’ attempts to obstruct renewables in California.
"We are experiencing a very big push-back, from the utilities, from various companies," "It's sort of like, 'Oh, you've given those renewable people too much,'" Skinner said.

"Now we are experiencing a very big push-back, from the utilities, from various companies," Skinner continued. "There's really a huge onslaught right now in Sacramento which is anti-solar, anti-renewable energy.... The legislature right now is getting a bit shaky because they're hearing so strongly from voices that will benefit far more from sticking with dinosaurs."

InterSolar North America, a conference of solar industry representatives, wrapped up yesterday in San Francisco.

Skinner, who represents California's 14th Assembly District in the East San Francisco Bay Area, has written a number of bills promoting renewable energy development in California, including 2010's AB 510, which doubled the state's net metering program. That program is one area in which the utilities have "pushed back." In May of this year the California Public Utilities Commission (CPUC) clarified its interpretation of AB 510, in effect doubling the number of possible new net metering accounts, a huge incentive for property owners to install small-scale solar. Utilities were outraged, and attempted an end-run around the CPUC by sponsoring legislation that would establish a far stricter net metering policy.


Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation prohibits silica sand mining, a key component used in the process of hydraulic fracturing, within one mile of trout streams unless the state department of natural resources issues a permit. Before the agency can issue a permit it must require the project proposer to do a hydrogeologic evaluation (movement of groundwater in the soil and rocks) and collect any other information necessary to assess potential impacts to those features. The agency must also identify appropriate setbacks from designated trout streams, springs, and other hydrogeologic features (such as water tables) and any other restrictions necessary to protect trout stream water quantity, quality, and habitat. The current agency commissioner has publicly stated support for a one mile exclusion zone near (setback from) trout streams and springs, as well as a prohibition against mining within 25 feet of the groundwater table.

Status: Signed into law in May 2013.

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Comment: From a May 2013 Minnesota Public Radio News story:

"The lawmaker who has pushed this year for tougher state regulation of the frac sand mining industry said DFL legislative leaders have reached a compromise on the legislation.

Lawmakers agreed Tuesday to create a new Department of Natural Resources permit for companies hoping to mine silica sand in certain sensitive areas in southeastern Minnesota, said Sen. Matt Schmit, DFL-Red Wing. Schmit said the regulations will be part of the spending bill that covers natural resources, the environment and agriculture.

Schmit and DNR Commissioner Tom Landwehr had been pushing to prohibit sand mining within one mile of a trout stream or spring in the "Paleozoic Plateau Ecological Section" of the state, which includes Dakota, Goodhue, Houston, Fillmore, Olmsted, Wabasha and Winona counties. The compromise expected to gain conference committee approval would instead require a hydrological study and DNR permit for any mine within a mile of a trout stream but not springs, Schmit said.

"What this gives us is stricter scrutiny in the most sensitive regions of southeastern Minnesota," Schmit said. "If that study proves that mining will have no or limited impact on our waters, then we can move forward with the DNR permit, so I think this is a good compromise. I do think it gives notice that the areas around our trout streams are going to be watched very closely and creates an incentive for mining to take place elsewhere."

Schmit and DNR officials have pointed to geological maps showing plenty of silica sand deposits located more than a mile from trout streams. An MPR News analysis of proposed mining sites in southeastern Minnesota found that at least 10 of them were located within a mile of a trout stream or spring."
HELP FOR LOCAL GOVERNMENTS

Besides the new permit requirement for some mines, Schmit said the bill also includes language setting up a technical advisory team that would create model ordinances for local governments overseeing mining proposals. The legislation also would give the DNR, Minnesota Department of Health and the Minnesota Pollution Control Agency rulemaking authority for permits related to sand mining and would allow local governments to extend local moratoria on sand mining by up to two years. Schmit said he expects all of those provisions to make it into the bill Gov. Mark Dayton signs.

"We've gotten a lot accomplished this session. It's not exactly what we proposed, but as I've maintained from day one, I'm not married to any particular provision as long as in the end we get it right," he said. "We fought as hard as we could for what we thought was right, and I think the package we're leaving with is a pretty strong one."

A proposal to protect drinking water sources and require sand piles to be covered is also part of the overall frac sand regulation package, said Rep. Rick Hansen, DFL-South St. Paul.

INDUSTRY PLEASED WITH COMPROMISE

The Minnesota Industrial Sand Council is pleased with the compromise, said Dennis Egan, the group's executive director. He said the water flow studies will show which mines should not be built, and he said the industry has agreed to pay for the studies on mines close to trout streams.

"But let's not blanketly put down legislation and criteria that automatically from the outset takes it beyond the realm of possibility," he said.

Read more: http://minnesota.publicradio.org/display/web/2013/05/14/politics/fecal-sand-mining-deal

Disposition of Entry:

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

Comments/Note to staff:
Summary: The Joint Resolution makes permanent the Oklahoma Construction Industries Board’s rule that all home inspectors must make a written notation if they see yellow Corrugated Stainless Steel Tubing (CSST) during the course of their inspection. The home inspector is required to notify the homeowner in writing that only a licensed electrical contractor can determine if the yellow CSST is properly bonded and grounded per the current National Fuel Gas Code and as required by the manufacturer’s installation instructions. Bonding is provided primarily to prevent a possible electric shock to people who come in contact with the gas piping and other metal objects connected to the grounding system.

Status: Became law in May 2013.

Comment: From a 2012 announcement by the National Association of State Fire Marshals of its CSST awareness campaign:

“NASFM has launched a nationwide safety campaign to bring awareness to homeowners on the importance of proper bonding of yellow corrugated stainless steel tubing (CSST) due to potential damage risks associated with lightning. Yellow CSST is flexible metal gas tubing which has been installed in over 6 million homes in the U.S. since the early 1990s and is used to supply natural gas or propane to furnaces, water heaters, and other gas appliances.

…

Direct or indirect lightning strikes on or near a structure have been shown to cause an electrical surge to travel into the structure and have in some cases caused a perforation in the sidewall of the tubing as the energy arcs from one metallic system to another seeking ground. This arcing can ignite the pressurized gas leaking from the perforation, and in some cases, has caused a significant fire.

In the last few years, the manufacturer's instructions and national building codes have changed with respect to requirements for bonding and grounding CSST in new installations. As this is a safety improvement, NASFM is working to bring awareness to existing homeowners who may already have CSST installed, so they have the opportunity to have their structures inspected and upgraded to the new specifications.”


Disposition of Entry:

SSL Committee Meeting: 2014 A
( ) Include in Volume
( ) Defer consideration:
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
05-35A-02 Student Athletes Heat Acclimatization Guidelines  Maryland

Bill/Act: HB 1080

Summary: Requires the State Department of Education, in collaboration with certain organizations and health care providers, to develop a model policy for preseason–practice heat acclimatization guidelines for student athletes. Local boards of education would be required to adopt preseason practice heat acclimatization guidelines for student athletes. The guidelines must also include requirements for the duration of a practice time, a walk–through, and a recovery period during preseason practice.

Status: Became law in May 2012

Comment: Below is a link to an example of the new heat acclimation guidelines being used in Maryland public schools in accordance with state law that were created through a collaborative effort of representatives from the Maryland State Department of Education (MSDE), Department of Health and Mental Hygiene (DHMH), local school systems, Maryland Public Secondary Schools Athletic Association (MPSSAA), Maryland Athletic Trainers Association (MATA) and licensed physicians who treat student-athletes.


Disposition of Entry:

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

Comments/Note to staff:
Summary: The Zackery Lystedt Law was the first bill that required medical clearance of youth athletes suspected of sustaining a concussion, before sending them back in the game, practice or training. At the time, it was considered by its proponents as the most comprehensive return-to-play law for student-athletes under the age of 18. Among the key provisions of the law:

- Youth athletes who are suspected of sustaining a concussion or head injury must be removed from play. "When in doubt, sit them out"
- School districts must work with the Washington Interscholastic Activities Association (WIAA) to develop information and policies on educating coaches, youth athletes and parents about the nature and risk of concussion, including the dangers of returning to practice or competition after a concussion or head injury.
- All student athletes and their parents/guardians must sign an information sheet about concussion and head injury prior to the youth athlete's initiating practice at the start of each season.
- Youth athletes who have been removed from play must receive written medical clearance prior to returning to play from a licensed health-care provider trained in the evaluation and management of concussion.
- Private, nonprofit youth sports associations that wish to use publicly owned playfields comply with this law.

Status: Became law in May 2009

Comment: More than 3.5 million sports-and-related concussions occur each year in the United States, according to the Center for Disease Control and Prevention. From an August 2012 story published by the NFL:

“The law is named for Zackery Lystedt who, in 2006, suffered a brain injury following his return to a middle school football game after sustaining a concussion. Zackery, his family and a broad range of medical, business and community partners lobbied the Washington state legislature for a law to protect young athletes in all sports from returning to play too soon.

Since the passage of the law in May 2009, several other states have passed similar laws protecting youth athletes. NFL Commissioner Roger Goodell sent a letter to 44 governors of states urging them to pass a law similar to the Lystedt Law. On January 11, 2012, Commissioner Goodell and NCAA President Mark Emmert sent letters to 19 governors, charging them to protect youth athletes in their state through the passage of legislation. In the letters, Commissioner Goodell stated his belief that sports and political leaders can help raise awareness of concussions while ensuring proper and effective treatment.”


Disposition of Entry:
SSL Committee Meeting: 2015 A
( ) Include in Volume
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( ) Reject

Comments/Note to staff:
Summary: Among the bills many provisions, it prohibits a school authority from allowing a student to practice for or compete in interscholastic athletics until the student has submitted a signed form stating that the student and the student's parent or other guardian have received a concussion and head injury information sheet created by the Department of Health. It requires a youth sports organization to provide to the parent or other guardian of an individual who wishes to practice for or compete in an athletic activity the Department's concussion and head injury information sheet. Both coaches and referees can pull a student-athlete out of a practice or game if he or she exhibits signs or symptoms of a concussion, and that player can't return to play that day. Ohio's law also requires all coaches and referees to complete a concussion training program at least once every three years.

A physician must provide written clearance for an athlete to return to play. A school district or youth sports organization may also authorize a licensed health care provider who is not a physician to make an assessment or grant clearance to return to play if the provider is acting in accordance with one of the following:

- In consultation with a physician;
- Pursuant to the referral of a physician;
- In collaboration with a physician;
- Under the supervision of a physician

In addition, Ohio's law goes above and beyond the traditional Lystedt Law by extending past school sports into youth-sports organizations, such as Pop Warner or Little League.

Status: Was signed into law December 2012.

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Comment: From an April 2013 story from a Local Cleveland ABC news affiliate:

“On Friday, April 26th, Ohio' Return to Play law goes into effect. It calls for stricter regulations to protect the most important part of a student athlete's body, the brain.

The law has several components. First, before student athletes can practice or compete, they and their parents need to sign a form about concussions from Ohio's Department of Health. It explains the signs and symptoms of concussions and head injuries.

The law also requires a coach or referee to remove a student from practice or a game if they're showing symptoms of a concussion.

It says an athlete won't be allowed to play in a game on the same day they're removed from the field. Also, students with concussions must be cleared by a doctor before they return to play.
Finally, the law calls for new training requirements for coaches and referees. They will now be required to take an online course on concussions every three years.

Coaches of interscholastic sports must have a Pupil Activity Permit and complete the online course. Referees have the option of doing either one for school based athletics.

Ohio’s Return to Play law doesn’t just apply to school sports, however. Coaches and refs for any youth sports organization need to either hold a Pupil Activity Permit or complete the online concussion course.


For a link to the frequently asked questions document on the law published by the Ohio Department of Health: [http://www.healthyohioprogram.org/~media/HealthyOhio/ASSETS/Files/injury%20prevention/concussion/Frequently%20Asked%20Questions%20Updated%205%2030%2013.ashx](http://www.healthyohioprogram.org/~media/HealthyOhio/ASSETS/Files/injury%20prevention/concussion/Frequently%20Asked%20Questions%20Updated%205%2030%2013.ashx)

Disposition of Entry:

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

Comments/Note to staff:
Summary: Connecticut became the first state in the country to require the labeling of genetically modified organisms in food. For the state to legally require companies to label GMOs four other states, with one bordering Connecticut, must pass similar legislation. Furthermore, a group of northeastern states with an aggregate population of 20 million must pass comparable legislation. Northeastern states eligible for the requirement include Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania.

Status: Signed into law in June 2013.

Comment: From a June 2013 article in the Weston Forum:

The Connecticut General Assembly is the first state legislature in the country to pass a law requiring the labeling of foods containing genetically modified organisms, or GMOs.

GMOs are introduced into the genetic code of certain crops to promote particular characteristics, such as a resistance to certain pesticides.

The bill was prompted by a national debate regarding the potential health effects of ingesting GMOs, according to state Rep. John Shaban (R-135).

Mr. Shaban, who represents Weston, Easton and part of Redding, was a member of the GMO Task Force last year, and, as ranking member of the environment committee, was the lead Republican on the negotiation to create a bill that was acceptable to both houses of the legislature and the governor’s office.

“The bill makes Connecticut the leader on this effort, and should create the spark needed to effect a regional or national labeling model driven by both government and market participants,” Mr. Shaban said in a press release.

Advocates and lawmakers hailed the legislation as a triumph for citizens concerned about their health and what they’re eating.

…

Fairfield resident Tara Cook-Littman, founder of GMO Free CT, advocated for the labeling laws and said she was grateful the House, Senate and Gov. Dannel Malloy reached an agreement. The law “is historic and Connecticut will now set the standard for states around the country to follow,” she said.

Caveats

However, there are several caveats that must happen before GMO labeling becomes a requirement in the Nutmeg State. Four other northeastern states need to pass similar labeling
laws, and one of those states needs to border Connecticut. The combined population of these states needs to be at least 20 million. Labeling would become law on Oct. 1 of the year that four states also enact similar laws.

Mr. Malloy said the bill “strikes an important balance by ensuring the consumers’ right to know what is in their food while shielding our small businesses from liability that could leave them at a competitive disadvantage.”

…

The law excludes alcohol from being labeled, along with food bought at a farmers’ market and unpacked foods intended for immediate consumption. It also prevents GMO foods from being labeled as “natural.”

Read more: http://www.thewestonforum.com/11414/connecticut-is-first-state-to-pass-gmo-labeling-law/

Mandatory labeling of GMOs has sparked significant controversy. Last fall, the American Association for the Advancement of Science – the nation’s largest science organization and publisher of Science magazine – said legal mandates to label GMO foods would “mislead and falsely alarm consumers.” From an October 2012 statement by the organization:

“Foods containing ingredients from genetically modified (GM) crops pose no greater risk than the same foods made from crops modified by conventional plant breeding techniques, the AAAS Board of Directors has concluded. Legally mandating labels on GM foods could therefore “mislead and falsely alarm consumers,” the Board said in a statement approved 20 October.

In releasing the Board’s statement, AAAS noted that it is important to distinguish between labeling intended to protect public health—about the presence of allergens, for example—and optional labeling that aids consumer decision-making, such as “kosher” or “USDA organic,” which reflects verifiable and certifiable standards about production and handling.

Several current efforts to require labeling of GM foods are not being driven by any credible scientific evidence that these foods are dangerous, AAAS said. Rather, GM labeling initiatives are being advanced by “the persistent perception that such foods are somehow ‘unnatural,’” as well as efforts to gain competitive advantages within the marketplace, and the false belief that GM crops are untested.” http://www.aaas.org/news/releases/2012/1025gm_statement.shtml

Disposition of Entry:

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

Comments/Note to staff:
Cybersecurity Investment Incentive Tax Credit

Maryland

Bill/Act: Chapter 390 (HB 803)

Summary: This bill is designed to help cyber-security companies by providing certain tax breaks to help attract businesses and professional talent. Proponents of the legislation have stated the overall goal is to make the state a cyber-security industry leader and harness the potential capabilities of the ever-expanding role technology is having in daily lives.

Status: Became law in May 2013.

Comment: From two Maryland Business News Articles before and after the Governor signed the legislation:

During the debate over the final bill many investors urged the need to make the incentives the same for everyone. Mark McGovern of Mobile System 7 argued, “Having all of your investors incentivized the same way is important…There’s actually a weirdness that could come out if you had one set of investors getting an incentive that wasn’t available to the others… You don’t want to create an unfair balance there,”

After the signing:

Maryland Department of Business and Enterprise Development secretary Dominick Murray said, “Cyber-security is one of our strengths and you always capitalize on your strengths…Maryland will be able to participate in protecting our nation and our state…We’re encouraging worldwide investment.” Read more at:

http://mdbiznews.choosemaryland.org/2013/03/29/experts-changes-to-maryland-cybersecurity-bill-could-jeopardize-investment/

http://mdbiznews.choosemaryland.org/2013/05/03/governor-omalley-signs-cybersecurity-tax-credit-investmaryland-bills/

Disposition of Entry:

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

Comments/Note to staff:
08-35A-02 Economic Development Tax Credit Accountability     Rhode Island
Bill/Act: S 0734B (H 6066B)

Summary: This bill requires a systematic approach to evaluating the cost-benefit of major tax incentives given to various businesses and industries. The evaluation will look at such things as the number of aggregate jobs and amount of taxable revenue generated from employees and employers. Finally this bill directs the budget commission evaluating each tax break to either recommend termination, modification, or keeping it as is.

Status: Became law in July 2013

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Comment: From the news release upon the signing of the bill.

One of the senate sponsors of the bill, Daniel La Ponte said, “This bill not only inserts more accountability in our budget and policymaking processes, but also ensures that state dollars are being channeled into incentives that are actually working to the taxpayers’ advantage.”

Similarly one of the House sponsors of the bill, Teresa Tanzi said, “All states rely on incentives…Rhode Island should be mindful of all the variables at play…and provide all the necessary information so that we can all make informed decisions together.” Find more at:

http://webserver.rilin.state.ri.us/News/pr1.asp?prid=9589

Disposition of Entry:

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

Comments/Note to staff:
Summary: In May 2013, Vermont enacted what observers believe is the first state anti-patent “troll” legislation in the country. Though the law still provides for legitimate claims of patent infringement in accordance with federal law, it will, however, require more detailed allegations in licensing demand letters and it increases the potential cost of making a baseless claim. Under the new law, demand letters must include detailed information about how the Vermont product, service or technology infringes on an existing patent. The demand letter must also allow for a reasonable amount of time for the licensing fee to be paid. The penalty for a bad faith claim is a bond equal to the cost of litigating the claim for the Vermont company. Violators risk being brought into court in violation of state law and the attorney general can also file suit against patent trolls who target Vermont companies without legitimate claims.

Status: Signed into law in May 2013.

Comment: From a May 2013 article in CNN/Money:

“Vermont, a patent-rich state, is cracking down on so-called "patent trolling," a growing problem for entrepreneurs nationwide.

Patent trolls, experts say, typically snap up patents in droves. Their goal isn't to create products themselves, but to make money by pursuing dubious infringement claims against businesses that supposedly encroach on their patents. They threaten businesses with huge lawsuits if licensing fees aren't paid immediately, often without including even basic facts about the patent in question so businesses can look into the claims.

Now Vermont is fighting back.

On Wednesday, it passed a new law to protect businesses from bad-faith claims of patent infringement. Under the law, purported patent trolls can be sued by businesses that say they've been victimized, their customers or the state attorney general. Defendants who lose could be forced to pay all the victims' legal fees and damages of up to $150,000.

Patent trolls have become a significant problem in Vermont, said Betsy Bishop, president of the state's chamber of commerce. The state is among the top generators of patents per capita, and it's imperative that its robust startup community be safeguarded, she said.

"Vermont is forging ahead in technology innovation, biotech and bioscience," she said. "This law will help protect our industries and new businesses."

Not all patent infringement litigation is "abusive," said a U.S. Patent and Trademark Office spokesperson. But the agency supports efforts to ensure that the patent system is not taken
advantage of in a way that "stifles innovation and harms competition and consumers," the spokesperson said.”

Read more at: http://money.cnn.com/2013/05/24/smallbusiness/patent-trolls/index.html

Disposition of Entry:

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

Comments/Note to staff:
09-35A-02 Removal of ATM Fee Caps

Bill/Act: SF 82

Summary: Wyoming is the only state that caps ATM fees by law. The purpose of this bill is to overturn that law and allow charge fees to be set by the free market. The bill’s sponsors believe that the $2 dollar limit is unfairly hurting small banks and business and that small increases in the fees will easily absorbed as prices rise over time for goods and services. By contrast, opponents fear that removing the cap will lead to gouging and believe that small banks are profitable enough.

Status: Became law in March 2012

Comment: From the Caspar-Star Tribune

State Senator Bruce Burns, one of the bill sponsors, said, “ATM cap is unfair to state banks and local ATM owners because nationally chartered banks have been exempt from the ATM fee limit under federal law…many mom-and-pop businesses in Wyoming operate ATMs at a loss, as the $2 fee doesn’t cover the costs of stocking and maintaining the machine.”

On the other side Representative Jim Bryd was skeptical and feared potential gouging if the ATM fees were dropped. He said, “ATM owners already make huge profits from the machines and lifting the cap would open the door to even more profits — especially in small towns where there might not be any ATMs around for miles.” He added, “If you’re in some Podunk place in Wyoming, and your car breaks down, you don’t have any other options. The free market needs fences.” Read more at:


Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation allows cities with more than 25,000 people to create designated entertainment districts where alcohol can be served outside and carried in the street. It also creates a new category for beverage retail licenses, issued by the Alabama Alcoholic Beverage Control Board, for the sale of alcoholic beverages within the entertainment districts established by each city.

Status: Became law in May 2012

Comment: Proponents of the legislation view the bill as an economic development tool to help cities generate entertainment options and profits. From a 2012 issue brief by the Alabama Retail Association:

On a vote of 14-10 Thursday, the Alabama Senate sent HB 20 by Rep. James Buskey, D-Mobile, to the governor. The bill allows certain cities to create entertainment districts where patrons can walk from establishment to establishment with open containers. It applies to cities with populations of more than 25,000 or with an incorporated arts council, main street program or downtown development entity. Sen. Vivian Davis Figures, D-Mobile, handled the bill in the Senate for Reps. Buskey and Rep. Terri Collins, R-Decatur. Decatur and Mobile downtown development groups endorsed the legislation, Figures told senators.

Class 1 cities, those with populations of 300,000 or more, can have up to five entertainment districts under the bill. Cities with between 25,000 and 299,999 people are limited to the possibility of two entertainment districts. Any district created would have to be approved by the local government. The districts must have a minimum of four establishments with liquor licenses nearby and can be as large as a half mile long and a half mile wide. Read more: http://www.alabamaretail.org/uploadedFiles/xARA_New_Site/Political_Affairs/Newsletter_Archive_List_Pages/20120511CRR-Web.html

Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill amends state law to offer Powerball games (in addition to Lotto and Mega Millions) through an Internet pilot program. It directs the net revenue from the sale of Powerball tickets on the Internet to be deposited into the “State Financial Recovery Fund”, a special fund created in the State treasury to be used by the Comptroller for the sole purpose of payment of bills or invoices from a vendor for goods or services furnished to the State that are subject to interest penalties.

Status: Became law in August 2012.

Comment: From a May 2012 article in the St. Louis Post-Dispatch after the legislation passed the House:

Powerball could be the newest lottery game offered online in Illinois, under a measure passed today by the Illinois House.

In March, Illinois became the first state to allow lottery tickets to be purchased online. Currently, only MegaMillions and Lotto can be played online. Under this measure, Powerball would be among the two other online lottery games offered to Illinoians.

David Vite of the Illinois Retail Merchants Association, says he is worried about the impact the additional online lottery game will have on Illinois businesses. However, he supports the bill since it includes a provision creating a year-long study that will keep track of the online lottery sales and will measure the impact it has on Illinois retailers.

"We're very worried, but so far we haven't seen a dramatic change," Vite said. "The provision including the study will give us enough time to learn of the impact this will have."

The bill's sponsor, state Rep. Lou Lang, D-Skokie, said the bill's only purpose is to add an additional game to Illinois' online lottery options.

"We're not reinventing the wheel, it's not a bill gaming bill, it just allows an additional game to be sold online," said the bill's sponsor, state Rep. Lou Lang, D-Skokie.

Just as the sales from MegaMillions and Lotto, revenue from the online sale of Powerball tickets will go into the State Financial Recovery Fund, a special fund created to fund unpaid bills owed by the state.

SB3497 passed 62-47 and will return to the Senate for concurrence.

Disposition of Entry:

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

Comments/Note to staff:
Summary: Hawaii’s new law requires employers to provide at least minimum wage, along with discrimination protections, to “cooks, waiters, butlers, housekeepers and other workers, including babysitters in some cases.” The bill amends state law to allow domestic workers to be eligible for overtime pay, workers compensation and it directs the state department of labor to publish a report on the feasibility of allowing domestic workers to organize under collective bargaining.

Status: Signed into law in July 2013.

Comment: From an AP article covering the Governor’s signing ceremony:

“Gov. Neil Abercrombie signed a domestic workers bill of rights Monday, making Hawaii the second U.S. state to give nannies, housekeepers and others protections on wages and other labor issues.

Abercrombie signed the bill at an afternoon ceremony at the Hawaii Capitol. The legislation was part of a group of bills signed together that address issues including human trafficking, treatment for sexually transmitted diseases, and breastfeeding.

The domestic workers bill makes it illegal to discriminate against workers based on several factors, including race, gender and sexual orientation. It covers cooks, waiters, butlers and others, including some baby sitters. The protections take effect immediately.

The bill had little opposition in the heavily Democratic chambers.

The National Domestic Workers Alliance praised Hawaii for passing the law and is pushing for similar legislation in other states. New York already has passed a similar law, and bills are being considered in California and Illinois.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: This act would establish a state temporary disability insurance program to provide benefits to workers who take time off for a seriously ill child, spouse, parent, parent-in-law, grandparent, domestic partner or to bond with a new child. Beginning January 1, 2014, temporary caregiver benefits for an individual shall be limited to a maximum of four weeks in a benefit year and no individual shall be paid temporary caregiver benefits and temporary disability benefits which together exceed 30 times his or her weekly benefit rate in any benefit year.

Status: Signed into law in July 2013.

Comment: From a supportive press release by AARP:

“With a vote of 53 to 18, the House of Representatives passed the Temporary Caregiver Insurance Bill (HB 5889, SB 231) on Tuesday, bringing Rhode Island one step closer to adopting a paid family leave program, and becoming the third state in the country to offer affordable family leave. Sponsored in the Senate by Senator Gayle Goldin and in the House by Representative Elaine Coderre, the bill cleared the Senate on Thursday, June 27. The amended bill was approved by the Senate and awaits the signature of Governor Lincoln Chafee, who has already expressed his support.

The Temporary Caregiver Insurance (TCI) bill would be the first law of its kind in the U.S. to protect the job security of all employees needing to take leave for a new child or to care for a seriously ill family member or personal illness. The bill will ensure that workers can take up to four weeks of paid leave to be with their families and that their jobs will be protected during that time.

“We commend the Rhode Island state legislature on standing up for Rhode Island’s families by passing Temporary Caregiver Insurance, which will strengthen the foundation of our economy by helping families stay afloat when they need it most,” said Marcia Coné, CEO of the Women’s Fund for Rhode Island. “Our workforce has changed and our economy has changed. Temporary Caregiver Insurance will enable working people to care for their children, their parents, their loved ones, without fear of falling behind on their bills or losing their jobs.”

TCI was supported in the legislature by WE Care for Rhode Island, a broad-based coalition of workers, local business owners, economists, healthcare providers and healthcare and family advocates. Rhode Island’s TCI bill also caught the attention of several national business associations—Main Street Alliance, the American Sustainable Business Council, the Small Business Majority, and the US Women’s Chamber of Commerce—all of which urged the State Legislature to pass it.”

Read more at: http://states.aarp.org/a-landmark-law-for-ri-families/print/
Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill prohibits an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through specified electronic communications devices.

Status: Signed into law in May 2012.

Comment: From a 2012 analysis piece by the Society for Human Resource Professionals:

Under a bill passed by both houses of the Maryland General Assembly, employers in Maryland would be prohibited from demanding from employees and job applicants the usernames, passwords or other means to access personal accounts or services through an electronic communication device (e.g., computer and phone) for social media sites such as Facebook and LinkedIn. The bill, S.B. 433, introduced by Sen. Ronald Young, passed unanimously in the Senate and by a vote of 128-10 in the House. It is awaiting the signature of Gov. Martin O’Malley. It would become effective Oct. 1, 2012.

Under Maryland’s S.B. 433, “employer” means a person engaged in a business, an industry, a profession, a trade or other enterprise in the state; or a unit of state or local government. “Employer” includes “an agent, a representative, and a designee of the employer.” Thus, an employer cannot engage a third party to do what the employer cannot do directly. Covered employers also “may not discharge, discipline or otherwise penalize or threaten to discharge, discipline, or otherwise penalize” an employee or applicant for refusing to disclose any information covered by the law. Further, employers “may not fail or refuse to hire” any applicant because he or she refused to disclose any covered information. Finally, an employer is not prevented from conducting an investigation based on the receipt of information about an employee’s use of a personal web or similar account for business purposes to ensure compliance with applicable securities or financial law or regulatory requirements. Read more:
http://www.shrm.org/LegalIssues/StateandLocalResources/Pages/MarylandtoBanEmployersfrom.aspx

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation prohibits any employer from publishing an advertisement for any job vacancy that includes current employment as a qualification or that the employer will not consider someone currently unemployed.

Status: Signed into law in March 2011.

Comment: From a 2013 by NCSL:

“New Jersey became the first state to pass a law prohibiting discrimination against the unemployed, during their 2011 session. Oregon passed a law in March 2012 and the District of Columbia passed a law in May 2012. The California Legislature enacted a bill in September 2012 but it was vetoed by the Governor. As of July 10, 2013, nine states have introduced bills during the 2013 legislative session.” [http://www.ncsl.org/issues-research/labor/discrimination-against-the-unemployed.aspx]

From a press release by two of the bill’s sponsors:

Senators Jim Beach and Fred Madden, Senate sponsors of the first-in-the-nation law that made it illegal for companies to specifically say unemployed candidates should not apply for a job, said the news that the state had levied a fine against the first company to run afoul of the new rules sends a strong message that such discriminatory hiring practices will not be tolerated. According to a report in yesterday’s Star-Ledger, a Ewing company was fined $1,000 for publishing an advertisement for an open position that specifically stated only currently employed candidates would be considered for the mid-level post. It was the first such fine levied since the law took effect.

“The point of the law is simple: Every qualified candidate deserves equal consideration,” said Beach (D-Camden). “There are countless good potential employees who want to work, but who don’t have a job because they got laid off due to the economy, or because their prior employer went under during the recession. It is unconscionable that someone who lost their job through no fault of their own would have that held against them.”

Under the new law, companies that openly discriminate against the unemployed in job postings are subject to a civil penalty of $1,000 for an initial violation, $5,000 for a second violation, and $10,000 for each subsequent violation.

“Employers need to recognize that just because someone currently has a job, they may not necessarily be the best candidate,” said Madden (D-Gloucester/Camden). “There are potentially thousands of excellent candidates who, before this law was enacted, may never have had the chance to put their credentials up against those who happen to have the ‘benefit’ of being employed. The unemployed need a level playing field, and this law provides it.”

Disposition of Entry:

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

Comments/Note to staff:
Licensure Reciprocity for Military Spouses  Hawaii

Summary: The purpose of this measure is to assist Hawaii's service men and women, and their spouses, when determining qualifications for an occupational license. Specifically, this bill allows professional and vocational licensing authorities to apply military education, training, licensure examinations, or service toward the qualifications required to receive a license by endorsement or reciprocity when that license is sought by a:

- Nonresident military spouse; or
- Service member who has served in a combat zone after September 11, 2001, and who provides retirement, separation, or discharge documentation that indicates an honorable discharge or general (under honorable conditions) discharge from active duty.

The bill limits licensure by endorsement or reciprocity to those who are present in the State for at least one year pursuant to military orders. It specifies that a license issued to a military spouse by endorsement or reciprocity shall be valid for the same time period as other similar licenses. Lastly, the legislation limits the validity of the license to a maximum of five years in the aggregate.

Status: Signed into law in June 2013.

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Comment: The Chamber of Commerce of Hawaii and National Association for Uniformed Services Hawaii Chapter testified in support of this bill.

Disposition of Entry:

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( ) Include in Volume
( ) Defer consideration:
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    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill expands upon AB 114 which was passed in February that allowed the state to develop and enter into interstate compacts for online gaming. AB 360 allows Nevada to not only work out agreements with other states, but with foreign governments and tribal areas, as well. The bill defines eligible compact partners as “any governmental unit of a national, state or local body exercising governmental functions, other than the United States Government. This term includes, without limitation, national and sub-national governments, including their respective departments, agencies and instrumentalities and any department, agency or authority of any such governmental unit that has authority over gaming and gambling activities.”

Agreements with international operators must follow the regulations already in place by Nevada’s Gaming Commission. This means follows the five-year ban on online poker room operators that continued to service US players after the 2006 passage of the federal Unlawful Internet Gambling Enforcement Act.

Status: Signed into law in June 2013.

Comment: In the spring of 2013, the Alderney Gambling Control Commission located in the British Channel Islands (which are self-governing dependencies of the British monarchy) expressed interest updating the statute to allow foreign entities to participate in and bolster an online poker market. According to a June 2013 article in an online poker enthusiast site, United States of Poker: “The bill addresses a liquidity concern that many lawmakers and poker players alike had with Nevada’s intrastate online poker offerings. The Silver State only has a population of 2.6 million, and while vacationers in Vegas would likely help add to network numbers, it would be difficult for Nevada-only online poker market to support multiple rooms. This was apparently one of the chief concerns of stakeholders. In March of this year, Nevada invited stakeholders to comment on the online poker market in the state and offer suggestions for improvement. In April, the Alderney Gambling Control Commission (AGCC) urged Nevada to reinstate provisions for compacts passed US borders.” Read more: [http://www.unitedstatesofpoker.net/nevada-votes-approves-international-compacts-for-online-poker/](http://www.unitedstatesofpoker.net/nevada-votes-approves-international-compacts-for-online-poker/)

Disposition of Entry:

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

Comments/Note to staff:
Summary: Except in certain circumstances, event data that is recorded on an event data recorder (a vehicle “black box”) may not be retrieved, obtained, or used by a person who is not the owner of the motor vehicle. This data may only be retrieved without a vehicle owner’s permission when:

- the owner of the motor vehicle or the owner's agent has consented to the retrieval of the data;
- the data is retrieved by a motor vehicle dealer, motor vehicle manufacturer, or by an automotive technician to diagnose, service, or repair the motor vehicle at the request of the owner or the owner's agent;
- the data is subject to discovery in a criminal prosecution or pursuant to the rules of civil procedure in a claim arising out of a motor vehicle accident;
- a court or administrative agency having jurisdiction orders the data to be retrieved;
- a peace officer retrieves the data pursuant to a court order as part of an investigation of a suspected violation of a law that has caused, or contributed to the cause of, an accident resulting in damage of property or injury to a person; or
- to facilitate or determine the need for emergency medical care for the driver or passenger of a motor vehicle, including the retrieval of data from a company that provides subscription services (i.e. OnStar) to the owner of a motor vehicle for in-vehicle safety and security communications.

Status: Signed into law in March 2013.

Comment: From a March 2013 article in the *Salt Lake Tribune* and a December 2012 piece in *Edmunds*:

“The Senate voted 27-0 to pass HB127. Because it was amended, it was sent back to the House for further consideration.

It would clarify that data in "black boxes" in newer vehicles belong to the vehicle's owners, and can be accessed only with permission of at least one of them. The data recorders track such things as speed, direction, steering performance and when brakes or seat belts are used.

"Many people are not even aware that their vehicle contains a black box," said Sen. Mark Madsen, R-Eagle Mountain, the Senate sponsor of the bill.

Rep. David Lifferth, R-Eagle Mountain, sponsor of the bill, said Utah law has been silent about who owns the data, and different police agencies have different policies about who may access it and when.
The bill would also allow courts to issue warrants to obtain data for accident investigations or lawsuits. It also allows services such as OnStar to notify police in the case of accidents about the location of a vehicle.”

“Mention the term "black boxes" and most people think of airplanes — and, unfortunately, airplane crashes. In the wake of a crash, the event data recorder (EDR), which is the technical term for a black box, gives aviation authorities clues on what went wrong. What many people may not realize is that an EDR is also present in most modern vehicles, where it also records crash data that's used in various ways.

Car black boxes are in the news because the National Highway Traffic Safety Administration (NHTSA) is proposing that all automakers equip new consumer vehicles with the devices beginning in September 2014. It estimates the per-vehicle cost of an EDR at $20, but the total costs to the industry would be $26.4 million, taking into account technology improvements, assembly costs, compliance and paperwork-maintenance costs, according to NHTSA.

"This rulemaking to mandate EDRs across the entire light vehicle fleet could contribute to advancements in vehicle designs, and advanced restraint and other safety countermeasures," the White House Office of Management and Budget said in its review of the EDR proposal.

NHTSA said in its announcement that ‘in keeping with NHTSA’s current policies on EDR data, the EDR data would be treated by NHTSA as the property of the vehicle owner and would not be used or accessed by the agency without owner consent.’ But that statement might not be enough to allay fears about car owner privacy.” Read more: http://www.edmunds.com/car-technology/car-black-box-recorders-capture-crash-data.html

Disposition of Entry:

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

Comments/Note to staff:
Prohibition on Social Media While Driving

**Summary:** The legislation amends existing state law banning texting while driving to also include prohibitions on using a wireless telecommunications device to access, read, or post to a social networking site. The wireless device prohibition does not include not include CB radios, CB radio hybrids, commercial two-way radio communication devices, two-way radio transmitters or receivers used by licensees of the Federal Communication Commission in the Amateur Radio Service, or electronic communication devices with a push-to-talk function. The bill also includes new requirements for driver’s license exams to include questions on distracted driving issues.

**Status:** Signed into law in May 2013.

**Comment:** From a May 2013 article in the *Times-Picayune*:

Legislation banning the use of social media, such as Twitter or Facebook, while driving was signed into law by Gov. Bobby Jindal on Thursday. Senate Bill 147 would outlaw tweeting, using Facebook or posting pictures to photo-sharing sites like Instagram or using any other social media networking site while behind the wheel.

State law currently bans texting while driving, but does not address the use of social media. The bill, sponsored by Sen. Dale Erdey, R-Livingston, would close a loophole in the law that allows drivers to sign into and post to their social networking sites while driving. Anyone caught using "any web-based service that allows individuals to construct a profile within a bounded system, articulate a list of other users with whom they share a connection, and communicate with other members of the site" could be ticketed and fined $175 for a first offense, according to the bill. Subsequent offenses would carry a $500 fine. Those are the same penalties now in place for texting while driving. Read more: [http://www.nola.com/politics/index.ssf/2013/05/bill_banning_tweeting_using_fa.html](http://www.nola.com/politics/index.ssf/2013/05/bill_banning_tweeting_using_fa.html)

**Disposition of Entry:**

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

Comments/Note to staff:
Summary: This bill requires the commissioner of the Department of Transportation to record a distracted driving violation as a moving violation, and creates a point-system for driver’s licenses similar to other violations such as speeding. These points would then become available to your insurance company to discourage distracted driving. Fines for distracted driving will increase to $150 for the first violation, $300 for a second violation, and $500 for a third or subsequent infraction. In addition, the law establishes a task force that will study and evaluate the state's distracted driving laws and their enforcement, research what other states are doing on the distracted driving front and then develop recommendations to prevent distracted driving in Connecticut.

Status: Signed into law in July 2013.

Comment: From a July 2013 article in the Hartford Courant:

Stopped in traffic and tempted to check Twitter, dash off an email or send a text as you wait behind the wheel?

Soon, that could net you a big fine.

With little fanfare, Gov. Dannel P. Malloy recently signed into law two measures that aim to crack down on distracted driving by placing new restrictions on the use of cellphones and other electronic devices.

One new law, signed by the governor last week, will increase the fines for texting and talking while driving and, for the first time, creates a point system that will allow insurance companies to take distracted driving violations into account when setting rates.

A second law will make it illegal to use a handheld device behind the wheel, even if the vehicle is sitting motionless at a signal or in traffic. Under current law, the motorist must be driving for a violation to occur.

Both of the new restrictions take effect on Oct. 1. Taken together, they put Connecticut firmly in step with a national movement toward tougher rules on the use of electronics while driving.

"More and more states are tending to use higher penalties to send a message that [distracted driving] is a serious offense," said Kara Macek, communications manager with the Governors Highway Safety Association, a group of state highway officials that promotes laws designed to increase traffic safety. "A $25 fine or a slap on the wrist doesn't convey the message we want to send that this is a dangerous thing."
Macek compared the new wave of distracted driving laws to efforts to discourage drinking and driving.

"Stricter penalties have reduced the incidence of [drunken driving] and it's become socially unacceptable," she said. "It's a big challenge to change behavior but that's what our members are focused on." Read more: http://www.courant.com/news/politics/hc-distracted-driving-connecticut-0719-20130718,0,202196.story

Disposition of Entry:

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

Comments/Note to staff:
Summary: The Build Nebraska Act introduced by Sen. Deb Fischer of Valentine and passed in 2011, diverts one-quarter of one cent of the 5-cent state sales tax to pay for roads projects. It takes effect beginning in 2013-14 and continues 20 years.

Status: Signed into law in May 2011.

Comment: From a July 2013 AP article:

“A new Nebraska law that sets aside an estimated $65 million a year in sales tax revenue for roads went into effect on Monday, clearing the way for at least 17 major projects over the next decade.

Officials had delayed work on several projects due to a lack of funding. But six Nebraska Department of Roads projects are now either under way or scheduled to start before July 2014, and 11 others will take place through 2023.

The law, which departs from Nebraska's decades-old practice of using revenue from gas taxes and motor vehicle fees to pay for roads, dedicates one-quarter of a cent out of the state's current 5.5-cent sales tax for 20 years for state road upgrades and maintenance for counties and cities.

A coalition of business, local government and economic development groups kicked off a three-city tour on Monday to promote the projects. Nebraska Highway Commissioner Rodney Vandeberg, who represents a southeast corner of the state, said the projects will improve public safety and promote economic development.

Without the law, Vandeberg said the Nebraska Department of Roads lacked the money to move ahead with many of its high-priority projects.

"We would have soon suffered the nasty consequences of deteriorating roads and bridges, and I promise you that would have been devastating to our entire state," Vandeberg said.

Supporters had argued the law would spur economic growth, while opponents in the Legislature warned that it could prove unaffordable over the long term and draw money out of health care, education and public safety.

State officials are expected to spend about $597.8 million over a 10-year period on the 17 projects, and if sales tax receipts surpass expectations, the department may start work on other projects.

Of the estimated $65 million set aside for roads annually over 20 years, 60 percent will go toward capital improvement projects that the state designates as a high priority, 25 percent will
go toward federally designated high-priority corridors and 15 percent will get distributed to cities and counties.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: This bill requires the Nevada Transportation Authority and the Taxicab Authority to establish a technology fee and use the money generated to implement technological improvements in safety, reliability and efficiency, including the implementation of a computerized real-time data system to provide public cooperative dispatch and electronic hailing services.

Status: Signed into law in June 2013.

Comment: From a May 2013 article in the Las Vegas Review-Journal:

“A bill making its way through the Legislature to pave the way for a new generation of taxi tracking technology has split the local industry.

By a 14-1 vote, the Assembly Ways and Means Committee on Thursday approved SB430, which sets an Oct. 1 deadline for the Nevada Taxicab Authority to start the process of purchasing a new system and spells out performance standards. The measure has already been approved by the state Senate.

The bill has been pushed by Frias Transportation Infrastructure, which has developed software and some of the hardware for what it calls its RideIntegrity system, designed to let regulatory bodies track and record cab movements in real time.

Frias, an affiliate of Frias Transportation Management, Las Vegas’ largest cab company with five brands, has promoted the system as a way to update the current practice of having drivers fill out paper trip sheets and turn them in after their shifts. In addition, they tout features designed to curtail the long hauling of passengers between McCarran International Airport and Strip resorts.

But No. 2 cab company Yellow Checker Star Transportation has opposed RideIntegrity since it went to the taxicab authority’s board in January. The board approved a limited test. The bill, according to Yellow Checker Star director Jonathan Schwartz, amplifies the drawbacks of RideIntegrity.

The performance standards included in SB430, proposed by Frias, will skew future bidding in its favor, Schwartz said.

“For the Legislature to basically dump this contract into the lap of one company is scary,” he said.

In addition, he said, language ordering the taxicab authority to “commence the process” of implementing a tracking system by Oct. 1 is vague and short-circuits proper testing in Las Vegas’ sometimes harsh conditions.”
Read more: http://www.reviewjournal.com/business/tourism/vegas-cab-companies-split-long-haul-prevention-technology

Disposition of Entry:

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

Comments/Note to staff:
Summary: Upon passage, Montana became the first state to require state and local government entities to obtain a probable-cause warrant before remotely engaging personal electronic devices. Agencies may obtain location information in the case of emergencies or if an electronic device is stolen or if an individual gives authorized permission to access their location information.

Status: Became law in May 2013

Comment: From a July 2013 news article that appeared in the Daily Inter Lake:


“I didn’t even know it was the first one in the country,” Zolnikov said. “We just saw other legislation and thought, ‘Why aren’t we doing this?’”

The law defines an electronic device as “a device that enables access to or use of an electronic communication service, remote computing service, or location information service.” That could mean cellphones, laptops, tablets and other electronic products.

Although the bill’s passage marked a win for Zolnikov, he originally drafted a much more aggressive version of the bill – House Bill 400 – aimed at banning private companies and the federal government from accessing personal electronic data without a warrant.

That bill was a nonstarter in the House Business and Labor Committee, so Zolnikov introduced House Bill 603, a more narrowly targeted version that was later amended to eliminate restrictions on the federal government.

“This is very small compared to what we want to accomplish,” said Zolnikov, who acknowledged that any state law to limit the federal authority would get tied up in court because the supremacy clause of the U.S. Constitution states that federal law supersedes state law whenever the two conflict.

During the past couple of months, federal government spying programs were exposed, leading to a public outcry for more comprehensive rights to privacy.

Sen. Chas Vincent, R-Libby, said Zolnikov recognized a need for limits on electronic spying before news surfaced that government contractor Edward Snowden had leaked information about several controversial domestic spying programs.

“The NSA reports hadn’t even come out at that time,” Vincent said.
Zolnikov also intended to restrict third parties such as cellphone companies from compiling and distributing personal information from customers who may consider their electronic data private. But the ban on third-party location tracking also bit the dust with House Bill 400.

“It was pretty much big business versus me, and they don’t want privacy,” Zolnikov said. “I’m all for people’s rights not being sold to the highest bidder.”

The bill includes exceptions that would allow state and local government agencies in Montana to access personal electronic data when “there exists a possible life-threatening situation,” if a device has been stolen, or if the owner of a device provides law enforcement with consent to obtain electronic data.

Although the Montana Legislature was the first to pass a law of this kind, Zolnikov said the idea was inspired by legislative momentum in Texas that paralleled the interests of Montana’s legislation. Zolnikov said the bill in Texas failed because it was too watered down.”

Read more at: http://www.dailyinterlake.com/news/local_montana/article_022211de-e81a-11e2-9d43-0019bb2963f4.html

Disposition of Entry:

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

Comments/Note to staff:
Summary: Connecticut became the first state to limit its participation in the Secure Communities program, which is a federal program requiring local police to detain immigrants if they match an Immigration and Customs Enforcement database. Under the bill no law enforcement officer who receives a civil immigration detainer will hold an individual unless it is determined that he/she:

- Has been convicted of a felony;
- Is subject to pending criminal charges in this state where bond has not been posted;
- Has an outstanding arrest warrant in the state;
- Is identified as a known gang member in the database of the National Crime Information Center or any similar database or is designated as a security risk group/threat by the state;
- Is identified as a possible match in the federal Terrorist Screening Database or similar database;
- Is subject to a final order of deportation or removal issued by a federal immigration authority; or
- Presents an unacceptable risk to public safety, as determined by the law enforcement officer.

Status: Signed into law in June 2013

Comment: From a June 2013 article in the Bridgeport News:

“A bill passed on May 31 will save Connecticut’s law enforcement agencies money and ensure that our immigrant population feels safe in their homes.

State Sen. Andres Ayala joined his colleagues in both houses of the General Assembly to unanimously pass House Bill 6659, also known as the Trust Act. This bill establishes that law enforcement officers cannot detain someone for immigration issues unless a specific public safety risk exists.

“The Trust Act is about one thing — treating people like people. Connecticut has a rich immigrant history, but today far too many of our neighbors live in constant fear of deportation,” Ayala said. “This bill will allow our law enforcement officers to use their good judgment when handling sensitive immigration issues. Connecticut’s law enforcement will no longer be required to tear apart families whose only crime has been offending a broken immigration system.”

Passage of the Trust Act means that law enforcement officers cannot detain someone simply for suspicion that they may be an undocumented immigrant. Instead, a person will only be detained if they have been convicted of a felony, have a warrant out for their arrest, or pose some other risk to public safety. This will keep law enforcement from wasting their resources on detaining people who do not pose any threat, and will ensure that Connecticut’s immigrant communities feel safe in the state they call home.”
Read more at:

Disposition of Entry:

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

Comments/Note to staff:
Summary: The statute provides allows a judge to use discretion when sentencing a veteran or
servicemember, who has been diagnosed with a mental illness like post-traumatic stress disorder
and who is charged with a non-violent offence to undergo a counseling/treatment program rather
than be sent to jail. However, if an individual does not complete the program they can then be
sentenced to jail time.

Status: Signed into law in July 2009.

Comment: From a 2009 legislative summary by the Illinois Judges Association:

Public Act 96-0086 requires that judges shall inquire whether the defendant is currently serving
in or is a veteran of the Armed Forces of the United States. The amendments also provide that if
the defendant is currently serving in the Armed Forces of the United States, or is a veteran of the
Armed Forces of the United States, and has been diagnosed as having a mental illness by a
qualified psychiatrist or clinical psychologist or physician, the judge have discretion to: (1) order
that the officer preparing the presentence report consult with the United States Department of
Veterans Affairs, Illinois Department of Veterans' Affairs, or another agency or person with
suitable knowledge or experience for the purpose of providing the court with information
regarding treatment options available to the defendant, including federal, State, and local
programming; and (2) consider the treatment recommendations of any diagnosing or treating
mental health professionals together with the treatment options available to the defendant in
imposing sentence. These amendments are effective 1 January 2010.

Supporters note that there is no additional cost to the taxpayer since military personnel can get
treatment from the VA, and that the judge’s discretion in sentencing is still maintained.

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation states that guns and ammunition possessed by Alaskans are exempt from federal gun laws. It also subjects federal agents to felony charges if they try to enforce any future federal ban on semi-automatic weapons or ammunition or enforce any new federal requirement for gun registration.

Status: Became law in April 2013.

Comment: From a February 2013 article in the Anchorage Daily News:

“A legal opinion from a legislative lawyer said the measure likely is unconstitutional. When federal and state laws conflict, the U.S. Constitution declares that federal law is supreme, legislative counsel Kathleen Strasbaugh wrote in a Jan. 30 memorandum.

Republicans said they are willing to let the courts sort out the issues. They said that they must stand up for Second Amendment gun rights and won't bow down to the federal government on this. A number said they heard from constituents who back the bill.

Some Democrats argued that the measure puts Alaskans at risk of criminal prosecution if they ignore federal gun laws. While the bill allows the state to defend Alaskans charged with violating a federal gun law, there's no guarantee of that help or any sign the federal government will back off.

Alaska is joining other states angrily pushing back against proposed new federal gun restrictions in the wake of the December school massacre in Connecticut.

Chenault's bill is similar to one from Wyoming, Rep. Peggy Wilson, R-Wrangell, said. At least 15 states are looking at laws to resist any new federal gun controls, according to a New York Times story earlier this month.

"I hope to God that the federal government gets the point that states want to have a voice," said Rep. Charisse Millett, R-Anchorage, who carried the speaker's bill on the floor.

... The U.S. Attorney for Alaska, Karen Loeffler, said federal gun laws have been and will continue to be an effective tool for the FBI and other federal agencies, along with state and municipal partners. Federal gun laws were integral in the case against Fairbanks militia commander Schaeffer Cox and his right-wing compatriots in which judges' lives were threatened, she noted. Dozens of federal gun cases are brought a year in Alaska, she estimated.

"We are going to use federal gun laws in the same ways that we always have, to fight violence in the community," Loeffler said in a telephone interview Monday. She had no direct comment on
the state legislation, but said federal cases are often made with the help of state troopers who identify dangerous people in rural communities.

Chenault said in an email that his proposal isn't intended to interfere with prosecutions like that of the Fairbanks militia.

"They are completely different issues. House Bill 69 concerns federal over-reach and is a statement of support and state protection of Alaskans' 2nd Amendment right," said Chenault, who celebrated his birthday Monday along with the passage of his bill.

The debate Monday was emotional.

The penalty for violating an earlier, now-lapsed federal ban on semi-automatic assault rifles was up to five years in prison, Rep. Les Gara, D-Anchorage, reminded his fellow House members. And interfering with a federal officer performing his or her duties could lead to a year in jail, or even longer.

"I'm not comfortable telling my constituents to go ahead and do something that'll land them in jail just because I don't like the way the federal government regulates things," Gara said.

Rep. Max Gruenberg, D-Anchorage, said the measure was unconstitutional and unenforceable, and it distracts the Legislature from more important measures, including a rewrite of state oil tax law.

Read more here: http://www.adn.com/2013/02/25/2802136/alaska-house-passes-bill-challenging.html#storylink=cpy

Disposition of Entry:

SSL Committee Meeting: 2015 A
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Comments/Note to staff:
Summary: The legislation would ban the sale of 45 types of “assault weapons” and their copycats, a ban on sales of magazines that hold more than 10 rounds, a fingerprinting and licensing requirement for handgun buyers, and a 4-hour training requirement for first-time handgun buyers. The bill would also ban gun ownership for anyone involuntarily committed to a mental health facility, as well as those voluntarily committed for more than 30 days. In addition, gun ownership would be barred for those deemed criminally insane by a judge or not criminally responsible, as well as individuals given a probation-before-judgment sentence in violent crimes. Exemptions for gun ownership and sales from public records laws would be removed and new penalties would be created for people who fail to tell police their guns are lost or stolen. Lastly, the bill create a ban on the sale of so-called "cop-killing" bullets

Status: Signed into law in May 2013.

Comment: From a local ABC news report in April 2013:

“Maryland lawmakers debated for about six hours Tuesday. A vote could happen today.

They've been debating Senate Bill 281 -- a bill designed to further restrict firearms in the state. Lawmakers attempted to squeeze through amendment after amendment before the final reading of the bill -- many failed.

The bill significantly modifies and expands the regulation of firearms, firearms dealers, and ammunition in the state and makes significant changes to related mental health restrictions on the possession of firearms. There are nearly 70 amendments to hash out -- everything from mandatory training for conceal and carry permits to more money for mental health research. One such amendment that failed would have forced criminals convicted of a violent crime with a gun to serve their whole sentence without a chance at parole. Those against the amendment said there are already some mandatory minimums in place, and it would be too expensive.” Read more: http://www.abc2news.com/dpp/news/state/maryland-senators-debate-firearm-safety-act
Summary: The measure amends numerous portions of the firearms laws including altering existing requirements for individuals to apply for permits from county sheriffs before being able to purchase a handgun. The legislation would also allow concealed-carry permit holders to store weapons in locked cars on the campus of any public school or university. Lawful concealed carry permit holders will also now be allowed to carry guns on greenways, playgrounds and other public recreation areas.

Status: Signed into law in July 2013.

Comment: From a July 2013 article in the Charlotte Observer regarding the conference committee process:

A bill that would repeal the state’s permit system to buy handguns is drawing fire from law enforcement groups, the governor and the N.C. attorney general.

Last month the N.C. Senate amended and passed a bill on concealed carry weapons to include a provision that would eliminate the state’s entire purchase permit system.

On Tuesday, House members delayed a debate on the Senate version and sent the measure to a conference committee made up of four representatives and four senators.

Rep. Jacqueline Schaffer, R-Mecklenburg, a committee member, said the sides will try to work out their differences, particularly around the issue of repealing the permit system.

For decades, North Carolina has required would-be gun owners to apply for a purchase permit from their local sheriff before buying a handgun.

The sheriff awards the permits after applicants pass the National Instant Criminal Background Check System (NICS) and, sometimes, a limited mental health records check.

The permits then serve as a substitute for a background check at the time of the gun sale.

When the House initially approved House Bill 937 in May, the legislation sought to allow concealed carry permit holders to bring handguns into bars or carry them in locked cars on college campuses and government parking lots. It also sought to create a uniform state standard for reporting mental health and drug abuse information to NICS.

Some law enforcement groups supported the bill, which made no mention of repealing the permitting process.
Then the bill went to the Senate, which passed it June 13 with the added provision to eliminate the need for permits to buy handguns. Sen. Buck Newton, R-Johnston, was the primary member who drafted the Senate’s version of the bill.

“We were not happy about the changes,” said Suzanne Rallis Conway, regional manager for the gun control group Moms Demand Action. “We weren’t happy about the bill in the first place, and they made it 10 times worse.”

Rather than relying on purchase permits, the bill called for a NICS check when someone buys a gun at a licensed dealer, who would do the check.

The N.C. Sheriffs’ Association immediately reversed its stance and opposed the legislation, said Eddie Caldwell, executive vice president and general counsel. The N.C. Association of Chiefs of Police also opposes the bill.

Caldwell said eliminating the purchase permits would allow people to buy guns from unlicensed dealers at gun shows or through personal transactions with no background check at all.

Read more here: http://www.charlotteobserver.com/2013/07/16/4167904/nc-bill-to-repeal-sheriff-issued.html#storylink=cpy

Disposition of Entry:

SSL Committee Meeting: 2015 A
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Comments/Note to staff:
Summary: Passage of the bill made South Dakota the first state in the nation to enact a law explicitly authorizing school employees to carry guns on the job. School districts are given the authority to allow a school employee, a hired security officer or a volunteer to serve as a “sentinel” who can carry a firearm in the school. The school district must receive the permission of its local law enforcement agency before carrying out the program. Under the established sentinel program, all selected individuals must undergo training similar to what law enforcement officers receive.

Status: Signed into law in

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

From a March 2013 article in the Rapid City Journal:

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

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

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

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

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

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

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

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

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Comments/Note to staff:
Counterfeit Airbags

Connecticut

Bill/Act: Public Act 13-282

Summary: The act makes it a crime and Class D felony to manufacture, import, install, or reinstall a nonfunctional or counterfeit airbag. It also makes it a crime, punishable by the increased penalty, to knowingly sell, offer for sale, manufacture, import, install, or reinstall a counterfeit or nonfunctional airbag, as defined in the act. Further, selling or offering for sale a replacement device that the seller knows or reasonably should know does not meet federal airbag safety standards will be considered an unfair or deceptive trade practice under state law. In addition, the bill requires municipal police officers to issue a written warning or summons when the officer sees a vehicle illegally parked in a handicapped spot.

Status: Signed into law in July 2013.

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Comment: From a July 2013 article in the Hartford Business Journal covering industry support for the bill:

An auto industry association praised a new Connecticut law Tuesday that makes it illegal to sell or install counterfeit or nonfunctioning airbags in a vehicle.


"This is a public safety issue that automakers take seriously, and we are pleased that Connecticut took the lead," said David Bauer, the association's state relations manager.

The trade group, which represents auto makers, equipment suppliers and other businesses, said it is working with other state legislatures on similar bills.

The law also outlaws installing a device to alter a vehicle's diagnostic system to make a counterfeit airbag appear to be functional.

The Connecticut law follows a consumer alert issued last year by the National Highway Traffic Safety Administration, which said certain counterfeit airbags posed a risk of serious injury to motorists because they were malfunctioning and even expelling shrapnel when deployed.

http://www.hartfordbusiness.com/article/20130717/NEWS01/130719930/auto-industry-group-praises-ct-airbag-law

Disposition of Entry:

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Comments/Note to staff:
Summary: North Carolina became the first state in the country to compensate victims of a state directed eugenics program that forcibly sterilized thousands of people with mental disabilities. Under the program, $10 million will be set aside and distributed equally to qualified claimants beginning in 2015 and administered by a newly created Office of Justice for Sterilization Victims. Eligibility for payments will be determined by the deputy commissioner of the state Industrial Commission. If a person who was alive on June 30, 2013, dies after filing a claim and is determined to be eligible, the estate will receive payment.

Status: Signed into law in July 2013.

Comment: *Note this submission covers only the text Eugenics Compensation Program, not the entire budget bill where it was included.

From a July 2013 story in the New York Times:

State lawmakers have agreed to compensate victims of a eugenics program that for decades forced people who social workers said were developmentally disabled to undergo sterilization. Although 32 states practiced eugenics, thought at the time to strengthen the gene pool and reduce poverty, North Carolina is the first to pay victims. Lawmakers on Wednesday passed a budget that includes $10 million for victims. A state board ran the program from 1933 to 1977, sterilizing about 7,600 people. Only about 200 have been identified, though others are likely to come forward. “It’s the most egregious taking that government could possibly be guilty of,” said the House speaker, Thom Tillis, a Republican. “It was critical to close this chapter in our history.”


Disposition of Entry:

SSL Committee Meeting: 2015 A
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Comments/Note to staff:
Summary: The bill describes the formation of premarital and marital agreements, when such agreements are effective, provisions that are unenforceable in premarital or marital agreements, and when an agreement is enforceable. Under the bill, provisions relating to spousal maintenance are unenforceable if the provisions are unconscionable at the time of enforcement. The Act applies to premarital or marital agreements signed on or after July 1, 2014. The bill also amends a probate provision relating to the waiver of marital rights or obligations to conform to the Act.

Status: Signed into law in May 2013.

Comment: From a supportive analysis by the Uniform Law Commission:

Currently every state allows at least some divorce-focused premarital agreements to be enforced, though the standards for regulating those agreements vary greatly from state to state. State law addressing marital agreements has been far less settled and consistent. Some states have neither case law nor legislation, while the remaining states have created a wide range of approaches.

The Uniform Premarital and Marital Agreements Act (UPMAA) brings clarity and consistency across a range of agreements between spouses and those who are about to become spouses. The focus is on agreements that purport to modify or waive rights that would otherwise arise at the time of the dissolution of the marriage or the death of one of the spouses.

The general approach of this act is that parties should be free, within broad limits, to choose the financial terms of their marriage. The limits are those of due process in formation, on the one hand, and certain minimal standards of substantive fairness, on the other. Because a significant minority of states authorize some form of fairness review based on the parties’ circumstances at the time the agreement is to be enforced, states can choose to insert an option refusing enforcement based on a finding of substantial hardship at the time of enforcement. And because some states put the burden of proof on the party seeking enforcement of some or all of these sorts of agreements, the act also presents alternative language to reflect that burden of proof.
Summary: The bill creates a new offense if a person knowingly traffics FoodShare (Wisconsin’s Food Stamp program) benefits by doing any of the following:

- Buying, selling, stealing, or otherwise accomplishing the exchange of, directly, indirectly, in collusion with others, or individually, FoodShare benefits issued and accessed through the electronic benefit transfer program, or by manual voucher and signature, for cash or other consideration that is not food.
- Exchanging firearms, ammunition, explosives, or controlled substances, as defined in federal law, for FoodShare benefits.
- Using FoodShare benefits to purchase food that includes a container deposit for the sole purpose of discarding the container contents and returning the container for a cash refund of the deposit.
- Reselling food purchased with FoodShare benefits for the purpose of obtaining cash or other consideration that is not food.
- Purchasing, for cash or other consideration that is not food, food that was previously purchased from a supplier (a retail grocery store or other person authorized to accept FoodShare coupons in exchange for food) using FoodShare benefits.
- Committing any other act that is considered trafficking of food stamps under federal law.

Status: Signed into law in July 2013.

Comment: From a July 2013 article in Governing:

More kinds of food stamp fraud would be explicitly subject to state sanctions, under a bill signed privately Monday at the state Capitol by Gov. Scott Walker.

The measure on the state FoodShare program passed the Assembly 73-24 in April and the Senate 28-5 in May, both bipartisan votes. The move followed stories by the Journal Sentinel and other media looking at the trafficking of FoodShare benefits as well as efforts by state officials to clamp down on the practice. It also takes changes made earlier this year in federal rules on trafficking and puts them into place at the state level.

"This bill gives the state additional options to ensure Wisconsin's FoodShare benefits are being properly used by those in need and it aligns state law with federal regulations," Walker said.

The Democrats who did oppose the bill in the Legislature said it was redundant and a distraction from other issues such as the economy.

Walker's administration is now targeting some of the problem areas in FoodShare highlighted in past stories by the Journal Sentinel.
Authorities don't know how widespread FoodShare fraud is. In looking at some areas of the program, the newspaper found hard evidence of fraud occurring in a small fraction of the cases in the program. With nearly 1.1 million Wisconsin recipients in the 2012 fiscal year with benefits totaling nearly $1.2 billion, even a small amount of impropriety in FoodShare can add up.

In 2011, the newspaper reported on Milwaukee residents who were openly buying or selling FoodShare benefits on social media sites such as Facebook in violation of the law. In more evidence of potential fraud, the newspaper also found in 2011 that nearly 2,000 FoodShare recipients reported losing their Quest cards -- similar to debit cards and used by participants to purchase food -- six or more times in the previous year.

Now, the state is monitoring social media sites for signs of fraud and has sent 1,700 letters to recipients with frequently lost cards to warn them that they cannot sell the benefits on the card for a lesser amount of cash and then report the card stolen.

In 2012, the state identified $6 million in improper overpayments to FoodShare and Medicaid recipients and an additional $8.5 million that would have gone to these recipients in future payments within six months of the fraud being detected, according to state figures.

Federal law prohibits trafficking of food benefits, and rules were revised in March to further expand that definition. The legislation would provide an explicit prohibition in state law on both buying and selling FoodShare benefits and the food purchased with those benefits.

In a statement, Sen. Alberta Darling (R-River Hills), one of the co-sponsors of the measure, said that it would help ensure that food benefits are available to those who really need them. “Fraud hurts taxpayers and the people who rely on these benefits. People who follow the rules are being punished by those who break the rules and that must change,” Darling said in a statement.


Disposition of Entry:

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Comments/Note to staff:
20-35A-01 Leasing Public School Land

Bill/Act: SB 237

Summary: The bill establishes a three-year pilot program to generate revenue through the lease of public school lands at up to five sites that would be used for public purposes such as workforce housing, building and retrofitting schools and the creation of more “school-centered communities.” The selection of the potential sites would be determined by the State Board of Education and all revenue generated from the pilot program would be deposited into the state’s school facilities account. The Department of Education would be tasked with providing periodic status report updates on the redevelopment projects and leasing activities.

Status: Signed into law in June 2013.

Comment: From a March 2013 piece published in the Honolulu Civil Beat: “Hawaii’s old schools need more than a fresh coat of paint to make them new again, state officials say. The facilities need to be overhauled to ensure students are learning in a 21st century environment, which involves flexible floor plan designs and advanced technology. Two bills have emerged this legislative session to help the district make money off underutilized school lands by leasing the properties for other public purposes, such as workforce housing. The legislation has so far been able to overcome the backlash that has dogged the Public Land Development Corporation, which proposed doing something similar at a broader level but is now headed toward repeal.

Both school land bills, which face a big test Tuesday, propose public-private partnerships to help the district upgrade existing facilities and build new schools. They differ primarily in terms of which agency would have oversight and how many projects could be undertaken in the formative years. Educators and lawmakers say they want to modernize agriculture-age classrooms for information-age kids. But Hawaii is hundreds of millions of dollars behind in maintaining its current inventory, forcing officials to find an innovative approach to finance the initiative. “We’re proceeding cautiously,” said Rep. Takashi Ohno, House Education Committee vice chair. “There’s a crucial need to provide safe, modern, functioning schools.” Read more at: http://www.civilbeat.com/articles/2013/03/05/18512-bills-to-develop-school-lands-face-major-vote/

Disposition of Entry:

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Comments/Note to staff:
Summary: The bill creates a pilot program “Pay It Forward” for consideration by the 2015 legislature that would eliminate tuition, fees, and student debt for college students. Instead, anyone who attended an in-state college or university would be required to pay a small percentage of their post-college income as a tax for 24 years (3% per year for graduates of a 4-year college; 1.5% per year for community college graduates). For those that attend college, but do not graduate, their payback costs would be pro-rated to a portion of their income. The program must determine how to finance initial start-up costs to cover tuition outlays as the total cost of the 24-year program will be roughly $9 billion.

Status: Signed into law in July 2013.

Comment: Proponents of the bill note that Pay It Forward is not a loan, but a social insurance fund and educational financing mechanism. Students would have no debt, no interest, and their percentage would never change. Instead, graduates would pay their contribution as a payroll deduction, similarly to how Social Security taxes are paid. From a July 2013 article in the New York Times:

Going to college can seem like a choice between impossibly high payments while in school or a crushing debt load for years afterward, but one state is experimenting with a third way.

This week, the Oregon Legislature approved a plan that could allow students to attend state colleges without paying tuition or taking out traditional loans. Instead, they would commit a small percentage of their future incomes to repaying the state; those who earn very little would pay very little.

The proposal faces a series of procedural and practical hurdles and will not go into effect for at least a few years, but it could point to a new direction in the long-running debate over how to cope with the rising cost of higher education. While the approach has been used in Australia, national education groups say they do not know of any university in the United States trying it.

The Oregon plan had an unusual, and unusually swift, gestation. Less than a year ago, neither elected officials nor advocacy groups there had even considered it.

It began last fall in a class at Portland State University called “Student Debt: Economics, Policy and Advocacy,” taught by Barbara Dudley, a longtime political activist who teaches in the school of urban and public affairs, and Mary C. King, a professor of economics. Ms. Dudley was referred to John R. Burbank, executive director of the Economic Opportunity Institute, a liberal policy group based in Seattle, who had studied the no-tuition approach.

She, in turn, referred the students to him, and they adopted the idea as their group project for the semester.
The students and Ms. Dudley later made a presentation to state lawmakers, including state Representative Michael Dembrow, Democrat of Portland and chairman of the higher education committee. The Working Families Party of Oregon — of which Ms. Dudley was a co-founder — put the proposal at the top of its legislative agenda, and Mr. Dembrow and others ran with it.

“It’s unbelievable that it’s all happened so fast,” one of the students, Ariel R. Gruver, said this week. “We never imagined that we would actually accomplish something like this, and definitely not in such a short time.”

Lawmakers held hearings on the plan, debated amendments, and passed it, with the final vote taking place Monday in the State Senate. The Legislature’s majorities are Democratic — as is the governor, John Kitzhaber — but the vote in both houses was unanimous. An aide to the governor said Mr. Kitzhaber was likely to sign the bill.

“When we talked to legislators, conservatives said it appealed to them because it’s a contract between the student and the state, so they see it as a transaction, not as a grant,” said Nathan E. Hunt, one of the students who proposed the plan.

The speed and unanimity offer a sharp contrast with Washington, where Democrats and Republicans have been unable to agree on a new law on federal student loans, resulting in the doubling of interest rates as of Monday.

“Everybody is concerned about the problem of student debt load and the rising cost of tuition,” Mr. Dembrow said. “Not everybody agrees on the causes, but everybody agrees on the effect. We all hear about it when we’re knocking on doors, running for office.”


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Comments/Note to staff:
Summary: This bill is designed to fight “credit creep” which is the idea that the traditional 120 credit-hour standard for a 4-year degree was being pushed upward with ever increasing course loads that are not related to a student’s major. This bill requires each state educational institution to review its undergraduate degree programs to determine the number of credit hours required for the degree and to report the results of the review to the Commission for Higher Education, including a justification for any associate degree program of more than 60 hours or baccalaureate degree program of more than 120 hours.

Status: Signed into law in March 2012.

Comment: From a February 2012 article in Inside Indiana Business:

Sen. Jean Leising’s legislation ensuring degree completion requirements are fair and reasonable passed the Senate today with a final vote of 39-11. The amended bill returns to the House for further consideration.

House Bill 1220 would allow the Commission for Higher Education to approve or disapprove degree programs – both new and existing – that require more than 60 credit hours for an associate’s degree and 120 hours for a bachelor’s degree.

Leising said her legislation will help more Hoosier students graduate in a timely manner and make higher education more affordable.

“Certain degree programs are increasing the amount of credits it takes to graduate, burdening students and families with extra costs and delaying program completion,” Leising (R-Oldenburg) said. “There are special education degrees that require 138 hours and music education degrees requiring 141 hours. State student financial aid dollars are only available for eight semesters. This makes it nearly impossible for some students to complete their degrees.” Read more:


Disposition of Entry:

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

Status: Signed into law in June 2013.

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Comments/Note to staff:
Summary: The bill creates a new school finance act, the implementation of which is conditional upon passage of a statewide ballot measure to increase state revenues for funding public education. After the statewide ballot measure passes, certain requirements around collecting daily membership and program enrollments and calculating state and local shares of total program will take effect during the first budget year commencing after the election, but the new funding formula and the distribution of state moneys under the provisions of the new act will not take effect until the second budget year commencing after the election.

Status: Signed into law in May 2013.

Comment: From an April 2013 article in the Denver Post after House passage:

“After a late night session imploded with partisan bickering on Friday, Colorado lawmakers took a fresh run at the first new school finance legislation in nearly 20 years on Monday morning — and pushed it through the Democrat-controlled House by a 37-28 party-line vote.

Senate Bill 213, which Democratic Sens. Mike Johnston and Rollie Heath guided through the Senate before Democratic Rep. Millie Hamner carried it in the House, lays out a new template that supporters say creates greater funding adequacy and equity among Colorado's 178 districts.

Amid fractured support among lawmakers, the measure now faces an even bigger challenge: An initiative effort must persuade voters to approve an estimated $1.1 billion tax increase before the new law could take effect.

Despite two years of preparation that sought to create bipartisan support for education finance reform, the bill advanced without a single Republican supporter in both legislative bodies from committee to the floor.

"So it's disappointing to me that we were not able to demonstrate that (bipartisan support) in either of the chambers," said Hamner. "But there's still time to broaden the coalition. We all care, Republican or Democrat, about public education in Colorado. We'd like to see that kind of collaboration moving forward."

The House version of the bill now goes back to the Senate, where Johnston said he anticipates approval of the House version within a couple of days.

Last-minute debate Monday underscored Republican criticism that the bill was long on dollars but short on reform.
Rep. Carole Murray, R-Castle Rock, said that the initial aim of a bipartisan "grand bargain" became a one-sided affair that doesn't address the issues ailing public education.
"It feels to me more like the status quo," she said. "We're not out of a recession; our schools have not been made whole yet. If we're going to do something new, the accountability should be a huge part of it."

Johnston, who made frequent trips to the House to keep tabs on the bill, said after the vote that the long road through both chambers — with many amendments along the way — made the bill stronger.

The new school finance act would revamp many features of the current system, starting with the way students are counted to determine state per-pupil funding. It would replace a single-day count, usually Oct. 1, with an average based on dates throughout the year.”


Disposition of Entry:

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Comments/Note to staff:
The College Credit for Heroes Program is designed to help returning as well as active military members gain the maximum amount of college credit available by translating their military service and experience into credits. The ultimate goal is to help expedite the transition back into the workforce for veterans.

Status: Signed into law in July 2011.

Comment: From a 2011 press release by Governor Perry in a bill signing ceremony:

“The knowledge and skills our veterans bring back from service are an important, and all too often untapped, resource for our communities. While we can never fully thank them for their service to our nation, I'm proud to sign this important bill, which helps veterans and military service members transition to civilian life by applying their skills and experience to help them graduate more quickly and save money on tuition.”


Disposition of Entry:

SSL Committee Meeting: 2015 A
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Comments/Note to staff:
Summary: This bill allows the Professional Educator Standard’s Board to “identify and accept alternatives to the basic skills assessment that are used as a requirement for admission to teacher preparation programs.” This bill also requires that these alternative tests “be comparable in rigor to the basic skills assessment.” The Professional Educator Standards Board (PESB) is a thirteen-member board responsible for establishing requirements for state certification of educators and approving educator preparation and certification programs. Current law requires passage of a basic skills test for admission to approved teacher preparation programs and for persons from out-of-state applying for a Washington teaching certificate. The basic skills that are assessed in this test must include at least reading, writing, and mathematics.

Status: Signed into law in May 2013.

Comment: From a Senate report summarizing the favorable testimony in support of the legislation:

There is only one kind of test for becoming a certified teacher. The WEST-B does not cover the subjects you will teach. Candidates of great promise and from under-represented groups do not see why they need to take another basic skills test. Looking at the ACT and SAT should be enough. You can open up our pool of applicants. We do not want this delayed by a year, which could be a possible amendment. We are ok with using the average national score for the ACT and SAT. We need more diverse teachers. This will open a door. Students pay for the WEST-B themselves.

The Legislature gets to look at the tests. The Washington Educator Skills Test Endorsement covers content that will be taught.


Disposition of Entry:

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( ) Reject

Comments/Note to staff:
Summary: The bill requires all Delaware teacher preparation programs to set high admission and completion requirements, to provide high-quality student teaching experiences and ongoing evaluation of program participants, and to prepare prospective elementary school teachers in age-appropriate literacy and mathematics instruction. Further, the bill requires preparation programs to track and report data on the effectiveness of their programs. Finally, the bill requires new educators to pass both an approved content-readiness exam and performance assessment before receiving an initial license, and requires special education teachers to demonstrate content knowledge if they plan to teach in a secondary subject.

Status: Signed into law in June 2013.

Comment: From an August 2013 story in Delaware State News:

After heated debate on two amendments deemed “unfriendly,” legislation to strengthen teacher preparation programs in Delaware passed the state’s House of Representatives and now heads to the governor.

Senate Bill 51, sponsored by Sen. David P. Sokola, D-Newark, seeks to raise the standards of teacher preparation programs by setting competitive enrollment requirements, as well as a system of reporting to monitor program effectiveness. The legislation mirrors Gov. Jack A. Markell’s proposal in his 2013 State-of-the-State address to further reform and strengthen education measures in the state.

SB 51 mandates that the Delaware Department of Education track the performance of education program graduates on an annual basis for a period of five years after graduation if they teach in-state.

House Amendment 1, sponsored by Rep. Paul S. Baumbach, D-Newark, removed the reporting requirement. Rep. Baumbach said the reporting requirement at the state level is inefficient and should be left to higher education institutions. However, it was defeated almost unanimously.

Currently there are teacher preparation programs at the University of Delaware, Wesley College, Delaware State University and Wilmington University.

Under SB 51, programs will require applicants to meet one of the recruitments — be in the 50th percentile of their class, have a grade point average of at least a 3.0 out of a standard 4.0 scale or acquire a minimum score, mandated by the state’s Department of Education, on the SAT, ACT or Praxis. Education preparation programs can waive admission requirements for up to 10 percent of students admitted. The DOE will have until 2015 to have the standards in place.
Rep. Charles Potter Jr., D-Wilmington, crafted an amendment, that would strike the GPA requirement, citing that it takes away opportunities for applicants who might not be educationally mature.


Disposition of Entry:

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

Comments/Note to staff:
District Partnerships with Charter Schools

Bill/Act: HB 6622

Summary: Beginning in the 2013 school year, this act allows a school district designated as an alliance district to mutually agree with a charter school within the district to use the charter school's students' academic achievement scores as part of the district's overall scores. The act expands the type of charter school that can enter into these agreements to include local charters. The act also changes the measure of academic achievement from the prior law's "adequate yearly progress and academic performance" to the "calculation of the district performance index" (DPI). DPI is the method of measuring academic performance using a district's standardized test scores.

Status: Signed into law in June 2013.

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Comment: From March 2013 committee testimony in support of the bill by Jennifer Alexander, the Acting CEO for the Connecticut Coalition for Achievement Now (ConnCAN), a statewide education advocacy organization:

“In order to support the growth of high quality public school options in Connecticut, we need to promote collaborative efforts between high quality public schools of choice and their host districts…H.B. 6622 can help accomplish this by extending and making permanent a district/charter collaboration option. If passed and signed into law, the bill would extend an existing pilot program that allows public charters to enter into agreements with their host districts to collaborate around data and funding. Under these agreements, districts can include charter school student performance data in their overall performance data (the State Department of Education’s calculation of the District Performance Index). In return, the charter school can receive assistance from the district, like per student operating, facilities funding, the use of district-provided facilities, or assistance with renovation and facilities improvement efforts.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation directs the State Board of Education to establish, implement, and determine the impact of adding college, career, and college and career endorsements to high school diplomas to encourage students to obtain requisite job skills and to reduce the need for remedial education in institutions of higher education. These endorsements must reflect courses completed overall grade point average, and other criteria as developed by the State Board of Education. It also directs the Board to report annually to the Joint Legislative Education Oversight Committee on the impact of awarding these endorsements on high school graduation, college acceptance and remediation, and post-high school employment rates.

Status: Signed into law in February 2013.

Comment: From a June 2013 article in the Hendersonville Times-News:

High school diplomas will look a little different beginning with the graduating class of 2014-15, thanks to a new set of standards adopted in May by the State Board of Education.

Graduates will have the opportunity to earn “endorsements” on their diplomas that indicate they have taken career-related courses, are ready for college or are a North Carolina Academic Scholar, a designation that could help them get into college.

The changes are part of an effort by Gov. Pat McCrory to promote two educational pathways to success: vocational and higher education-focused courses for high school students.

“We must ensure our education system provides opportunities and pathways for our students to get the necessary knowledge and skills to fulfill their post-graduation goals, whether that be entering the workforce or continuing on to getting a higher degree,” McCrory said in February when he signed the education bill into law.

Sponsored by Sens. Jerry Tillman (Randolph), Harry Brown (Onslow), and Dan Soucek (Watauga), Senate Bill 14 encourages students to enroll in courses that will lead to a diploma with an endorsement indicating that they are either “career ready,” “college ready,” or both.

The bill also directs the State Board of Education and State Board of Community Colleges to work together to develop strategies to increase the number of students enrolled in Career/Technical Education programs. High school and community colleges are encouraged to share resources such as instructors, facilities, equipment, and business internship opportunities to meet this goal.

Here’s how the new diplomas will work. The career endorsement is a seal on the diploma indicating the grad is academically ready to enter the workforce. They must have completed a CTE concentration (at least four electives) in one of the approved CTE cluster areas, which
include agriculture, education, finance, hospitality, information technology, manufacturing and transportation.

Read more:

Disposition of Entry:

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

Comments/Note to staff:
Summary: This bill amends school reporting to include student academic performance and growth on state-mandated assessments, as well as graduation rates for secondary schools. It also repeals the current school rating system and provides performance funds based on a per pupil rate for districts in the top 20% on student performance, growth, and/or graduation rates.

Status: Signed into law in April 2013.

Comment:

Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill defines academic acceleration as allowing a student to progress through an education program faster or at a younger age than the student's peers. It also directs each local education provider to review its academic acceleration procedures, including but not limited to the student referral process, a decision-making process that involves multiple persons, guidelines (including type of academic acceleration and awarding of credit), guidelines for preventing nonacademic barriers to the use of academic acceleration, an appeals process, and a process for evaluating academic evaluation procedures and their effectiveness in accelerating students.

Status: Signed into law in March 2013.

Comment: From a supportive press release by Republican House members in Colorado:

Today, the House of Representatives passed a bipartisan bill that offers more curriculum options to Colorado’s advanced students. House Bill 1023 creates accelerated programs in Colorado’s schools and is sponsored by state Reps. Carole Murray, R-Castle Rock, and Rhonda Fields, D-Aurora.

“This bill ensures our students receive the education that best fits their needs,” said Murray. “By bringing opportunity like this, we are providing an enriched education, instead of a cookie cutter curriculum.”

House Bill 1023 instructs school districts and institute charter schools to implement an academic acceleration policy for their high-ability students. School acceleration policies could include a variety of techniques such as accelerating a student in a single subject, offering advanced placement or international baccalaureate programs, providing specialized advanced academic programs and independent studies, or by accelerating a student’s grade level.

Read more: http://coloradohousegop.com/2013/02/bill-to-help-advanced-students-makes-the-grade-passes-house-unanimously/

Disposition of Entry:

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

Comments/Note to staff:
21-35A-01 Tobacco Use in Healthcare Premiums  
California

Bill/Act: **AB 1X2**

Summary: The bill requires health insurance companies to accept any customer, regardless of any pre-existing condition the customer may have, and it also limits the rates that can be charged for health insurance to factors allowed by the federal Affordable Care Act. Those factors are:

- **Age**, not to vary by more than three to one for adults
- **Geographic region**, based on the 19 rating regions established in AB 1X2
- **Family size**, whether the coverage is for an individual or family, as described in the federal Affordable Care Act

In addition, the bill would also block an Affordable Care Act provision that allows insurers to charge smokers with an individual policy up to 50% more in premiums from being implemented in California.

Status: Signed into law in July 2013.

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Comment: From a February 2013 news article in the *Ventura County Star*:

“Federal health care reform means insurers will no longer be able to charge people more if they have asthma, cancer, diabetes, high blood pressure or any other pre-existing condition.

But the Affordable Care Act allows them to ask smokers, chewers and other tobacco users for premiums as much as 50 percent higher than other people. The tobacco surcharge, which begins Jan. 1, is characterized by analysts as a way to keep nonsmokers from paying for the increased medical needs of smokers. But opponents say the added cost counters the ultimate goal of Obamacare by making coverage unaffordable for the people who need it most.

“The big concern in California is basically these folks will be priced out of this exchange,” said Assemblyman Dr. Richard Pan, D-Sacramento, leading a so far successful drive to block the so-called tobacco penalty in the state. “They’ll be uninsured. They’re not getting any health care.”

The federal law will also allow insurers to charge higher rates to older people, larger families and those who live in areas where health care spending is higher. The rates multiply so insurers can charge older tobacco users more than younger people.

“If you had someone who smoked and lives in a higher cost area and has a family (insurance) plan and is 64 years old, they could be charged basically 10 times more for premiums,” said Dylan Roby of the UCLA Center for Health Policy Research.

The rates don’t directly affect people covered by government programs like Medicare or employed by companies with 50 or more workers. Instead they target people in individual policies or in small group coverage.
States can lower the tobacco penalty or outright reject it. The California Legislature has already eliminated the surcharge for people covered by small businesses. Pan wants to go farther. He introduced a bill last week that sets many parameters for health care reform in California, including the elimination of the tobacco penalty for people covered not by an employer but through the individual market.”


Disposition of Entry:

SSL Committee Meeting: 2015 A

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( ) Defer consideration:
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( ) Reject

Comments/Note to staff:
Summary: The submission only focuses on Section 21 of the legislation which expands Medicaid under the Affordable Care Act through the “private option” of policies offered on the state Health Insurance Exchange. In essence, the bill allows low-income individuals to buy private insurance with Medicaid funding.

Status: Signed into law in April 2013.

Comment: From an April 2013 story in the Arkansas Democrat-Gazette:

“A day after the House passed a bill that would allow low-income Arkansans to buy private health insurance using federal Medicaid dollars, the Senate followed suit with a 28-7 vote Wednesday evening.

The vote to fund the program came after a series of delays, during which legislators ultimately pulled both versions of enabling legislation — House Bill 1143 and Senate Bill 1020 — from the governor's desk to be amended by the Public Health, Welfare and Labor Committees.

House Public Health Committee Chairman John Burris, R-Harrison, said the amendments will give the state more flexibility over the private option program and would give the state more protections.

HB1143, sponsored by Burris, and SB1020, sponsored by Sen. Jonathan Dismang, R-Beebe, are identical bills that would allow the state to create a program that would allow 250,000 low-income residents to purchase health insurance using government funds.

House Bill 1219 required two attempts from the House, one Monday and one Tuesday morning, to gain the three-fourths majority required to pass. After the pieces of enabling legislation were amended, the Senate was able to gain the supermajority it needed in one vote to send the budget bill to Gov. Mike Beebe's desk to be signed into law.” Read more at: http://www.arkansasonline.com/news/2013/apr/17/senate-votes-private-option-funding/

Disposition of Entry:

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

Comments/Note to staff:
Regulating Pharmacy Benefit Managers

Hawaii

Bill/Act: **HB 62**

Summary: The bill prohibits pharmacy benefits managers, or their partially or wholly owned subsidiaries, from using a patient's medical health information to market or advertise to that patient the services of a preferred pharmacy network that is owned by the pharmacy benefits manager, without the express consent of the patient.

Status: Signed into law in July 2013.

Comment: From a supportive press release by the National Community Pharmacists Association:

The National Community Pharmacists Association (NCPA) today applauded Hawaii elected officials for enacting two new laws that, respectively, will give the state's residents greater choice of where to fill their prescriptions and additional medical privacy protections. NCPA fully supports HB 62 and HB 65, both of which passed the Hawaii House and Senate unanimously and were signed into law by Governor Abercrombie on June 27, 2013. HB 62 restricts the ability of PBMs (pharmacy benefit managers) to utilize patients' private medical information as a marketing tool in order to try and steer them into "preferred pharmacy" plans affiliated with the PBM.

"NCPA appreciates the overwhelming support Hawaii's elected officials have shown for this pro-patient, pro-pharmacist, pro-local economy legislation. We congratulate the community pharmacists whose grassroots efforts made this accomplishment possible and NCPA was proud to work closely with them in supporting these bills," said NCPA CEO B. Douglas Hoey, RPh, MBA. "Some patients may prefer mail-order pharmacies and that option remains available to them under this law. However, mail order is not for everyone. Many consumers report problems with mail order, which is also associated with medication waste. Patients should have the right to choose which pharmacy they prefer for their personal health needs. Independent community pharmacies offer face-to-face medication counseling and other pharmacy services. They are also pillars of their communities and an important source of jobs and local revenue."


Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
( ) Defer consideration:
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( ) Reject

Comments/Note to staff:
Summary: The bill specifies that an otherwise qualified retail community pharmacy that requests to enter into a contractual retail pharmacy network agreement shall be considered part of a pharmacy benefit manager's retail pharmacy network with the right to choose where to purchase covered prescription drugs. Further, it allows beneficiaries to fill any covered prescription that may be obtained by mail order at any pharmacy of the beneficiary's choice within the pharmacy benefit manager's retail pharmacy network. Supporters of the legislation suggest this measure is necessary to protect the pharmaceutical rights and ensure patient choice. Among other things, this bill:

- Allows individual beneficiaries enrolled in any prescription drug benefits plan within the State, including the Hawaii Employer-Union Health Benefits Trust Fund health benefits plan, to opt out of a plan requirement to purchase prescriptions by mail order and in the alternative purchase prescriptions drugs at a retail pharmacy;
- Prohibits a pharmacy benefit management company from restricting a patient's choice of pharmacy from which to receive prescription medications; and
- It prohibits a pharmacy benefit manager from manipulating the amounts of drug co-payments that it charges in a manner that would encourage beneficiaries to receive prescription medications through a mail-order pharmacy.

Status: Signed into law in July 2013.

Comment: From an April 2013 article in the *Maui News*:

Mail-order prescription drugs may have been designed to make the process more convenient and efficient, but it's done just the opposite for Molokai resident Jennifer Hawkins and her husband.

"My husband is disabled. It's so hard for us being on a small island to get the medication we need in the time we need it," said Hawkins.

Last year, her husband, who needs to take insulin every day, was scheduled to receive his supply in the mail. Instead of arriving at the Hawkins' door, the insulin sat at the post office, unrefrigerated. Insulin needs to be stored in a refrigerator no hotter than 46 degrees in order to maintain potency, according to the U.S. Food and Drug Administration. So by the time Hawkins picked up the insulin at the post office, it had been sitting at above room temperature for an indefinite amount of time and had to be sent back. She would have to wait days to receive another shipment.

"Fortunately for us, we had insulin stored so we had enough to get through, but for someone who isn't on top of managing their medication, it could've been a real problem," said Hawkins.

It wouldn't have been a problem if the Hawkins were allowed to get their insulin from the local pharmacy, Molokai Drugs Inc., said owner Kimberly Svetin.
"At our pharmacy, we have very strict standards. We keep refrigerated medicines in our refrigerator, not on the shelf, and we don't take it out until (the patient) comes in to pick it up," said Svetin. "But if you get it in the mail, you may forget to pick it up or it may get lost."

Svetin has been working with other local pharmacists, community groups and lawmakers to get legislation passed that would allow patients to opt out of the mandatory mail-order prescriptions.

House Bill 65, which would allow prescription drug beneficiaries to purchase medications from local pharmacists or alternative retailers like Walgreens, Costco or Walmart, cleared its last committee hearing Friday and will see a final floor vote by both houses of the Legislature on Tuesday.

Currently, all state and county workers and beneficiaries who are on "maintenance drugs," drugs that must be taken regularly to mediate ailments like high-blood pressure, asthma and diabetes, must get their drugs through the mail from the designated pharmacy – CVS Pharmacy, or Longs Drugs. The mail-order prescriptions can also be picked up at a CVS or Longs store, but only during designated hours, said Svetin.

…

CVS could not be reached for comment Friday, but a spokeswoman for the company submitted testimony on HB 65 that argued mail-service pharmacies make prescriptions more affordable. Retail prices of generic drugs are 6.8 percent higher than mail-order prices, while retail prices for single-source brands are 11 percent higher, according to CVS spokeswoman Lauren Rowley. She also cited a 2012 Visante study that concluded that mail-service pharmacies would save the state $203 million over the next 10 years.

But there is debate as to whether or not mail-order saves the state money or ends up costing more, especially when considering how many prescriptions are wasted due to being lost, improperly handled or sent to the wrong address, according to Matthew DiLoreto, director of state government affairs for the National Community Pharmacists Association in Washington, D.C. The NCPA has been advocating anti-mandatory mail-order prescription laws for years, according to DiLoreto. Read more at: http://www.mauinews.com/page/content.detail/id/572111.html

Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill requires child care facilities for children one year of age or younger to implement and maintain safe sleep policies to prevent sudden unexpected infant deaths and sudden infant death syndrome in accordance with rules adopted by the state department of human services that use practices approved by the American Academy of Pediatrics.

Status: Signed into law in May 2013.

Comment: From a legislative report by the Hawaii Senate Committees on Human Services and Health:
“According to the Centers for Disease Control and Prevention, more than 4,500 sudden unexpected infant deaths occur in the United States every year. The specific cause of death may include but not be limited to sudden infant death syndrome, infection, accidental suffocation, poisoning or overdose, or metabolic disorders. Sudden infant death syndrome, the sudden death of an infant less than one year of age where the death cannot be explained even after a thorough investigation is conducted, accounts for half of the sudden unexpected infant deaths that occur in the United States every year and is the leading cause of death among infants one year of age or younger.”

The legislation was also supported by the Hawaii Chapter of the National Association of Social Workers

Disposition of Entry:

SSL Committee Meeting: 2015 A
( ) Include in Volume
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Comments/Note to staff:
Bill/Act: **SB 106**

Summary: The legislation creates and funds a position for an Alzheimer's disease and related dementia services coordinator within the state’s Executive Office on Aging. In addition, it appropriates funds for programs and services that support the state's elderly population. Finally, the bill establishes a Task Force on Mobility Management.

Status: Signed into law in July 2013.


The estimated cost to fund a coordinator and its operating expenses is $90,000.

Disposition of Entry:

SSL Committee Meeting: 2015 A
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( ) Defer consideration:
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( ) Reject

Comments/Note to staff:
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 in June 2013.

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

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

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

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

Disposition of Entry:

SSL Committee Meeting: 2015 A
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( ) Defer consideration:
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( ) Reject

Comments/Note to staff:
Summary: The legislation creates a new plan that relies on the division of the state in as many as eight Medicaid regions to be served by provider-dominated regional care organizations or RCOs; which would replace the existing, traditional fee-for-service model with a capitated payment model. These organizations will receive fixed payments each month with Medicaid dollars on a per patient basis. To remain in the organization, the state will grade the level of care individuals will receive as well as outcomes. Within these regions, the Alabama Medicaid Agency must certify at least one RCO, but each region must be capable, as determined by Medicaid’s actuary, of supporting at least two RCOs. Supporters of the legislation believe the bill would help reduce increasing Medicaid costs by allowing the RCOs share in the cost and risks of treatment rather than the current fee for service system that simply pays doctors and hospitals for each procedure and office visit.

Status: Signed into law in June 2013.

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Comment: Medicaid in 2009 accounted for an estimated 16 percent of all health-care spending in Alabama. The Alabama Medicaid Agency is budgeted to spend $5.98 billion this fiscal year, about 22 percent of all state, local and federal dollars appropriated by the Legislature for 2013.

From a press release by Governor Bentley on the signing ceremony:

Governor Robert Bentley held a ceremonial bill signing June 6 for Senate Bill 340, a measure that will help increase efficiency in Alabama Medicaid while also helping improve patient care.

“We’re providing a way to improve care for people on Medicaid and make smarter use of the tax dollars that support the program,” Governor Bentley said. “This bill will benefit people enrolled in Medicaid by helping them have access to well-managed care. This bill will benefit taxpayers by controlling costs to the state. This represents an important milestone in our efforts to make Alabama Medicaid a more efficient and more affordable program.”

Reforming Medicaid by increasing efficiency and improving care has been a long-term goal for Governor Bentley. The Governor established the Alabama Medicaid Advisory Commission in October of 2012 to evaluate the financial stability of Alabama Medicaid and the care that is provided to patients.

Senate Bill 340 is built on the commission’s work. Currently, Alabama Medicaid operates under a “fee-for-service” model. However, with Senate Bill 340, the state will adopt a managed care structure. Under this structure, Alabama Medicaid will be able to control costs more efficiently. Medicaid will enter into contracts with regional care organizations that will provide services for patients at an established cost. Quality assurances will ensure high standards of care. The result will be quality care at an established, controlled cost.
Senate Bill 340 was sponsored by Senate Health Committee Chair Greg Reed (R-Jasper) and House Health Committee Chair Jim McClendon (R-Springville). Senator Reed said lawmakers worked closely with healthcare stakeholders to develop the best solutions for reform.

“From the beginning of the development of SB 340, I was focused on three groups: patients who are receiving care, providers who are working to manage patient care, and the taxpayers of the State of Alabama who are paying the bill,” Senator Reed said. “I am confident that SB 340 addresses the needs of those three groups in that patients will receive higher-quality care, providers will offer the best management of that care, and the taxpayers will have a better product at a lower cost. It was my privilege to work alongside all those engaged in developing and passing SB 340.”

http://media.alabama.gov/pr/pr.aspx?id=7942&t=1

Disposition of Entry:

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

Comments/Note to staff:
Bill/Act: HB 365

Summary: Allows pharmacists to offer certain types of complex drugs known as “biologics” for illnesses such as cancer.

Status: Signed into law in May 2013.

Comment: From a February 2013 article in the Sarasota Herald-Tribune:

The drugs aren’t even available in the United States yet, but lobbyists representing some of the largest pharmaceutical companies in the world — as well as pharmacies, physicians and pharmacy benefit managers — packed a small meeting room in the Florida House on Tuesday.

At stake are potentially billions of dollars for consumers and companies, depending on how the state handles a coming wave of less-costly drugs that could replace critical name-brand medications for Floridians suffering from cancer, rheumatoid arthritis and multiple sclerosis.

The drugs are called “biosimilars” — generic drugs that are made from human and animal materials — and after debate, a House panel voted 10-1 for a bill that opponents say could limit their use.

The biologics include drugs like Humira, which is used for rheumatoid arthritis, and cancer-treatment drugs like Herceptin and Avastin.

The House Health Quality Subcommittee backed a bill (HB 365) that would set higher standards for pharmacists who want to substitute “biosimilars” for the more expensive brand names. The measure, sponsored by Rep. Matt Hudson, R-Naples, would require the pharmacist to notify the prescribing physician within five days of the substitution and require the doctor and pharmacist to maintain a record of the substitution for at least four years.

The debate in Florida is similar to one playing out in at least 10 state legislatures across the nation.

The fight is also going on in Washington following the passage of the Affordable Care Act, which authorized the Food and Drug Administration to develop a “pathway” for the approval of biosimilars, including the determination that the drugs could be “interchangeable” with existing group of complex drugs known as biologics.

Although the biosimilar drugs are not yet available in the United States, they are used in Europe.

Opponents of the legislation, including pharmacy benefit managers, called the legislation premature. They say it is aimed at creating competition barriers for the biosimilars and benefiting the pharmaceutical companies that now dominate the biologic market.
Read more: http://politics.heraldtribune.com/2013/02/19/bill-sets-high-standard-for-biosimilar-drugs/

Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill revises the education and orientation requirements for birth centers and their families to incorporate safe sleep practices and causes of “Sudden Unexpected Infant Death.” It also makes legislative findings with respect to the sudden unexpected death of an infant under a specified age, as well as defines the term “Sudden Unexpected Infant Death”, and other new provisions relating to training requirements for first responders and health professionals.

Status: Signed into law in May 2013.

Comment: From a July 2013 article in the Daytona Beach News-Journal:

“When Charlene Melcher lost her son, homicide detectives interviewed her and her husband for four hours as the couple reeled from the death of their child.

The experience in 1998 inspired her to support a bill that took effect Monday. The new law aims to train first responders and law enforcement to respond more compassionately to an unexplained infant death.

“They told us healthy babies don't die,” Melcher, a board member of the Florida SIDS Alliance, recalled of her experience in Orange County. “We were accused of killing him.”

Melcher’s 7-week-old son Jason died while sleeping in her husband's arms. On the death certificate, the medical examiner listed sudden infant death syndrome as the cause of death, Melcher said.

State Rep. David Santiago, R-Deltona, who also lost a child unexpectedly, visited Halifax Health Medical Center and Florida Hospital Memorial Medical Center on Monday to raise awareness of the new law. He championed the bill in the Legislature.

In addition to training for law enforcement and first responders, the bill requires hospitals to provide educational materials to parents on safe sleeping practices. Medical examiners will be required to provide autopsies within 24 hours after the death of an infant less than 1 year of age “or as soon thereafter as is feasible.”

Santiago said he was left in limbo for six months when he and his wife Emma lost their 4-month-old son to SIDS in 2002.

He's hoping the law will save lives and help make grieving after an infant's death easier for family and loved ones.”

Read more: http://www.news-journalonline.com/article/20130701/NEWS/307019971
Disposition of Entry:

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

Comments/Note to staff:
Summary: The Family Caregivers Support Act requires the Executive Office of Health and Human Services to develop evidence-based caregiver assessments and referral tools for family caregivers. Further, a plan of care would be developed which would take into account the needs of the caregiver and the recipient.

Status: Signed into law in June 2013.

Comment: From a press release at the Governor’s signing ceremony:

Sponsored by Rep. Eileen S. Naughton (D-Dist. 21, Warwick) and Senate Majority Whip Maryellen Goodwin, the legislation (2013-H 5155A, 2013-S 0615A) calls for an assessment that would identify specific problems long-term caregivers or recipients might have, carefully evaluate how those situations should be handled and come up with effective solutions.

The legislation defines “family caregiver” as “any relative, partner, friend or neighbor who has a significant relationship with, and who provides a broad range of assistance for, an older adult” or an adult or child “which chronic or disabling conditions.” Representative Naughton said people should be aware that there are support systems and an abundance of resources available for home care before deciding to put an elderly person in a nursing home or an expensive facility.

“We want fewer individuals going into nursing homes and similar facilities if we can help it," Representative Naughton said. "It’s upsetting for an elderly or disabled individual to have to trade the comfort of his or her home for an unfamiliar place. Family caregivers not only know the medical needs of these individuals, but are often aware of their emotional needs, too. Just the thought of taking on such a responsibility as a caregiver can be too overwhelming, and I imagine it can prevent someone from even taking that step. They need to know that if they decide to be a caregiver, they won’t be alone.”

Senator Goodwin added that without the proper support, the current system can place an unnecessary burden on both facilities and caregivers.

“There needs to be options for support and relief for these selfless individuals who dedicate so much time to taking care of their loved ones,” she said. “As it is right now, the system can lead to premature placement within nursing homes and institutions, not to mention a heavy financial burden on the shoulders of the caregiver. It goes without saying that caring for an individual with a chronic condition can lead to physical and psychological stresses as well. We’re hoping that putting the appropriate resources in place will reduce the number of elder abuse cases and continue what is in the best interest for both the patient and the caregiver.”

The comprehensive assessment required as part of Medicaid long-term service reform is meant to provide assistance with activities of daily living needs and would serve as a basis for development and provision of an appropriate plan for caregiver information, referral and support.
services. Information about available respite programs, caregiver training, education programs, support groups and community support services is required to be included as part of the plan for each family caregiver.

About 148,000 people in Rhode Island are providing care at any one time to people living in the community. The state estimates the value of their unpaid contributions in 2009 was approximately $1.88 billion. The Governor’s Commission on Disabilities has lent its support to this legislation in order to reduce abuse, as well as to fill in the cracks in the current support system for home caregivers. The Senior Agenda Coalition of Rhode Island, a nonprofit advocating for the state’s elderly, also backs the initiative.

http://webserver.rilin.state.ri.us/News/pr1.asp?prid=9611

Disposition of Entry:

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

Comments/Note to staff:
21-35A-12 Permanent Task Force on Alzheimer's disease Nevada

Bill/Act: AB 80

Summary: The bill directs the Director of the Department of Health and Human Services to appoint seven voting members to the Alzheimer’s Task Force, and the Legislative Commission appoints two voting members, one from the Senate and one from the Assembly. The Task Force is comprised of a representative from the state, an association that provides services to persons with Alzheimer’s disease, a member at large, persons with expertise and experience in cognitive disorders including: a medical professional, a caregiver, a representative of the Nevada System of Higher Education and a provider of services. The Task Force must carry out the State Plan as developed, revise the plan as needed, prioritize action steps, and research any other issues relevant to Alzheimer’s disease. Additionally, the Task Force must submit an annual report to the Governor and Director of the Legislative Counsel Bureau with findings and recommendations.

Status: Signed into law in June 2013.

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Comment: From an article published in the Senior Spectrum newspaper:

“AB 80, effective July 1, 2013, creates the Task Force on Alzheimer’s Disease that will be responsible for implementing the recommendations of the recently developed Alzheimer’s State Plan. The task force will have the ability to monitor progress on the state plan, revise the state plan as deemed necessary, and research related issues to Alzheimer’s and other related dementia’s.”

Read more: http://seniorspectrumnewspaper.com/newspaper/06_13/article_2.htm

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Comments/Note to staff:
21-35A-13 Training Requirement for Compensated In-home Caregivers

Arkansas

Bill/Act: **SB 755**

Summary: The bill requires paid caregivers to undergo 40 hours of training in specified skills including: body functions; body mechanics and safety precautions; communication skills; dementia and Alzheimer’s diseases; emergency situations, including recognition of conditions and proper procedures; household safety and fire prevention; infection control and prevention, including maintaining a safe and clean working environment. Exemptions are provided for family members, legal guardians, and personnel like licensed social workers and physicians that already undergo training requirements.

Status: Signed into law in June 2013.

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Comment: From a March 2013 write up by a direct-care organization called PHI PolicyWorks:

Arkansas state senators are expected to vote on April 1 on a bill that requires all personal care aides (PCAs) to have 40 hours of training as a condition of employment.

Currently, Arkansas requires only PCAs employed by agencies that serve clients in Medicaid-funded programs to complete 40 hours of training with a state-approved curriculum and a competency evaluation to be certified. PCAs that provide services and supports through participant-directed programs are exempt.

Under Senate Bill 755, any person providing caregiving services and assistance with ADL’s and self-care in the home setting will have the same training requirements as PCAs who provides care to Medicaid recipients. Immediate family members and several specific health professionals with greater training would be exempt.

“We believe strongly that this represents an important and progressive law which will ensure improved home care for older adults and disabled persons in Arkansas and support them and their families in their efforts to avoid unnecessary institutional long term care,” said Larry D. Wright, MD, AGSF, FACP, executive director at the Schmieding Center for Senior Health and Education, and associate professor at the Reynolds Department of Geriatrics, University of Arkansas for Medical Sciences.

“It addresses an important workforce issue for aging Arkansans who currently have extremely limited access to trained caregivers. Our own work has documented that older Americans and their families presume that the workers they hire as home caregivers are trained -- especially when they are hired through a private home care agency -- even though in most states this is not the case,” said Wright.

Read more at: [http://phinational.org/blogs/arkansas-senators-vote-extending-pca-training-requirements](http://phinational.org/blogs/arkansas-senators-vote-extending-pca-training-requirements)
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   ( ) next SSL cycle
( ) Reject

Comments/Note to staff: