

Submissions to the Shared State Legislation Committee should be sent to CSG staff at least eight weeks in advance of the next scheduled SSL committee meeting in order to be considered for that meeting's docket. Submissions received after this deadline will be held for a later meeting. The status of any item on this docket is listed as reported by the submitting state's legislative website 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 analyses.**

CSG COMMITTEE ON
SHARED STATE LEGISLATION

2018 CYCLE
DOCKET BOOK B
April 21, 2017
Lexington, Kentucky

This docket and referenced legislation may be downloaded from www.csg.org/ssl.

SSL PROCESS

With the goal of sharing innovations in state policy, The Council of State Governments' Shared State Legislation (SSL) Committee identifies, curates and disseminates state legislation on topics of major interest to state leaders. Committee members include two state legislators and one state legislative staff person appointed from each member jurisdiction. No private-sector entities are permitted to serve on CSG's SSL Committee.

SSL Committee members meet several times a year to consider legislation. The items chosen by the SSL Committee are published online at www.csg.org/ssl after every meeting and are then compiled into an annual Shared State Legislation volume. The volumes are usually published in conjunction with the start of state legislative sessions.

The consideration or dissemination of such legislation by the SSL Committee does not constitute an endorsement nor will CSG advocate for the enactment of any such legislation in any member jurisdictions.

SSL Committee members, other state officials, and their staff, CSG Associates and CSG staff may submit legislation directly to the SSL Committee. 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 a 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 date 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 "model" legislation or an interstate compact. In this case, the committee strongly prefers to examine state legislation that enacts the uniform or model law, or interstate compact. **The SSL Committee does not draft or create "model" legislation.**

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 may be submitted to the Shared State Legislation Program, The Council of State Governments, 1776 Avenue of the States, Lexington, Kentucky, 40511, (859) 244-8000, fax (859) 244-8001, or ssl@csg.org.

SSL CRITERIA

(1) Does this bill:

- a) Address a current state issue of national or regional significance;
- b) Provide a benefit to bill drafters; and
- c) Provide a clear, innovative and practical structure and approach?

(2) Did this legislation become law?

The word “Act” as used herein refers to both proposed and enacted legislation. Attempts are made to ensure that items presented to the SSL Committee are the most recent versions. However, interested parties should contact the originating state for the ultimate disposition of any docket entry in question, including substitute bills and amendments. Furthermore, the SSL Committee does not guarantee that entries presented on its dockets or in a *Shared 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: Year A or B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

*Item was deferred from the previous SSL cycle

SSL DOCKET CATEGORIES - 2017A and later

1. Agriculture
2. Commerce & Labor
3. Education
4. Energy
5. Environment
6. Government
7. Health
8. Justice
9. Technology
10. Transportation

Docket 38B

ITEM NO., TITLE OF ITEM UNDER CONSIDERATION	SOURCE
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(*) Indicates item is carried over from previous SSL cycle.

(01) AGRICULTURE

01-38B-01	An Act Related to Licensing and Regulating Foresters	<u>VT</u>
01-38B-02	Allowing Landowners to Keep the Public Off Their Forested Property While Still Receiving a Property Tax Break	<u>WI</u>
01-38B-03	Reducing the Licensing Burden on Small-Scale Egg Producers	<u>WI</u>
01-38B-04	Breakfast After the Bell Program	<u>NV</u>
01-38B-05	Shielding Farmers with Agritourism Business from Being Sued When Accidents Happen	<u>OH</u>

(02) COMMERCE & LABOR

02-38B-01	Secure Choice Savings Program	<u>IL</u>
02-38B-02	Defined Contribution Retirement Plans	<u>OR</u>
02-38B-03	Requiring Beauty Professionals to Take Domestic Violence Training	<u>IL</u>
02-38B-04	Rates and Charges for Water Service: Payment Transaction Fees	<u>CA</u>
02-38B-05	Military Veteran Occupational Credentials	<u>CO</u>
02-38B-06	Apprenticeship Tax Credit	<u>AL</u>
02-38B-07	Expanding the State Work Incentive Personal Attendant Services Program	<u>FL</u>
02-38B-08	Stay-at-Work Program for Injured Workers	<u>WA</u>
02-38B-09	Veterans Employment and Entrepreneurship Grants Program	<u>WI</u>
02-38B-10	Veteran-Owned and Disabled-Veteran Owned Business Logos	<u>WI</u>
02-38B-11	Outlawing the Use of Plywood on Abandoned and Vacant Properties	<u>OH</u>
02-38B-12	Tax Incentives for Renewable Chemical Production	<u>IA</u>
02-38B-13	Allowing Countries to Keep a Portion of Mineral Royalties When Companies Drill Under County Properties	<u>TX</u>
02-38B-14	Reporting and Paying of Taxes on Behalf of Airbnb Hosts	<u>AZ</u>

(03) EDUCATION

03-38B-01	Suicide Awareness and Prevention Programming	<u>KS</u>
03-38B-02	Helping Teachers and School District Employees Secure Affordable Housing	<u>CA</u>
03-38B-03	Forward Facing Employment Data	<u>NY</u>
03-38B-04	Strategic Workforce Investments	<u>UT</u>
03-38B-05	New Economy Workforce Grant Program	<u>VA</u>
03-38B-06	Safe and Secure Data Sharing	<u>CA</u>

03-38B-07	Concerning Safe Technology Use and Digital Citizenship in Public Schools	<u>WA</u>
03-38B-08	Prioritizing the Awarding of Funds to Teachers for Additional Education in Certain Fields	<u>AR</u>
03-38B-09	Expanding Disability Data Indicators in Annual Quality-of-Life Report	<u>VT</u>
03-38B-10	Crafting a Statewide Parent to Parent Program for Families with a Child with Developmental Disabilities or Special Health Care Needs	<u>WA</u>
03-38B-11	Crafting a Residential Inclusive Higher Education Program for Students with Intellectual and Developmental Disabilities	<u>MN</u>
03-38B-12	Crafting an Inclusive Higher Education Pilot Program for Students With Intellectual and Developmental Disabilities	<u>CO</u>
03-38B-13	Ensuring Equal Access to Technology and Information for People With Disabilities	<u>TN</u>
03-38B-14	Authorizing Person Tax Refunds to be Contributed to Accounts Under the College Savings Program	<u>NY</u>
03-38B-15	Access to Shower Facilities for Homeless Students	<u>CA</u>
03-38B-16	College Student Hunger Relief Act	<u>CA</u>
03-38B-17	Sexual Assault Education	<u>CA</u>
03-38B-18	Criminal History Records Checks for Household Members of a Family Child Care Home	<u>CT</u>

(04) ENERGY

04-38B-01	Promoting Energy Diversity	<u>MA</u>
04-38B-02	Tax Incentives for Refineries to Produce Cleaner-Burning Gasoline	<u>UT</u>

(05) ENVIRONMENT

05-38B-01	Source Watersheds	<u>CA</u>
05-38B-02	Requiring Schools to Test Water for Lead	<u>IL</u>
05-38B-03	Requiring Schools to Test Water for Lead	<u>NY</u>
05-38B-04	Orca Protection Act	<u>CA</u>
05-38B-05	Coyote Bounty Program	<u>SC</u>
05-38B-06	Prohibiting the Advertisement, Packaging, or Labeling of any Nonwoven Disposable Product as Flushable, Sewer Safe or Septic Safe Unless the Claim is Substantiated by Competent and Reliable Scientific Evidence	<u>D.C.</u>

(06) GOVERNMENT

06-38B-01	Paid Maternity Leave for State Employees	<u>AR</u>
06-38B-02	Exempting Military Retirement and Survivor Benefits from the State	<u>AR</u>

	Income Tax	
06-38B-03	Sharing Digital Images of Marked Ballots on Social Media	<u>HI</u>
06-38B-04	Allowing Digital Carcass Tags	<u>MT</u>

(07) HEALTH

07-38B-01	Opioid Antagonists in Schools	<u>MI</u>
07-38B-02	Opioid Antagonists in Schools	<u>MI</u>
07-38B-03	Assisted Suicide	<u>CA</u>
07-38B-04	Mandating Insurance Coverage for Substance Abuse Treatment	<u>NJ</u>
07-38B-05	E-Prescribing	<u>NY</u>
07-38B-06	Health Insurance Premium Relief	<u>MN</u>
*07-38B-07	Requiring Drug Companies to Explain Price Increases	<u>VT</u>

(08) JUSTICE

08-38B-01	Combating Environmental Destruction from Illegal Marijuana Grows	<u>CA</u>
08-38B-02	Providing for Reclassification of Offenses While Evidencing Prejudice Based on a Mental or Physical Disability of a Victim	<u>FL</u>
08-38B-03	Repealing the Licensing Requirement for Carrying a Concealed Pistol or Revolver	<u>NH</u>
08-38B-04	Prohibiting the Wearing of Masks, Hoods, and Face Coverings During the Commission of a Criminal Offense	<u>ND</u>
08-38B-05	Elevating Riot Offense	<u>ND</u>
08-38B-06	Expanding the Scope of Criminal Trespass Activity Under State Law	<u>ND</u>
08-38B-07	Expanding the Attorney General's Authority to Appoint Out-of -State Law Enforcement Officers	<u>ND</u>
08-38B-08	Civil Immunity to Law Enforcement Officers Who Carry and Use Naloxone	<u>OH</u>

(09) TECHNOLOGY

09-38B-01	Unmanned Aircraft; Prohibited Operations	<u>AZ</u>
09-38B-02	Unlawful Use of an Unmanned Aircraft System	<u>DE</u>
09-38B-03	To Define Terms and to Establish Provisions Relating to Restrictions on the Use of Unmanned Aircraft Systems	<u>ID</u>
09-38B-04	Regulation of Unmanned Aircraft Systems	<u>NC</u>
09-38B-05	Relating to Images Captured by Unmanned Aircraft and Other Images and Recordings; Providing Penalties	<u>TX</u>
09-38B-06	Limiting Law Enforcement Agency Use of Drones	<u>VT</u>
09-38B-07	Restricting the Use of Drones and Providing a Penalty	<u>WI</u>
09-38B-08	Making it a Misdemeanor to Use a Drone to Impede Specified Emergency Personnel in the Performance of Their Duties While	<u>CA</u>

	Coping with an Emergency	
09-38B-09	Providing for the Operation and Regulation of Unmanned Aircraft Systems	<u>MI</u>
*09-38B-10	Expanding the Definition of Harassment to Include the Use of Drones	<u>KS</u>
*09-38B-11	Punishing Drone Pilots Flying Over Wildfires	<u>UT</u>

(10) TRANSPORTATION

10-38B-01	Autonomous Vehicles	<u>MI</u>
10-38B-02	Autonomous Vehicles	<u>MI</u>
10-38B-03	Autonomous Vehicles	<u>MI</u>
10-38B-04	Autonomous Vehicles	<u>MI</u>
10-38B-05	Expend Highway Users Tax Fund Moneys on Transit-Related Projects	<u>CO</u>
10-38B-06	Increasing Local Income Tax Rates by Between 0.1 Percent and 0.25 Percent and Dedicating Those Additional Revenues to Public Transportation	<u>IN</u>
10-38B-07	Enabling Communities to Become More Biking and Walking Friendly	<u>DE</u>
10-38B-08	Regulating Autonomous Vehicle Use	<u>TN</u>
10-38B-09	Value Capture Financing	<u>IL</u>
10-38B-10	Enhanced Infrastructure Financing Districts	<u>CA</u>
10-38B-11	Community Revitalization Authority	<u>CA</u>
10-38B-12	Public-Private Transportation Act of 2016	<u>TN</u>

Summary:

This act requires foresters to be licensed and professionally regulated by the Secretary of State's Office of Professional Regulation (OPR) starting July 1, 2016. The definition of "forestry" in the act focuses on forest management, with forestry services being defined to include investigations, consultations, timber inventory, appraisal, development of forest management plans, and responsible supervision of forest management or other forestry activities. The act specifically excludes from the definition of "forestry" services for the physical implementation of cutting, hauling, handling, or processing of forest products or for the physical implementation of silvicultural treatments and practices.

The act contains specific exemptions from the new licensure requirement. These exemptions apply to certain persons practicing forestry on their own lands, including businesses that practice forestry on an aggregate of not more than 400 acres of their own lands; persons who carry out forest practices under the general supervision of a forester; and other persons who are performing specified acts related to forestry or forests.

OPR will regulate foresters as an advisor profession. As an advisor profession, the Secretary of State will appoint three foresters to act as advisor appointees, and these advisor appointees will assist the Director of OPR in the regulation of the profession.

The act contains four standard pathways to licensure, based on an applicant's degree, experience, and passage of the Society of American Foresters' (SAF) examination, or licensure in another jurisdiction. The act's transitional provisions also provide alternative pathways to licensure for current foresters who may not meet all of the qualifications for standard licensure. These alternative pathways permit licensure based in part on past forestry practice, a peer review process, or SAF certification, and will expire on January 1, 2019. Once licensed, a forester must renew his or her license every two years, with 24 hours of continuing education required for renewal. OPR's standard advisor profession license fees set forth in 3 V.S.A. §125(b) apply, which are currently \$100.00 for initial licensure and \$200.00 for a biennial renewal.

As in other OPR professions, the act contains unprofessional conduct provisions specific to forestry. These include conviction of a crime related to the practice of forestry and aiding, abetting, encouraging, or negligently causing a substantial violation of the statutes or rules of the Vermont Department of Forests, Parks and Recreation.

Multiple effective dates, beginning on June 6, 2016

Status: Signed into law on June 6, 2016.

Comments: From the [Council on Licensure, Enforcement & Regulation](#) (April 26, 2016)

Vermont's House Bill H.355 would set educational and licensing requirements for foresters. Seven states currently license foresters. Vermont is the fourth most forested state in the U.S.

Fifty percent of Vermont's forests are part of the state's "current use" program, which requires forests to be managed according to a land-use plan approved by a state-approved county forester. There is concern that many foresters with decades of experience do not have the formal education that would be required under the bill. The Department of Forests, Parks and Recreation, which supports the bill, is concerned about instances of professional foresters managing land in their own interest rather than for the health of the forests and public protection. Others are concerned that licensing will drive up rates for forestry services as foresters increase rates to compensate for education and licensing fees.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

01-38B-02 Allowing Landowners to Keep the Public Off Their Forested Wisconsin
Property While Still Receiving a Property Tax Break
Bill/Act: [SB 434](#)

Summary:

This bill would change existing law to allow landowners to take advantage of a reduced tax rate provided they agree to manage the property in accordance with Managed Forest Law (MFL) while closing public access. Previously, landowners were allowed to make a lesser payment in lieu of regular property taxes provided they agreed to manage their property in accordance with MFL and provided they allowed the public access to the land for hunting, fishing, hiking, sightseeing, and cross-country skiing. The bill would also transfer certain tax revenues that were set aside for the state Department of Natural Resources forestry fund to local governments.

Status: Signed into law on April 14, 2016.

Comments: From the [Milwaukee Journal Sentinel](#) (April 14, 2016)

Gov. Scott Walker signed legislation on Thursday that will allow landowners to keep the public from using more of their forest property while still receiving a break on their property tax.

[Senate Bill 434](#) makes major changes in the state's managed forest law, including limiting the amount of land available to the public as well as turning over millions of dollars to local units of government now earmarked for the Department of Natural Resources.

The law regulates practices on more than 3 million acres. Managed forest properties provide about a quarter of the timber used by Wisconsin's \$22.9 billion forest industry, according to the governor's office.

Walker signed the bill at Ponsse North America, a logging equipment manufacturer in Rhinelander. Supporters say the changes will help ensure a steady supply of timber for the paper mills and wood processors of the state.

"This bill keeps the managed forest law attractive to landowners, industry, local governments and outdoor recreationists," Walker said in a statement.

The law has traditionally allowed property owners to pay lower property taxes if they agreed to periodically cut timber in a sustainable manner.

In exchange for the property tax break, the law also required owners to manage the land for timber production and allow members of the public to use the property for fishing, hunting, hiking, sightseeing and other recreational uses.

For landowners to get the best tax break, they have had to allow public access.

Traditionally, property owners were allowed to set aside 160 acres for private use.

The bill signed by Walker would lift that cap and allow property owners of nonindustrial timber land to restrict all public access.

Under the new law, property owners who close their land would not get as large of a tax cut. But their tax bill would be sharply lower than land not in the program.

That change [drew criticism in some circles](#), with some saying it will enable property owners to enjoy a tax break while keeping the public off their land.

Sponsor Sen. Tom Tiffany (R-Hazelhurst) has said he believed many property owners would continue to keep their land open to get the lowest possible tax rate.

An example of an annual property tax bill for 1,000 acres of forest land: \$42,700 if not in the program; \$10,680 if enrolled in the program, but land is closed to the public; \$2,140 if in the program and open to the public.

Property tax relief

Walker said the changes would provide more property tax relief for local governments. Fees that the DNR received from property owners for land closed to the public would go to municipalities — an estimated \$4.6 million in fiscal 2017, \$6 million in fiscal 2018 and \$7 million in fiscal 2019.

In 2012, the [Milwaukee Journal Sentinel reported](#) some land in the program can be difficult to find, and in some cases, owners had carved out islands of open land that were essentially off limits because they were surrounded by closed land.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Current law requires a person to obtain a food processing license before the person may operate a food processing plant. Current law defines a food processing plant as any place where food processing is conducted. Current law defines food processing to include the preparation, including packaging, of food for sale. This bill exempts from licensure a person who sells eggs from the person's flock directly to the consumer at a farmers' market located in this state.

Status: Signed into law on April 8, 2014.

Comments: From the [National Association of State Departments of Agriculture](#) (April 16, 2014)

Madison, WI, April 16, 2014 – A new egg sales law, Act 245, signed by Governor Scott Walker last week reduces the licensing burden on small-scale egg producers so they can sell eggs more easily in the marketplace, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) announced today. The new law is effective immediately.

Act 245 exempts small-scale egg producers who sell eggs directly from the farm to consumers, at farmers' markets, and on egg sales routes, from having to acquire a food processing plant license for egg collection and packing activities. Small-scale producers are those with 150 birds or fewer.

"Even though the new law allows small-scale producers to sell their eggs without a food processing plant license, they still are required to have a retail food establishment license to sell their eggs at farmers' markets and on egg sales routes," said Dr. Steve Ingham, administrator of DATCP's Division of Food Safety. "They still have to meet some basic food safety requirements."

Egg producers covered by this law must still adhere to the following conditions:

- Eggs must be sold directly to the consumer, not to a wholesaler or distributor.
- The number of egg-laying birds in the egg producer's flock must not exceed 150.
- Eggs can be sold from the farm where the eggs were laid, at a Wisconsin farmers' market, or on an egg sales route.
- Eggs must be packaged in a carton that is labeled with the producer's name and address, the date the eggs were packed into the carton, a sell-by date within 30 days, and a statement indicating that the eggs in the package are ungraded and uninspected.
- Packaged eggs must be kept at an ambient temperature no higher than 41°F at all times.

Egg producer rules, which implement the new law, are currently being revised. The rule-revision process will not only address implementation of the new law, but will also make several other changes to help egg producers easily understand regulatory agency expectations.

"The timing of this Act is excellent because we are already updating the rules covering egg production, handling and sales to make them clearer and less burdensome. Our hope is that

someone thinking about getting into egg production will find the new rule to be ‘one-stop’ shopping for egg-related regulations,” Ingham said.

Rules development involves a series of public hearings to get input from those that are directly affected. These hearings are likely to take place this summer.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Existing law provides for the oversight of certain school programs of nutrition by the Director of the State Department of Agriculture. (NRS 387.068-387.112) Sections 2-12 of this bill provide for the creation of the Breakfast After the Bell Program for the purpose of requiring certain public schools with large populations of pupils from low-income families to provide breakfast to their pupils after an instructional day of school has officially begun. Section 6 creates the Program and requires public schools with a certain percentage of pupils from low-income families enrolled in the school to participate in the Program. Section 6 also prescribes certain exceptions from participation based on insufficient funding for the Program or the elimination of or a certain reduction in the amount of federal meal reimbursements available to public schools for serving breakfast. Section 6 authorizes a participating school to choose a suitable model for serving breakfast under the Program. Section 7 prescribes certain duties of the State Department of Agriculture with respect to the implementation and operation of the Program. Section 8 prescribes the amount of a disbursement of money from the Department to a participating school based on the population of pupils and requires such disbursements to be made sequentially beginning with the school with the highest percentage of pupils from low-income families until the money for the Program is exhausted for a school year. Section 9 provides the manner in which certain public money allocated for the operation of the Program may be used. Section 10 requires the Department to monitor participating schools and ensure that the schools remain in compliance with the Program. Section 11 requires the Department to prepare an annual report with respect to the implementation and effectiveness of the Program in this State and requires the Department to submit the report to the Governor and the Legislature. Section 12 authorizes the Department to adopt regulations as necessary to implement and operate the Program.

Status: Signed into law on June 12, 2015.

Comments: From the [Las Vegas Review-Journal](#) (June 12, 2015)

CARSON CITY — The Nevada Senate on Thursday approved one of Gov. Brian Sandoval's education measures, a bill to provide more low-income students with breakfast at the start of the school day.

Senate Bill 503 would implement a \$2 million grant program so more schools can offer "breakfast after the bell." The money is included in Sandoval's \$7.3 billion general fund budget.

State Sen. Ben Kieckhefer, R-Reno, said the program would ensure that children will not have to go hungry and would be better able to learn. SB503 passed 17-2, with Republican Sens. James Settlemeyer of Minden and Don Gustavson of Sparks voting no.

The bill now goes to the Assembly.

In earlier testimony before Senate committees, Jim Barbee, director of the Nevada Department of Agriculture, said schools where 70 percent of the student population is eligible for free or reduced-price lunches would be eligible for grants to help them implement the program.

Schools would decide how best to do that, such as whether students are served in a cafeteria or given “grab-and-go” sacked meals.

Nevada first lady Kathleen Sandoval also testified in support of the bill when it was heard by the Senate Education Committee. Sandoval said students are better able to concentrate on learning when they are not hungry.

Officials estimate nearly 94,000 students in 120 schools across Nevada could benefit from the program. In Clark County, officials said 82 schools that don’t already have breakfast programs would be added.

Administration officials said the \$2 million grant money would leverage roughly \$16 million in reimbursements from the federal government. Schools receive \$1.93 for every free breakfast provided; \$1.63 for reduced-price breakfasts; and 28 cents for paid breakfasts. Schools where 40 percent of meals are served free or at reduced costs can receive up to an extra 30 cents.

Children from families with incomes at or below 130 percent of the federal poverty rate are eligible for free meals.

Breakfast programs have been criticized in the past for excessive waste.

In 2011-12, a report by the nonprofit group Food Research and Action Center said Clark County increased the number of meals by 46 percent over the previous year, but much of the food was being thrown away.

School officials have said they are aware of the problem and have taken steps to try to provide more food that children like to eat. They also donate leftovers to food banks or make it available later in the day for students to take home or eat at school during the day.

Comments: From the [Nevada Department of Agriculture](#) (July 6, 2015)

What is SB 503?

Signed into law on June 12, 2015, Senate Bill (SB 503) mandates that all schools with a free and reduced lunch eligibility of 70 percent or greater serve breakfast after the start of the school day. This bill is intended to increase access to breakfast so that students start the day well-nourished and ready to learn.

The bill is supported by the First Lady Kathleen Sandoval because extensive research has shown that students who consume breakfast score higher on academic tests, have fewer behavioral issues and fewer visits to the school nurse.

Who does this impact?

Schools that have a free or reduced lunch eligibility rate of 70 percent or greater were targeted for this legislation because children from those schools are most likely to be living in food insecure households. Children in food insecure households don’t have access to enough

nutritious food to support learning, growth and development. SB 503 is intended to provide these children with increased opportunities to eat a nutritious meal at the start of the school day.

All students at eligible schools, not just students eligible for free or reduced price meals, are required to have access to breakfast after the start of the school day.

The list of eligible schools can be found at: <http://nutrition.nv.gov/data/>

How should my school implement SB 503?

Any breakfast service model that serves breakfast after the start of the school day is allowable. This can include:

- breakfast in the classroom
- second chance breakfast, where breakfast is served after the first period
- grab and go breakfast
- breakfast in the cafeteria

Breakfast in the classroom has been shown to work well in an elementary school environment while a grab and go or second chance breakfast may be a better fit for middle or high schools.

Breakfast in the classroom can also work in secondary schools, and has already been successfully implemented at the middle school level in Washoe County. In higher grades, where the school day starts earlier, second chance breakfast has proven successful because many older children are not hungry when they first wake.

Grab and go breakfast can assist with destigmatizing the school breakfast program, as can could any other breakfast option where breakfast is served somewhere other than the cafeteria.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

01-38B-03 Shielding Farmers with Agritourism Business From Being Sued Ohio
When Accidents Happen
Bill/Act: [SB 75](#)

Summary:

- Specifies that an agritourism provider is immune from liability in a civil action for any harm a person sustains during an agritourism activity if the person is harmed as a result of a risk inherent in an agritourism activity.
- Provides that an agritourism provider is not immune from civil liability in certain circumstances, including when the provider purposefully causes harm to an agritourism participant.
- Requires an agritourism provider to post and maintain warning signs.
- Generally states that county and township zoning laws confer no authority to prohibit the use of any land for agritourism, but allows a board of county commissioners or a board of township trustees to regulate certain factors pertaining to agritourism such as size of parking areas and egress or ingress.
- Specifies that the existence of agritourism on land does not disqualify that land from valuation under the statutes that govern current agricultural use valuation of real property for property tax purposes

Status: Signed into law on Aug. 16, 2016.

Comments: From the [Akron Beacon Journal](#) (May 14, 2016)

Farmers who run pumpkin patches, corn mazes and petting zoos say they can't always stop an aggressive goat from chomping down on a visitor's hand or prevent someone from stumbling in a field.

That's why Ohio lawmakers have signed off on legislation shielding farmers with agritourism businesses from being sued when accidents happen.

Supporters of the measure expected to become law once it's signed by the governor say it's an acknowledgement that running a business that brings people onto a working farm poses risks not found in most places.

The number of U.S. farms reporting income from agritourism grew by about 40 percent from 2007 to 2012, according to the latest Census of Agriculture.

About half of all states now put limits on liability for agritourism operations, with most being added within the last few years, according to information compiled by the National Agricultural Law Center.

"It is nature," said Debbie Mihalik, whose family drew 10,000 people — the most it's ever had — to their corn maze, pumpkin patch, and haunted house last fall in Madison.

“We maintain the paths in the cornfield, do walk-throughs every weekend. But it is a cornfield with dips and puddles when it rains. It can be hazardous,” she said.

Rare occurrence

Liability claims against agritourism owners, though, appear to be rare. A woman who says she was hurt in a fall at a “straw playground” sued the owner of an Illinois corn maze two years ago. That case is pending.

Ohio’s proposal, like others in most states, does not protect farmers from all lawsuits — only inherent risks such as horse kicking or biting a visitor. A farmer who’s aware of a potentially dangerous situation, such as a dilapidated barn that injures someone, could still face trouble.

Ohio Farm Bureau Federation lobbyist Brandon Kern said the hope is giving farmers some liability protection will make it easier to get insurance and keep those costs down.

Rob Leeds, who has pumpkin farm with zip lines, slides and pig races, told state lawmakers his insurance company dropped coverage when people first started visiting the farm in Ostrander. A second insurer did the same after attendance increased.

He said he hears every year from other agritourism operators who have trouble with their insurers.

Almost all operators, he said, spend a lot of time making sure their farm is as safe as possible.

His staff goes through training throughout the year. Visitors who feed the barnyard animals slide the feed down tubes so that their hands don’t get nipped. And there’s no getting inside the fences with the goats.

“You want to give people access to the farm, but you want to keep it safe too,” Leeds said. “Animals are friendly and they want to be up close to people. It’s not that they’re attacking. It’s just they’re animals and that’s the way they act.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Creates the Illinois Secure Choice Savings Program Act. Establishes a retirement savings program in the form of an automatic enrollment payroll deduction IRA with the intent of promoting greater retirement savings for private-sector employees in a convenient, low-cost, and portable manner. Creates the Illinois Secure Choice Savings Program Fund consisting of moneys received from enrollees and participating employers. Sets forth the composition of the Board, the Board's duties, and provisions governing risk management, investment firms, and investment options. Provides for employee and employer information packets, as well as program implementation and enrollment. Provides that the State shall have no duty or liability to any party for the payment of any retirement savings benefits accrued by any individual under the Program. Requires annual reports and audits of the Program. Sets forth penalties. Amends the State Finance Act to create the Illinois Secure Choice Savings Program Fund. Effective immediately.

Status: Signed into law on Jan. 4, 2015.

Comments: From [Governing](#) (Jan. 5, 2015)

Most businesses in Illinois will soon be required by law to adopt a retirement savings plan for employees, under a bill Gov. Pat Quinn signed into law Sunday.

The law requires all businesses in operation for at least two years and that have at least 25 employees to offer by June 1, 2017, its workers an individual retirement savings option.

Such companies without a work-based savings plan such as a pension or 401(k) can decide to work with private entities but they can also join the newly created Illinois Secure Choice Savings Program, which comes with a default 3 percent payroll deduction.

"This is a special ... opportunity, for all of us to go forward at helping people save for retirement," said Quinn, who in about a week will be replaced by Gov.-elect Bruce Rauner.

In Illinois, state officials said, 2.5 million private-sector employees do not have access to a work-sponsored retirement savings plan. Officials expect the vast majority of those offered plans under the new law will stick with it, though it allows them to opt out or lower their contribution amounts.

A match or employer contribution is not required, and no public dollars will be invested.

"This bill is a step, a piece, it's a building block," said Sen. Daniel Biss, D-Evanston, who as a bill co-sponsor led the charge in Illinois.

The idea of requiring most businesses to give employees direct access to a retirement savings plan that will automatically deduct contributions straight from their paychecks has gained traction in recent years.

In 2012, California approved the concept with a mandatory market analysis before implementation. Connecticut, Maryland, Massachusetts, Minnesota and Oregon are also at "various stages" of planning or implementing such a program, according to the Chicago-based Sargent Shriver National Center on Poverty Law.

The advocacy group, members of which attended Quinn's bill signing, pointed to the number of people who receive 90 percent of their income from Social Security -- among elderly recipients, more than 1 in 5 married couples, and nearly half of those not married, according to federal statistics. The group also said that low-income workers are the least likely to have access to such a savings option.

"The retirement network in America has been disintegrated now for two generations, and the statistics we heard from the governor are true and they are terrifying," Biss said.

Quinn said he has not consulted Rauner on the program that will unfold over the next two years. The law goes into effect June 1 of this year, which is when appointments will be made to the seven-member Illinois Secure Choice Savings Board tasked with choosing a private firm to manage the funds.

Money going into the Secure Choice program will be pooled as private property and will not be available to the state, officials said. The large number of people expected to join will also help keep fees low, Biss said.

The board's appointments will come from the state treasurer, comptroller and governor, officials said. Rauner's team could not be reached for comment Sunday night, but Quinn said state Treasurer-elect Mike Frerichs will be on the board.

Biss said having three state officeholders make appointments minimizes the chances of political wrongdoing.

"The board has a fiduciary duty that comes with real liability in case of wrong doing," he said.

The bill itself passed in the state Senate and House in early December with one Republican vote, that of Rep. David McSweeney of Barrington Hills.

"To be blunt, it was a Democratic initiative through the Senate," Quinn said.

Disposition of Entry:

SSL Committee Meeting: 2018 B

☐ Include in Volume

☐ Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Creates seven-member Oregon Retirement Savings Board, to be chaired by Treasurer or Treasurer's designee. Directs Board to develop defined contribution retirement plan for people employed in Oregon. Sets requirements and limitations of the retirement plan. Establishes confidentiality of information regarding individual accounts. Establishes Retirement Savings Plan Administrative Fund to pay costs and expenses of administering plan. Directs agencies that enter into interagency agreement with Board to report to Board by January 1, 2016, on plan to provide outreach, technical assistance and compliance services. Directs Board to report to appropriate committee of Legislative Assembly by December 31, 2016. Preempts local government from establishing or offering any retirement plan for persons not employed by public body. Directs Board to establish retirement plan, unless the plan would not qualify under the Employee Retirement Income Security Act of 1974, so individuals can make contributions by June 16, 2017. Appropriates \$250,000 from the General Fund to the Board to reimburse state agencies for providing outreach and technical assistance to the Board.

Status: Signed into law on June 25, 2015.

Comments: From [The Bulletin](#) (June 17, 2015)

People who do not have access to a pension plan, 401(k) or individual retirement account through their employers came one step closer to getting some help Tuesday when the Oregon Senate voted narrowly in favor of a bill that would create a new state-managed retirement savings plan they could use starting July 2017.

“Nearly half of all Oregonians do not have a retirement plan at work,” said Sen. Lee Beyer, D-Springfield, who carried the legislation through the Senate, which passed it 17-13. “Too many Americans and too many Oregonians are not saving enough money for their retirement. ... This bill makes it easier (for them) to save.”

House Bill 2960, which passed the House 32-26 on June 10, is now on its way to Gov. Kate Brown's desk.

The bill creates a seven-member Oregon Retirement Savings Board and tasks it with creating a state-managed retirement savings plan that would:

- Feature an automatic payroll deduction employees can change or cancel whenever they choose.
- Give employees the chance to automatically increase the size of this deduction year after year.
- Be portable so employees could take it with them as they move from job to job.

Beyer said the plan would resemble the Oregon College Savings Plan because it would pool individual contributions into a large, privately managed investment fund. Private-sector

employers would be required to offer this plan to their employees if they did not already offer a retirement savings plan of their own.

“This is a huge win for those who worry about how to save for their retirement years,” said Oregon Treasurer Ted Wheeler, who cited a recent report from the Oregon Retirement Savings Task Force that found half the state’s workers have less than \$20,000 in retirement savings and a fourth have less than \$1,000.

He said senior citizens who have not saved enough money for retirement end up draining money from safety-net programs such as Medicaid and food stamps because they do not earn enough money from Social Security to cover their expenses.

But although House Bill 2960 gained endorsements from AARP Oregon, the Oregon Nurses Association, SEIU Local 503 and other organizations, it faced fierce opposition from Republicans in both the Senate and the House.

“This is not the right direction to go,” said state Sen. Tim Knopp, R-Bend, who voted against the bill along with state Reps. Knute Buehler, R-Bend; Mike McLane, R-Powell Butte; and Gene Whisnant, R-Sunriver. “We can and we should be doing better.”

Knopp said employers already have access to dozens of privately managed retirement plans and the “government-run option (sponsored by Beyer) does not need to be one of them.”

He and Senate Republicans also said there was no guarantee the proposed retirement savings plan would be exempt from protections contained in the federal Employee Retirement Income Security Act of 1975 — which could make the state and any employer that offered a retirement plan susceptible to lawsuits disgruntled beneficiaries could file in federal court. Knopp and Senate Republicans proposed an amendment that would delay the plan’s creation until after these exemptions had been guaranteed.

Beyer and the plan’s supporters said this amendment was frivolous because there was no way to find out whether these exemptions would be granted until after the task force created its retirement savings plan. They also said the bill already contains language that bars the retirement savings board from doing anything that would place a financial burden on state government or employers that offer the plan.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. Provides that the program of study a person seeking licensure as a barber, cosmetologist, esthetician, hair braider, or nail technician must graduate from must include both domestic violence and sexual assault education as determined by rule of the Department of Financial and Professional Regulation. Requires that the continuing education needed to renew a license as a cosmetologist, esthetician, hair braider, or nail technician must include both domestic violence and sexual assault education as determined by rule of the Department.

Status: Signed into law on Aug. 12, 2016.

Comments: From [The New York Times](#) (Dec. 16, 2016)

“They say that the hairdresser gets all the secrets,” Ms. Smith said. “They let go here. Everybody doesn’t talk, but once you build a relationship with someone, that’s when it happens. It’s just like when you have a best girlfriend.”

A new state rule taking effect on Jan. 1 recognizes that the unique relationship between hairdressers and their customers may help curb domestic abuse and sexual assault. The amendment to a [law that governs the cosmetology industry](#) will require salon workers to take one hour of training every two years to recognize the signs of abuse and assault and will provide them with a list of resources to which they can refer clients for help.

Without the training, cosmetologists in Illinois will not be able to renew their licenses. The professionals covered by the rule—believed to be the first in the nation—include hairstylists, nail technicians and aestheticians.

The rule was inspired by the spirit of camaraderie in hair salons, said State Senator Bill Cunningham, one of the chief sponsors of the amendment. For some women, those salons are a safe space, where they can sit among other women, drop their guard and confide about life as their hair is braided or colored, or their nails trimmed and painted.

The relationships there are akin to bartenders’ ties with their patrons, Mr. Cunningham said in a telephone interview. “A similar thing occurs with women when they go to see the neighborhood beautician,” he said. “Women find that an opportune time to unburden themselves.”

Chicago Says No More, an organization that raises awareness about domestic abuse, approached Mr. Cunningham and another legislator, Representative Fran Hurley, last year with the idea of training salon workers. Mr. Cunningham said the concept sounded familiar because of his wife’s experience working as a hairdresser to put herself through college.

“She told me stories about her clients providing details about terrible incidents,” he said. “She offered a sympathetic ear. She was young at the time and did not know how to get them help.”

Initially, there was resistance over whether the amendment would be overreaching by the government, he said, and cosmetologists were concerned about liability.

Cosmetologists Chicago, the industry’s professional association, helped with the language of the bill and the proposed training. Vi Nelson, a spokeswoman for the group, said the association had worried about the impact on salons — whether clients who were experiencing problems might stop patronizing them and whether an abuser could show up.

“We were concerned not only for the safety of domestic violence and sexual assault victims, but also for them to be safe,” she said.

The final version of the law, which was signed by Gov. Bruce Rauner in August, does not require salon workers to act on their suspicions, but helps them to recognize warning signs and provides them with resources to pass on to victims so they can get help — such as safe houses or hotlines — get restraining orders or get access to legal professionals.

One in three women and one in seven men experience violence at the hands of a partner in their lifetime, said Kristie Paskvan, the founder of Chicago Says No More, citing federal figures. The Illinois law is believed to be the nation’s first such legislation for salon workers, Ms. Paskvan said, although other organizations offer training, like [Cut It Out](#), a program connected with the Professional Beauty Association that raises awareness about domestic abuse.

The curriculum in Illinois will go beyond just spotting bruises. The sessions will act as a forum to exchange information about the behavior that should put a cosmetology worker on alert, and to recognize that abuse, especially when it is [emotional](#), can be more subtle than a black eye.

For example, one woman in a financially tense partnership spoke of buying extra-large boxes of Tide detergent, showing her partner the receipt and then secretly exchanging the box for a smaller, less costly one so that she could pocket household money.

Another woman, Ms. Paskvan said, inexplicably asked her stylist to cut her hair extremely short. “It was the only thing she could control,” Ms. Paskvan said.

There are 88,000 licensed cosmetologists in Illinois, according to Ms. Nelson. The curriculum emphasizes the importance of letting clients take the lead in disclosing details about their personal lives.

“This is not a program where you are going to be badgering someone,” Ms. Paskvan said.

Ms. Nelson agreed, saying, “The association has been careful to make it clear to them that they should not interfere or say, ‘Oh, my gosh, what is that huge bump on your head?’ ”

Ms. Smith, the Chicago stylist, said she supported the new rule. She has helped women with advice, given them a friendly ear and has sometimes suggested that a woman call the police, like the time a long-term client said her boyfriend was threatening to ram her with his car.

A stylist since age 21, Ms. Smith said that clients might share what they think are routine anecdotes, such as money problems, but that those stories make her tune in a little closer. The shared confidences can occur with customers she has known for 20 years, or with new, younger clients, she said.

“Sometimes it’s the first time they sat in your chair, and when they leave, you are like, ‘Wow,’ ” she said. “If I can help someone sitting in my chair any more than I have been helping them, I think it is a really, really good idea.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical, gas, and water corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law authorizes an electrical, gas, or water corporation to offer credit card and debit card bill payment options, if approved by the commission, and, upon approval, authorizes an electrical, gas, or water corporation to recover, through an individual customer transaction fee, reasonable transaction costs incurred by the electrical, gas, or water corporation from those customers that choose those methods of payment. Existing law includes statements of legislative intent relative to electrical, gas, and water corporations offering customers the option to pay by credit card or debit card.

This bill would, until January 1, 2022, authorize a water corporation with more than 10,000 service connections to seek commission approval, through its general rate case application, to operate a pilot program designed to evaluate customer interest in, and utilization of, bill payment options, including, but not limited to, credit card, debit card, and prepaid card bill payment options, and to assess the cost-effectiveness of, and customer interests served by, customer access to those bill payment options. The bill would limit the duration of a pilot program to the duration of the water corporation's rate case cycle. The bill would require the commission to allow a water corporation to recover the reasonable expenses incurred by the water corporation in providing its customers with these bill payment options, and to allow water corporations to not impose a transaction fee on its customers for using these bill payment options. The bill would prohibit the costs of a pilot program from being collected from low-income customers who participate in specified programs, and would require a water corporation that is operating a pilot program to provide certain notifications to its customers. The bill would require the commission, in consultation with the Low-Income Oversight Board, by July 1, 2020, to submit a report to specified legislative committees that, based on specified assessments, evaluates the usefulness of an individual customer transaction fee and includes a recommendation regarding individual customer transaction fees for credit card, debit card, and prepaid card bill payments accepted by water corporations.

Status: Signed into law on Sept. 9, 2016.

Comments: From [WaterWorld magazine](#) (Sept. 23, 2016)

Governor Jerry Brown today signed the last of three bills sponsored by the California Water Association (CWA) in the 2016 California legislative session that strengthen customer benefits and protections in the Water Code and [Public Utilities](#) Code. CWA represents 108 investor-owned water companies (IOWC) throughout the state that are regulated by the California Public Utilities Commission (CPUC).

Assembly Bill 1180 (C. Garcia) directs the CPUC to evaluate the potential for repealing transaction fees levied on IOWC customers paying their water bills by credit or debit card, or by other forms of electronic or on-line payment. Assembly Bill 2874 (Gaines) ensures the CPUC is

notified about costs imposed by groundwater sustainability agencies that ultimately will be passed on to IOWC customers. And Senate Bill 1456 (Galgiani) extends the current loan forgiveness provisions available to government water agencies under California's Drinking Water State Revolving Fund program to all community water systems with 3,300 or fewer service connections serving a disadvantaged community—including those regulated by the CPUC. For the regulated utilities, the loan forgiveness provision applies to capital improvements made by these systems.

"California Water Association and its member companies are committed to protecting customers from fees and other costs that are unnecessarily and unfairly imposed," said CWA President Greg Milleman. Milleman, who is Director of Field Operations for California Water Service Company, also said, "CWA thanks the Governor and Assembly Member Cristina Garcia, Assembly Member Beth Gaines and Senator Cathleen Galgiani for their leadership in working to ensure IOWC customers receive the same protections and benefits afforded to customers of municipal water providers."

AB 1180 directs the California Public Utilities Commission (CPUC) to evaluate the potential for repealing a transaction fee levied on customers who pay their water utility bill by credit or debit card, or by other forms of electronic or on-line payment. Public Utilities Code §755 requires this transaction fee unless and until the CPUC determines that the use of these forms of payment would result in no net cost to the utility. This transaction fee applies only to regulated utilities and is not the case for government utilities or state agencies, such as the Department of Motor Vehicles, and has become a significant source of complaint when customers are confronted with this additional charge.

AB 1180 creates a pilot program that allows participating water utilities to waive the transaction fee for customers paying by credit or debit card, or other non-traditional forms of payment, and to collect information from customers in order to assist the CPUC with evaluating whether it is necessary to treat these types of payments differently than traditional forms of payment, the costs of which are already covered in all customers' rates.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The bill requires each state agency that regulates a profession or occupation to evaluate and provide appropriate credit toward licensing and certification for military experience. Specifically, each agency must:

- Evaluate the extent to which military training meets state requirements;
- Identify reciprocity mechanisms with other states;
- Determine if an occupational exam is available to authorize a veteran to practice an occupation;
- Document the results and publish a summary of pathways available to a veteran to obtain authorization to practice an occupation;
- Identify, where appropriate, those professions or occupations whose licensing and credentials are based on passing an exam;
- Consult with community colleges and other post-secondary educational institutions with regard to bridge programs to cover educational gaps and refresher courses for lapsed credentials; and
- Consider adopting a national credentialing exam.

Each state agency may consult with any military official, state agency, or post-secondary educational institution, and each post-secondary educational institution is obligated to cooperate.

Goals for compliance are set in a legislative declaration. Each state agency will report progress each year, until 2023. \$73,551 is appropriated to the department of regulatory agencies from the division of professions and occupations cash fund to implement this bill.

Status: Signed into law on May 20, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The act allows an employer to claim a nonrefundable income tax or financial institution excise tax credit of \$1,000 for each apprentice employed, not to exceed five claims per year. The employer may claim the credit if the apprentice is employed for at least seven full months of the taxable year and may only claim the credit for an individual apprentice for a maximum of four taxable years. The credit is capped annually at \$3,000,000 and sunsets in 2021. The act also requires the Workforce Development Division of the Department of Commerce to administer the program and provide an annual report to the Legislature on the effectiveness of the program.

Status: Signed into law on July 26, 2016.

Comments: From [Alabama Governor's Office](#) (July 26, 2016)

Governor Robert Bentley on Tuesday held a ceremonial bill signing for the Apprenticeship Tax Credit Act of 2016. The bill, which gives businesses with apprenticeship programs an annual tax credit, was sponsored by Senator Arthur Orr and approved during the 2016 Regular Legislative Session.

"I am proud to sign into law this legislation that will increase the ability of Alabamians to find a job even as they learn new skills," Governor Bentley said. "The Apprenticeship Tax Credit Act will drive more companies to hire apprentices, who can then get hands-on experience as they learn in the classroom. My hope is that these programs would lead to the apprentices being hired by these companies full time once the students complete their education. I want to thank Senator Arthur Orr for sponsoring this bill and the Department of Commerce for helping to make this a reality."

"This legislation will not only help Alabamians increase their wage earning capabilities through increased certified training but also help our state recruit good paying businesses looking for a well trained workforce," Senator Orr said. "This compliments Governor Bentley's efforts to develop a workforce across the state that is ready for the challenges of the 21st century. "

"Commerce thanks Governor Bentley and the legislature for their combined leadership in the passage of this critical workforce development legislation," Secretary of Commerce Greg Canfield said. "The Apprenticeship Tax Credit will play a major role in growing new jobs by encouraging companies statewide to invest in their own programs to advance the skills of Alabama workers. The key to our future economic success heavily relies on equipping Alabama workers with the advanced skills required both today and in the future and this new tool will play a critical role in securing that bright future."

The Apprenticeship Tax Credit Act would provide an income tax credit of \$1,000 to an employer for each qualified apprentice and would cap the cumulative tax credits allowed at \$3,000,000 for the 2017 & 2018 and \$5,000,000 for each tax year thereafter.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

02-38B-07 Expanding the State Work Incentive Attendant Services Program Florida
Bill/Act: [SB 202](#)

Summary: This bill makes substantive changes to the purpose and design of the state personal attendant services program. The bill renames the James Patrick Memorial Work Incentive Personal Attendant Services program to the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program. The bill expands the existing personal attendant services program to include self-advocacy training and other employment supports and services beyond personal care attendants. The bill includes a definition of competitive and integrated employment and amends the program intent to link the provision of personal attendant and other employment services eligible persons with the stated outcome of supporting persons in obtaining or maintaining competitive and integrated employment or self-employment.

The bill provides for monthly reimbursement to the Florida Association of Centers for Independent Living, the organization responsible for administering the program. The bill creates an oversight council to provide recommendations on program policy and services and advice on monthly reimbursement rates.

This bill provides for expanded employment support services to be provided to eligible persons with disabilities and explicitly declares that provision of personal attendant and related employment supports is intended to support competitive and integrated employment outcomes. Employment supports were a major issue focus of one *Work Matters* subcommittee.

Status: Signed into law on March 9, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This bill establishes the Stay-at-Work program and provides for a wage subsidy to an eligible employer that attempts to retain an injured worker by offering that worker with light duty/transitional work during the period of temporary injury. The bill provides for a fifty percent wage subsidy to last no more than sixty-six days in any twenty-four month period and to not exceed ten thousand dollars per claim. The bill also provides for employer reimbursement for certain costs incurred in the course of reassigning of an injured worker to light duty/transitional work, including:

- up to two thousand five hundred dollars for tools or equipment required to perform the offered work;
- up to one thousand dollars for tuition, books, fees, and materials required for training or instruction related to the offered work; and
- up to four hundred dollars for clothing that is necessary to allow the worker to perform the offered work.

The bill creates the stay-at-work program account, funded through assessments of employers insured through the state fund and authorizes employers to collect up to half the fund assessment from workers.

As outlined in the language of the bill: The legislature finds that long-term disability and the cost of injuries is significantly reduced when injured workers remain at work following their injury. To encourage employers at the time of injury to provide light duty or transitional work for their workers, wage subsidies and other incentives are made available to employers insured with the department.

Similar stay-at-work or return-to-work programs have also been implemented in North Dakota, Ohio and Oregon. Policy option 11-A of the CSG-NCSL *Work Matters* framework identifies stay-at-work as an emerging and critical policy strategy to reduce the rate of injured workers leaving the workplace and thereby increasing state expenditures on disability benefits.

Status: Signed into law on June 15, 2011.

Comments: From [McAuliff Law Firm](#) (June 18, 2012)

The Washington Department of Labor and Industries has reimbursed 568 employers with \$2.5 million to help 1,200 injured workers stay on the job during the first year of the new Stay at Work program.

Last year, Gov. Christine Gregoire signed House Bill 2123, a reform measure that authorized structured settlements for injured workers 55 and older, eliminated interest on the unpaid portion of permanent disability awards and instituted a one-year freeze on cost-of-living adjustments for time-loss compensation and pension benefits. The bill also directed L&I to create a stay at work

program to subsidize wages paid to workers who are placed in modified or light duty positions while recovering from an injury.

L&I said its goal for the Stay at Work program is to serve 1,000 injured workers each quarter, or 4,000 each year. The program is projected to save up to \$32 million annually by keeping workers on the job and reducing long-term disability, L&I said.

Businesses that create light duty or modified positions for injured workers can receive subsidies to cover up to 50% of a worker's wages for 66 days, capped at \$10,000. L&I will also reimburse \$1,000 for training materials, \$2,500 for tools and \$400 for clothing.

"In addition to being reimbursed for some of their costs, employers keep a skilled employee at work and avoid the cost of hiring and retraining someone new," L&I said in a statement. "There is also a benefit to workplace morale when an injured worker returns to the job after an accident."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This bill provides for the appropriation of funds for a veterans employment and entrepreneurship grants program. The bill makes available up to \$500,000 annually to the state Department of Veterans Affairs to make grants to veterans, employers and nonprofit agencies for entrepreneurship and employment training activities and tasks the department with promulgating the necessary rules to implement the grant program. The bill language includes disabled veterans as eligible recipients of the grants program. The bill requires an annual report to the governor and to the chief clerk of each house of the legislature.

The bill stipulates that the department may not award a grant unless it determines that the activities supported by the grant are likely to result in improved employment outcomes for veterans and disabled veterans. The bill allows for grant awards for activities related to:

- assisting veteran entrepreneurs;
- giving employers in the state incentives to hire veterans, especially disabled veterans;
- helping fund employment training for veterans, especially disabled veterans; and
- for other programs or purposes as determined by the department by rule.

This bill communicates a significant commitment to the employment and economic security of the state's veterans and disabled veterans. Veterans have lower employment rates than the general population, and veterans with a disability rating above 60 percent are employed at less than half the rate of the general population. Individuals with disabilities, including disabled veterans, often experience difficulties raising the capital to start or grow a business. The CSG-NCSL *Work Matters* framework identifies access to grants, loans and other incentives as an emerging policy strategy for employing workers with disabilities and supporting entrepreneurs with disabilities, including disabled veterans, in policy option 13-C.

Status: Approved by the Governor on April 25, 2016.

Status: Signed into law on April 25, 2016.

Comments: From [Wisconsin Governor's Office](#) (April 25, 2016)

Madison – Governor Scott Walker signed several bills into law focusing on the ongoing efforts to support Wisconsin's veterans and provide greater resources and tools for our veterans to make it easier to gain employment. Governor Walker signed Assembly Bill 693, Senate Bill 418, and Senate Bill 575 into law at the Wausau American Legion Post 10 and signed Senate Bill 419 and Assembly Bill 441 into law at the Disabled American Veterans (DAV) Wisconsin Headquarters in De Pere.

Senate Bill 419, now Act 385, eliminates the current veteran employment grant program and replaces it with a more effective employment and entrepreneurship grant program. The bill was authored by Senator Jerry Petrowski (R – Marathon) and Representative Nancy VanderMeer (R – Tomah).

“When members of our Armed Forces return home to Wisconsin from service, it is our job to remove barriers to employment and ensure they have the resources they need to pursue their piece of the American Dream.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This bill directs the state Department of Veterans Affairs to create Veteran-Owned Business and Disabled-Veteran Owned Business logos for use by eligible businesses in the state. The bill requires the department to work with the Department of Administration to develop the official logotypes that can be used by eligible businesses. The bill requires that only businesses certified as a disabled-veteran owned business by the department of administration or a veteran-owned business by the Department of Veterans Affairs be eligible to use the official logotype.

Along with Wisconsin Senate Bill 419, this bill communicates a significant commitment to the entrepreneurial efforts of the state's veterans and disabled veterans. Veterans have lower employment rates than the general population, and veterans with a disability rating above 60 percent are employed at less than half the rate of the general population. Individuals with disabilities, including disabled veterans, often experience difficulties raising the capital to start or grow a business. The CSG-NCSL *Work Matters* framework identifies state certification of businesses owned by individuals with disabilities, including disabled veterans, as an emerging policy issue in policy option 13-A. This bill would expand upon state certification efforts by creating a publically recognizable logotype to identify disabled-veteran owned businesses in storefronts and advertisements.

Status: Signed into law on April 25, 2016.

Comments: From [Wisconsin Governor's Office](#) (April 25, 2016)

Madison – Governor Scott Walker signed several bills into law focusing on the ongoing efforts to support Wisconsin's veterans and provide greater resources and tools for our veterans to make it easier to gain employment. Governor Walker signed Assembly Bill 693, Senate Bill 418, and Senate Bill 575 into law at the Wausau American Legion Post 10 and signed Senate Bill 419 and Assembly Bill 441 into law at the Disabled American Veterans (DAV) Wisconsin Headquarters in De Pere.

Senate Bill 575, now Act 384, creates official logos designed by the Department of Veterans Affairs (DVA) for veteran-owned businesses and disabled veteran-owned businesses in Wisconsin to promote those entities on WisVets.com and via other electronic media. The bill was authored by Senator Roger Roth (R – Appleton) and Representative Evan Goyke (D – Milwaukee).

“When members of our Armed Forces return home to Wisconsin from service, it is our job to remove barriers to employment and ensure they have the resources they need to pursue their piece of the American Dream.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

02-38B-11 Outlawing the Use of Plywood on Abandoned and Vacant Ohio
Properties
Bill/Act: [HB 463](#), Sec. 2308.031.

Summary:

Prohibits the use of plywood to secure real property that is deemed vacant and abandoned under continuing law.

Status: Signed into law on Jan. 4, 2017.

Comments: From [Cincinnati Enquirer](#) (Jan. 5, 2017)

Boarded-up property will no longer be synonymous with blight in Ohio.

The state became the first in the nation this week to outlaw the use of plywood on abandoned and vacant properties.

Plywood is a common feature on hundreds, if not thousands, of buildings around Greater Cincinnati. Nonprofit organization Keep Cincinnati Beautiful has won national acclaim for its Future Blooms program, which improves plywood barricades with painted representations of doors and windows.

A spokesman from the Cincinnati Center City Development Corp., one of Over-the-Rhine's biggest property owners and holder of vacant structures in the neighborhood, said the real estate development group would comply with the legislation as required, but declined additional comment.

The prohibition was tucked into one of 28 bills signed Wednesday by Republican Gov. John Kasich. It takes effect in 90 days.

It's a boon for a practice known as clear boarding, which has been catching on around the country.

Fannie Mae, the federal government-sponsored mortgage association, has been using the clear polycarbonate windows and doors for several years and, in November, declared plywood unacceptable for securing vacant properties. A zoning committee in Chicago debated the issue this spring.

Robert Klein, founder of Cleveland-based clear board maker SecureView, said the Ohio law makes a bold statement against urban decay.

"This is a significant advancement for those engaged in the battle against neighborhood blight in Ohio," Klein said. "Plywood is an outdated solution to a growing modern-day problem."

Plywood has been an industry standard for securing vacated housing for so many decades that the very act of doing so is called “boarding up” the property. It’s widely available, easy to use and inexpensive.

However, supporters of using a different material say plywood is susceptible to break-ins and vandalism, obstructs the visibility for first responders and sends a visual signal that depreciates surrounding property values.

Marilyn Thompson, of APA-Engineered Wood Association, said the trade organization representing North American plywood makers views the debate as primarily aesthetic.

“Plywood has very good structural properties, so we wouldn’t see any significant difference in terms of security,” she said. “In terms of aesthetics, if building owners want to have the option to use that, that’s fine. But to ban the use of plywood and to make it mandatory to use the clear boarding really removes options for property owners and puts an additional burden on them by removing lower cost options.”

Thompson said a 4-foot by 8-foot 15/32-inch sheet of plywood costs between \$17 and \$20, while a similar-sized sheet of clear polycarbonate costs about \$115.

In Ohio, the plywood ban comes close on the heels of another new law that sped up foreclosures on vacant and abandoned properties, sometimes called zombie properties because they languish like the living dead. It establishes a fast-track system trimming Ohio’s foreclosure process from two years or more to as little as six months.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The Act creates a Renewable Chemical Production Tax Credit Program (program) administered by the IEDA that will provide tax credits to eligible businesses that produce renewable chemicals in Iowa from biomass feedstock. In order to qualify for the tax credit, a business must be physically located in Iowa, must be in compliance with all other agreements with the IEDA, must be operated for profit under single management, and must organize, expand, or locate in Iowa on or after April 6, 2016. The business cannot be an entity providing professional services, health care services, medical treatments, or be engaged primarily in retail operations, and must not be relocating or reducing operations within Iowa.

Eligible businesses are required to apply to the IEDA during the calendar year following the calendar year in which the renewable chemicals are produced, and must enter into a tax credit agreement with the IEDA. Failure to comply with the program or agreement may result in the reduction, termination, rescission, and repayment of tax credits. IEDA is authorized to impose various compliance cost fees under the program.

The tax credit equals the product of \$.05 multiplied by the number of pounds of renewable chemicals produced during the calendar year in Iowa from biomass feedstock in excess of the eligible business's pre-eligibility production threshold, as defined in the Act. Renewable chemicals produced prior to calendar year 2017 or prior to the date the business first qualifies as an eligible business, or after calendar year 2026, shall not qualify for the tax credit. Also, the production of a secondarily derived building block chemical will not qualify if that chemical is also the subject of a credit at the time of production as a first product.

The tax credit shall be claimed for the tax year during which the eligible business was issued the tax credit. However, tax credits shall not be used by the IEDA prior to July 1, 2018, or claimed by the taxpayer prior to September 1, 2019. The tax credit is refundable and nontransferable.

The maximum amount of tax credits that may be issued to an eligible business for each calendar year of renewable chemical production shall not exceed \$1 million or \$500,000, depending on whether the eligible business has been operating in Iowa at the time of application for five or fewer years, or more than five years, respectively. An eligible business cannot receive more than five tax credits under the program.

The program is subject to IEDA's maximum aggregate tax credit cap of \$170 million per fiscal year in Iowa Code section 15.119, and not more than \$10 million per fiscal year may be issued by the IEDA under the program. The IEDA is required to issue tax credits on a first-come, first-served basis, and to establish a wait list in the event applications exceed the \$10 million per fiscal year cap.

The Act provides for the confidentiality of certain information under the program and, beginning in 2019, requires the IEDA to submit an annual report describing the activities of the program for each calendar year and including information specified in the Act. The Act adds the program to

the list of tax expenditures to be reviewed by the Legislative Tax Expenditure Committee in Calendar year 2022.

The program is repealed July 1, 2030, and references to the tax credit in provisions in Iowa Code relating to the individual and corporate income taxes are repealed July 1, 2033.

Provisions relating to the program took effect April 6, 2016, and apply to renewable chemicals produced in Iowa from biomass feedstock on or after January 1, 2017.

Status: Signed into law on April 6, 2016.

Comments: From [E&E News](#) (April 7, 2016)

Iowa Gov. Terry Branstad (R) signed legislation yesterday that will offer new tax incentives for renewable chemical production in his state.

The passage of [S.F. 2300](#) makes Iowa the first state to offer tax credits to companies that produce biochemicals. It's a strategic move for a state that is aiming to position itself early as a leading producer of biochemicals nationally.

Expanding chemical production makes sense for Iowa, since it is already a top renewable energy producer of both ethanol and soy-based biodiesel, Branstad told *ClimateWire*.

"We think this is the next logical step to grow what we already grow in such abundance, corn and soybeans, and make all kinds of consumer products out of them," he said. "We're very excited about it because we think it's going to attract the attention of international companies that will want to locate in a state where there is a financial incentive or an advantage to locate."

This would not only create "high-tech, quality jobs" and boost the state's economy but also generate products that are less harmful to the environment by switching out petroleum-based chemicals for those made from corn and soybeans, he added.

The renewable chemical production tax credit will offer a total of \$10 million a year in credits to businesses that use bio-based feedstock to produce chemicals, with producers earning 5 cents per pound of chemical produced. Companies will be able to apply for credits starting Jan. 1, 2017, up until Dec. 31, 2026.

The overall chemical market in the United States has an estimated value of over \$250 billion per year, but the production of bio-based chemicals is still in its relative infancy. The hope is that Iowa will be able to take advantage of the large amount of available biomass from the state's corn and soybean producers to facilitate biochemical growth.

The state is ranked No. 1 and No. 2, respectively, in U.S. corn and soybean production and generates 14.4 million dry tons of available biomass each year.

With the state producing more ethanol than can be blended into gasoline, producing biochemicals offers a new potential way to utilize biofuels that cannot currently be absorbed under U.S. EPA's renewable fuel standard.

"We are very disappointed with what the EPA has done creating this uncertainty with reducing the renewable fuel standard, but we're going to not let that prevent us from moving forward and look for additional opportunities to add value to what we're producing, and this is just another source of income and new products from what we produce," Branstad said.

In addition to having so much readily available feedstock to generate the chemicals, Iowa has a lot of highly developed agricultural infrastructure that could support expansion of the industry, said Brent Shanks, director of the National Science Foundation Engineering Research Center for Biorenewable Chemicals (CBiRC) at Iowa State University.

Shanks recently co-authored a [report](#) evaluating the opportunities for bio-based chemical production in Iowa.

"Iowa is well-positioned to be where this industry grows out," Shanks said.

Though it isn't the only state where the bio-based chemical industry could do well, having a tax credit could provide extra incentives for companies to do business in Iowa or even switch over from producing petrochemicals to bio-based chemicals at a faster rate, he said.

"This is an indicator that the state is very serious about being a significant player in the industry," he said.

The bill may already be having an impact. According to Branstad, some companies attending the bill signing indicated that they were interested in expanding and creating new operations in the state because of new tax credits.

"I think in the months and years ahead we are going to see a lot of that," Branstad said.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

02-38B-13 Allowing Counties to Keep a Portion of Mineral Royalties Texas
When Companies Drill Under County Properties
Bill/Act: [HB 2521](#)

Summary:

As oil and gas is extracted, companies pay royalties and lease fees to the state for the minerals that reside under state land. Initially, the land commissioner collects these royalty and lease payments that are then deposited into general revenue. H.B. 2521 modifies the Natural Resources Code regarding royalty and lease payments from minerals that reside under lands owned by counties, such as county roads, and directs that the funds be paid to the counties to be used for road maintenance and construction only. In areas of the state experiencing heavy oil and gas development, there is not enough county funding to keep up with the rapid road degradation. Having access to the royalties and lease payments for lands under county roads to maintain those roads will provide a small amount of relief to our energy sector counties.

Status: Signed into law on June 19, 2015.

Comments: From [Fuel Fix](#) (Jan. 5, 2015)

Oil- and gas-producing counties will get to keep a narrow slice of the mineral wealth that's generated under their property, under a bill recently signed by the governor.

The bill will let the counties keep royalty payments for the minerals produced under county lands — essentially the county road system, which has been badly battered and damaged by the drilling boom in the Eagle Ford Shale and Permian Basin.

The money would be dedicated to road funding.

There's a bit of a delay — the bill won't go into effect until Sept. 1, 2017. But South Texas county officials said they're glad for a solution even if they would prefer an earlier start date.

Right now the money for drilling under county roads goes to the state's general fund, though the state does not traditionally pay to maintain the county road system.

The bill, filed by State Sen. Carlos Uresti, D-San Antonio, officially unwound an obscure 1960s Attorney General's opinion that stripped the mineral wealth under county property and gave it to the state. The final version passed unanimously in the House and Senate. Gov. Greg Abbott signed it June 19.

Here's how it will work, according to Uresti's office:

In oil and gas leases created before September 2017, money will still flow to the state. But it will be deposited by the comptroller into a dedicated fund, which will be dispersed to the counties twice a year.

In leases created after Sept. 1, 2017, the county will be the “payee” and checks from the oil and gas companies will be cut directly to the county.

County officials won’t have to brush up on their negotiation skills. The General Land Office will still negotiate the leases.

DeWitt County Judge Daryl Fowler, who had been advocating for the change, has called the old AG’s opinion a “burr on my saddle.”

In that opinion, Kleberg County had asked whether it could enter into an oil and gas lease for the minerals beneath its county roads. The Attorney General said no, and since then, any the royalties for drilling beneath county roads went to the state’s general fund. (The money for drilling under state roads goes to the highway fund).

The money for drilling under the deteriorating, mostly gravel roads in Karnes, DeWitt and Gonzales counties generated \$16 million for the state in a 40-month period that ended last April, according to Fowler.

Hundreds of miles of the county roads in South Texas aren’t paved and have been damaged by the weight of heavy trucks.

The bill would amend the Natural Resource Code. Income from public school land will continue to go to the Permanent School Fund.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

- Permits any online lodging marketplace to register with DOR for the payment of taxes levied by the state and municipalities with respect to any online lodging transaction facilitated by the online lodging marketplace.
- Requires any online lodging marketplace that has registered with DOR to remit the applicable taxes with respect to each online lodging transaction facilitated by the online lodging marketplace.
- Requires a registered online lodging marketplace to report its taxes monthly and remit the aggregate total amounts for each respective jurisdiction for each month.
- Stipulates that an online lodging marketplace does not need to list any online lodging separately on the monthly TPT returns.
- Requires any registered online lodging marketplace to remit the tax imposed pursuant to the commercial lease classification for each online lodging transaction that involves a lease or rental for consideration of the right to use or occupy real property for 30 or more consecutive days.
- Requires any registered online lodging marketplace to remit the tax imposed pursuant to the transient lodging classification for each online lodging transaction that involves a lease or rental of transient lodging.
- Specifies that the commercial lease and transient lodging classifications do not include the activities of any online lodging marketplace.
- Requires the gross proceeds or gross income received by an online lodging operator from any online lodging transaction for which the online lodging operator has received written notice or documentation from a registered online lodging marketplace that it has or will remit the applicable tax with respect to those transactions to DOR to be deducted from the tax base under the commercial lease and transient lodging classifications.
- Allows a city, town or other taxing jurisdiction to levy TPT, use, franchise or other similar tax or fee as provided by the Model City Tax Code on online lodging operators subject to the following:
 - the adopted tax must be consistent with the state tax treatment of online lodging operators and online lodging transactions;
 - the adopted tax must be administered, collected and enforced by DOR and remitted to the city, town or other tax jurisdiction in a uniform manner;
 - the adopted tax must be uniform upon online lodging operators and other subjects of the same class within the jurisdictional boundaries of the city, town or other taxing jurisdictions;
 - any adopted tax must be subject to provisions regarding the auditing, judicial enforcement and registration relating to online lodging marketplaces; and
 - prohibits online lodging operators from being subject to tax for any online lodging transaction for which an online lodging operator has received written notice or documentation from an online lodging marketplace that it has or will remit the applicable tax.
- Classifies real and personal property and improvements that are used for online lodging transactions as class four, except for:

- property occupied by the owner of the property as the owner's primary residence and included in class three; and
- property used for commercial purposes and included in class one.
- Stipulates that an online lodging marketplace, its returns and payments of taxes to DOR are subject to audit only by DOR at its sole discretion.
- Requires audits of an online lodging marketplace to be conducted solely on the basis of the online lodging marketplace tax identification number and cannot be conducted directly or indirectly on any individual online lodging operator or any occupant to whom lodgings are furnished through an online lodging marketplace.
- Stipulates that an online lodging operator is not required to disclose any personally identifiable information relating to any online lodging operator or occupant to whom lodgings are furnished in exchange for occupancy.
- Prohibits DOR from disclosing information provided by an online lodging marketplace without the written consent of the online lodging marketplace.
- Defines terms.
- Makes technical and conforming changes.
- Becomes effective on January 1, 2017.

Status: Signed into law on May 12, 2016.

Comments: From [Arizona Governor's Office](#) (April 25, 2016)

Governor Doug Ducey and Airbnb today announced an official agreement between the online home sharing company and the Arizona Department of Revenue on the reporting and paying of taxes on behalf of Airbnb hosts. The agreement furthers the governor's vision of embracing new, 21st century business models in the sharing economy that benefit all Arizonans.

"This groundbreaking agreement is a signal to entrepreneurs across the U.S. that Arizona is a state that empowers innovative companies like Airbnb to set up shop and expand their operations," said Governor Ducey. "Making it easier for companies to service Arizonans without jumping through an outdated tax and regulatory system is a win for everyone. It helps our economy grow, these companies expand, and the thousands of Arizonans who are benefiting from this new and exciting economy thrive."

In January 2017, Airbnb will begin to electronically file and pay the state and local transaction privilege taxes due on behalf of its customers in Arizona. By doing so, the company will save its customers the time and cost of filing complex tax returns; maximize tax revenue due to state and local governments from home sharing activities, and spare the Arizona Department of Revenue the cost of manually processing hundreds, if not thousands, of paper returns on a monthly basis. This type of agreement is available to other companies operating in the home sharing industry.

"Serving taxpayers is the Department of Revenue's mission," said David Briant, Director of the Arizona Department of Revenue. "Streamlining the filing and payment of taxes for innovative companies is more efficient, more secure, and helps our state operate at the speed of business. We appreciate Airbnb's leadership in making these improvements a priority in Arizona."

"Today represents an important step forward for the thousands of Arizonans who share their homes on Airbnb," said Laura Spanjian, Airbnb Public Policy Manager. "Thanks to this agreement, Airbnb will now be able to help hosts streamline their tax payments and ensure compliance. We thank the governor and State of Arizona for their vision and partnership in embracing the sharing economy."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The Jason Flatt Act requires the board of education of each school district to provide suicide awareness and prevention programming to all school staff. The bill requires such programming to include at least one hour of training each calendar year based on programs approved by the Kansas State Board of Education (Board), which could be satisfied through independent self-review of suicide prevention training materials and a building crisis plan developed for each school building, including steps for recognizing suicide ideation, appropriate methods of interventions, and a crisis recovery plan. The bill also requires each school district to notify parents or legal guardians of students enrolled in such district that the training materials provided under such programming are available.

The bill prohibits a cause of action from being brought for any loss or damage caused by an act or omission resulting from the implementation of the provisions of the bill, or resulting from any training, or lack of training, required by the bill. Further, the bill states nothing in this section shall be construed to impose any specific duty of care.

The bill requires the Board to adopt rules and regulations necessary to implement the Jason Flatt Act by January 1, 2017.

Status: Signed into law on May 11, 2016.

Comments: From [The Jason Foundation](#)

The Jason Flatt Act started as an idea that was presented by a young legislator in New Jersey in 2001. He asked, "Have you ever thought about working with teacher's In-Service Training requirements to have educators trained?" That began our working with organizations in New Jersey and then Colorado to influence legislation for including youth suicide awareness and prevention training within Teacher's In-Service and eventually resulting in basis for The Jason Flatt Act.

In 2007, The Jason Flatt Act was first passed in Tennessee and became the nation's most inclusive and mandatory youth suicide awareness and prevention legislation pertaining to Teacher's In-Service Training. It required all educators in the state to complete 2 hours of youth suicide awareness and prevention training each year in order to be able to be licensed to teach in Tennessee. This was soon followed by Louisiana and California in 2008 (California is mandated to be offered – not individual teacher requirement which is the only difference to all other states). Mississippi passed The Jason Flatt Act in 2009 follow by Illinois in 2010 and Arkansas in 2011. The year 2012 would prove to be a record-breaking year for The Jason Flatt Act passing in five states; West Virginia, Utah, Alaska, South Carolina and Ohio. North Dakota passed the legislation in 2013. Wyoming passed legislation in 2014. Georgia, Montana, and Texas passed legislation in 2015. South Dakota, Alabama, and Kansas passed the legislation in 2016. In all, 19 states have now passed The Jason Flatt Act (over 36% of all states).

In all 19 states, The Jason Flatt Act has been supported by the state's Department of Education and the state's Teacher's Association which points to the value seen in such preventative training. When introduced under The Jason Flatt Act, a state can pass this important life-saving/life-changing legislation without a fiscal note.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Existing law establishes various housing and home loan programs throughout the state to help low-income families and other specified groups. Existing law authorizes the governing board of any school district, when leasing a building for housing of school district employees, to lease the building for any period they deem necessary.

This bill would authorize a school district to establish and implement programs, as provided, that address the housing needs of teachers and school district employees who face challenges in securing affordable housing.

Status: Signed into law on Sept. 27, 2016.

Comments: From [Law360](#) (Sept. 19, 2016)

This past August, state legislators passed Senate Bill 1413, authorizing school districts to establish programs aimed at helping teachers and school district employees secure affordable housing. Authored by state Senator Mark Leno, whose district includes San Francisco, the purpose of SB 1413, known as the “Teacher Housing Act of 2016,” is to “facilitate the acquisition, construction, rehabilitation, and preservation of affordable rental housing for teachers and school district employees to allow teachers or school district employees to access and maintain housing stability.” SB 1413 does so by permitting school districts to build rental housing on district-owned property and restricting occupancy in these projects to teachers and school district employees. The bill, supported by teachers’ organizations, the California Apartment Association, and the Non-Profit Housing Association of Northern California, easily passed both the state Senate and Assembly and is now with Governor Jerry Brown for approval.

To appreciate the timeliness of SB 1413, it is important to understand its backdrop. California’s public education system serves an estimated 6.2 million students annually. The state’s 1,022 public school districts employ approximately 295,000 teachers tasked with educating these students, at every level, and across a variety of programs. In view of this, SB 1413’s promoters recognized the corresponding “high value” that Californians place on their public education system, finding that “the stability of housing for teachers and school district employees is critical to the overall success of each school in California.” That is, without housing they can afford, teachers will leave their schools or exit the profession entirely. This in turn may negatively affect students’ outcomes.

In support of this conclusion, SB 1413’s authors found that the number of new preschool through grade 12 teachers has hit a “12-year low,” while simultaneously, fewer people than ever before are enrolling in programs to become teachers. School districts today confront an average annual rate of attrition of 8%. The rate of attrition is comprised in part of teacher retirements, as “fully one-third of California teachers are over 50 years of age and 10 percent are over 60 years of

age.” According to SB 1413’s backers, however, most of the attrition is due to younger teachers leaving the profession.

Unfortunately, as more teachers leave schools to find employment in other, higher-paying sectors, school districts’ demand for qualified teachers is not expected to decrease. This problem is even more pressing in those communities with high-cost housing markets, where the demand for qualified teachers will continue to outstrip supply.

Moreover, as school districts continue to recover from a years-long recession, programs and positions will be restored, leaving vacancies that districts must refill. Without a pool of teachers to draw from, schools—and by extension, students—will suffer. Furthermore, teacher attrition injures school districts’ financial bottom lines where, as here, many districts incur immense costs to recruit, hire and train new teachers.

The legislature’s research identified the lack of affordable housing as one driving factor in the shortage of qualified teachers. SB 1413 attempts to remedy this issue.

A New and Innovative Approach

SB 1413 provides school districts with mechanics to construct affordable rental housing on district-owned or nearby property that may be occupied solely by those persons “employed by a unified school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 12, inclusive, an elementary school district maintaining prekindergarten, transitional kindergarten, and grades 1 to 8, inclusive, or a high school district maintaining grades 9 to 12, inclusive, including, but not limited to, certified and classified staff.” Put differently, SB 1413 grants school districts the power to build rental housing that only their own teachers and staff may occupy.

SB 1413 empowers school districts “to the extent feasible ... establish and implement programs that ... (a) leverage federal, state, and local public, private, and nonprofit programs and fiscal resources available to housing developers; (b) promote public and private partnerships; and (c) foster innovative financing opportunities.” Funding, of course, is probably the single biggest driver of whether school districts will actually utilize SB 1413 to undertake new projects. SB 1413, by its express language, offers financing options that school districts can use in partnership with the private sector, which is the bill’s most attractive feature.

In this way, an integral component of SB 1413 is the federal Low-Income Housing Tax Credit (LIHTC). LIHTC programs facilitate the acquisition and rehabilitation or new construction, through private funds, of rental housing for low-income households, provided that this housing is made available to the “general public.” While projects under SB 1413 are not available to the “general public,” the act takes advantage of an Internal Revenue Service exception to the LIHTC program allowing its use for projects used by “members of a specified group under a federal program or state program or policy that supports housing for such a group,” in this case teachers and school district employees.

Opening Avenues to Creative Financing for Teacher Housing

SB 1413's relevance to the construction industry is readily apparent. It incentivizes development by providing the construction industry with express statutory authority and opportunity to work creatively with school districts to access financing options or enter into strategic partnerships with the goal of constructing affordable rental housing for teachers and school district employees. According to one of SB 1413's prominent sponsors, San Francisco Mayor Ed Lee, housing developers will not build projects that are not available to the general public without an express grant of statutory authority.[1] SB 1413 provides that authority.

Specifically, private builders will be able to access both federal and state LIHTCs to use toward new construction of affordable rental housing projects. Additionally, SB 1413 facilitates public-private partnerships, which are gaining in popularity as public entities struggle to find funding sources and must look outside traditional sources. A public-private partnership, known as a "P3," is a contractual arrangement between a public agency (federal, state or local) and a private sector entity.[2] Through their P3 agreement, the skills and assets of the public and private sectors are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the facility.[3]

A Step in the Right Direction

As pointed out by Senator Leno, "students and the community at large are benefited by teachers living in the community in which they practice their profession. It ensures stability, community involvement, and stronger ties between teachers and their students and families." [4] By removing barriers to the development of housing built specifically for teachers and school district employees, SB 1413 signals state-level commitment to helping teachers manage their housing expenses, thereby ensuring they stay a part of what all Californians agree is "a vital profession." [5]

Based on the authors' experience, similar projects aimed at other public employees have served the public entities, their employees, the construction industry and ultimately, the public, well. The public entities are able to secure a more stable and dedicated work force. The employees are able to obtain housing in the communities where they work. And through the implementation of creative public-private partnerships, the construction industry is provided new opportunities for developments that might otherwise not exist. All of this results in a net gain to the public and its important public school educators.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

To give students and administrators labor market and forward facing employment data to best advise students on the skills and experience needed to fill the many jobs in New York that needlessly go unfilled.

Section 1 defines key terms including "forward facing employment data" as current and projected employment opportunities in New York with the geographic, training, and experience requirements needed to fill such opportunities.

This section also requires that the Department of Labor shall provide to, inter alia, every school district and community college in the state maintaining approved career education programs, labor market information and forward facing employment data.

Furthermore, the education department shall provide schools and an analysis of the labor market information and forward facing employment data. The data and the analysis shall be made available to schools and community colleges, and the guidance counselors therein.

To effectuate the foregoing, the Commissioners of the Department of Labor and Education (or their representatives) shall meet at least once a month (excepting July and August).

Section 2 Establishes the effective date.

Every year many jobs in New York go unfilled because students and administrators do not have all the data available of the many jobs available and the training, and education necessary to obtain such jobs. Often, the best way to fill such jobs requires raising awareness about such opportunities at the high school and community college levels allowing students the chance to identify such job opportunities, and with the assistance of guidance counselors, map the necessary strategies to fill those job opportunities. This bill aims to put the requisite information and data in the hands of students and administrators so that students can be best informed about the skills and experiences necessary to obtain employment as they consider their future educational and/or work path beyond high school and community college.

Status: Signed into law on Sept. 9, 2016.

Comments: From [Long Island Local News](#) (Sept.16, 2016)

Senator Jack M. Martins (R-7th Senate District) announced that legislation he sponsored to enhance career opportunities for New Yorkers was recently signed into law.

The new law (Chapter 325 of 2016) requires the State Department of Labor, working in conjunction with the State Education Department, to provide school districts and community colleges with forward facing employment data so that they know which fields are likely to have a demand for skilled workers to fill open jobs over the next several years. This will help them

advise students about those fields and what courses of study or training they need to pursue in order to obtain employment in them.

“Right now there are over 100,000 open jobs in New York State because employers cannot find properly trained workers to fill them. High schools and community colleges need forward facing data that will enable them to proactively steer students towards successful, in-demand career paths, rather than reactively shepherding them to jobs that may become obsolete in the coming years. This law ensures that they will receive that data so they can advise students, prepare them to fill these jobs and develop new training programs to meet the job market’s demands. I applaud Governor Cuomo for signing this legislation that will help more people achieve meaningful, full-time employment,” said Senator Martins, Chairman of the Senate’s Labor Committee.

The law was one of the recommendations put forth by the Senate’s Task Force on Workforce Development, which Senator Martins co-chairs. The Task Force was created to examine ways to bridge the unemployment gap by improving the connections between prospective employees and employers looking to hire new skilled workers. The recommendations were developed with extensive input from leaders in business, labor, public education, higher education, local governments, and workforce training and development. Public hearings were held throughout the state to receive stakeholder input.

“Higher education must keep a close eye on the quality of programs and the value of the credentials produced to ensure graduates can meet employers’ needs and demands,” said Suffolk County Community College President Dr. Shaun L. McKay. “As a result of Senator Martins’ bill, now law, the data received from the Department of Labor will help guide our college as we create new programs and ensure our students have a bright future here on Long Island.”

“On behalf of 250,000 unionists and their families in Nassau and Suffolk Counties I would like to applaud Senator Jack Martins for sponsoring this legislation and Governor Andrew Cuomo for signing it into law. We’ve proven through Opportunities Long Island, a pre-apprentice program that provides access to high quality careers in the unionized construction industry, that we can address the economic needs and provide the training necessary for successful economic development in our region. This legislation will provide the data, infrastructure, support and coordination from New York State to expand the Opportunities Long Island model to other sectors of our economy,” said John R. Durso, President of the Long Island Federation of Labor, AFL-CIO.

“We are grateful to the Senate Task Force’s efforts to understand and shine a spotlight on the unemployment gap, or the gap that exists between employers with open jobs and individuals prepared for those jobs. A process that uses forward-facing data to promote an improved understanding of in-demand careers will go a long way toward reducing this gap – placing individuals into jobs and filling employer needs. Workforce Development Institute regional staff were happy to participate in the task force hearings in several areas of the state. We look forward to working with both the Department of Education and the New York State Department of Labor on this important initiative,” said Ed Murphy, Executive Director for the Workforce Development Institute.

“Hundreds of jobs go unfilled and career opportunities are missed every month because of the disconnect between employer needs and jobseeker skills. The hearings led by Senator Martins gave voice to crucial Long Island industry leaders and will help move the region closer to closing that gap,” said Rosalie Drago, Long Island Regional Director for the Workforce Development Institute.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Creates a \$1.5 million fund to support the creation of program produced in partnership between educational institutions and employers that lead to stackable credentials and meet regional workforce needs. The bill requires the Governor's Office of Economic Development to publish a biannual report detailing high demand jobs in certain high need industries. For programs to be eligible to receive funding under this bill, they should respond to needs in one of the industries identified in the Governor's Office of Economic Development Report, lead to the attainment of a stackable credential, and include both academic and CTE content.

Status: Signed into law on March 28, 2016.

Comments: From [Utah Business](#) (March 17, 2016)

Studies show that Utah employers need nearly 40,000 technically skilled employees today, with a much higher demand forecasted in the near future. SB 103, which passed, is a strategic workforce investment plan that creates stackable, credential pathways (such as certificates), in an effort to create a more technically skilled workforce. According to the bill's sponsor, Sen. Ann Millner, R-Ogden, who is former Weber State University president, SB 103, "will give our young people clear pathways to obtaining certificates and training that lead to jobs and to college completion pathways. It will provide for multiple entry and exit points for students who are just beginning their education or are returning to school to get more training. ... economic growth will require a highly skilled workforce, so now is a critical time to launch an investment in workforce preparation and education."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Create the New Economy Workforce Credential Grant Fund, administered by the State Council of Higher Education for Virginia (the Council). The bills direct the Council to disperse funds to statutorily proscribed institutions of higher education (primarily community colleges), so that they may provide grants to students in noncredit workforce training programs. Initially, the student will pay one-third the cost of tuition. Upon completion of the program, the Council will reimburse the institution for another one-third the cost of the program. Upon proof that the student has attained a credential, the Council will reimburse the institution for the remaining third of the cost of the program, up to \$3,000 per completed program per eligible student. If a student fails to complete the program, student will be responsible for paying an additional one-third of the cost of the program (instead of the state). The bill also requires eligible institutions to report data about the program completion and credential attainment rates of participating students.

Status: Signed into law on March 10, 2016.

Comments: From the [State Council of Higher Education for Virginia](#)

During the 2016 session, the General Assembly passed HB 66 which established the New Economy Workforce Grant Program. This grant program, the first of its kind, provides a pay-for-performance model for funding noncredit workforce training that leads to a credential in a high demand field. The program also includes requirements for students to complete the program in order to avoid paying additional costs. A summary of the major key components of the program are included below:

- Funds may be provided to eligible institutions for non-credit training that leads to a workforce credential in a high demand field.
- Eligible institutions include community colleges, higher education centers and Richard Bland College.
- Award amount is \$4 million in the first year and \$8.5 million in the second year and awarded on a first-come, first-served basis.
- Non-credit training programs should align with the high demand fields set by the Virginia Board for Workforce Development.
- Students are required to pay one-third of the total cost of the program upon enrollment. Students may use third party funds, such as noncredit financial aid, training vouchers or employer payment to cover this cost.
- If the student completes the training, then the state provides one-third of the cost of the program, up to \$1,500 to institution. If the student does not complete the program, then the student is required to pay this portion of the total cost.
- If the student satisfactorily completes the workforce credential after completing the training, then the institution receives the remaining one-third of the cost of the program up to \$1,500. The combined maximum award to an institution is \$3,000 for completion of training and a credential.
- Institutions must provide student-level data to SCHEV to receive funding.

- SCHEV is responsible for administering the program, conducting periodic assessment of the program, collecting student data, and making final decisions on disputes between eligible institutions and grant recipients.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

03-38B-06 Safe and Secure Data Sharing
Bill/Act: [ACR 120](#)

California

Summary:

This measure would recognize that the Legislature supports the development of safe and secure data sharing between public education, social service, and research entities through the Silicon Valley Regional Data Trust as it pertains specifically to at-risk, foster, homeless, and justice-involved children and youth and their families, in order to better serve, protect, and improve the futures of these Californians.

Status: Filed with the Secretary of State, August 5, 2016

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

03-38B-07 Concerning Safe Technology Use and Digital Citizenship
in Public Schools
Bill/Act: [Substitute SB 6273](#)

Washington

Summary:

Requires the Office of the Superintendent of Public Instruction to develop best practices and recommendations for instruction on digital citizenship, Internet safety, and media literacy, in consultation with stakeholders, and report to the Legislature on strategies for statewide implementation. Requires school districts to annually review policies and procedures on electronic resources and Internet safety, beginning in the 2017-18 school year.

Status: Signed into law on March 29, 2016.

Comments: From [Mast Media](#) (March 14, 2016)

With an overwhelming majority of 47 to 0, the Washington State Senate approved the final passage of Senate Bill (SB) 6273. The successful final passage of this bill is big news for the state: Washington is only a governor's signature away from changing the way public schools educate students about media.

A bill that Washington State Senator Marko Liias introduced to the Senate in January, SB 6273, calls for each school district statewide to determine the best course of action to help students, parents and guardians learn how to use media intelligently and effectively. The text of the bill emphasizes "media literacy" and "digital citizenship" as essential.

Liias described digital citizenship and media literacy in terms of effects on students rather than textbook definitions.

"They're both about empowering our students to be good consumers of information," he said. "It's about gaining the ability to access good information and evaluate the information they receive and then use the information they've obtained, whether that's online, in print or on T.V."

Evaluating information is far easier said than done for those unschooled in digital citizenship in the media-saturated 21st century. Media scholar Marshall McLuhan once compared humans surrounded by media to fish surrounded by water, observing, "One thing about which fish know exactly nothing is water, since they have no anti-environment which would enable them to perceive the element they live in."

Though SB 6273 reflects these goals, it does little to outline how schools will go about achieving them. The bill doesn't discuss the specific ages of students required to learn media literacy, necessary qualifications of media educators or assign specific responsibilities. Instead, the bill relegates the specifics to individual school districts.

Liias said that the bill's immense flexibility is intentional, noting the diverse populations and needs of different school communities within the state. His hope is that as time passes, schools

learn what works best from experience. Additionally, he emphasized that the purpose of the bill is to start a dialogue rather than set hard-and-fast rules.

“We really want to start the conversation now and begin easing our way into this,” said Liias.
“The point of this bill is to launch the conversation and see where it goes.”

For any questions or comments regarding SB 6237, Senator Liias can be reached at marko.liias@leg.wa.gov

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

03-38B-08 Prioritizing the Awarding of Funds to Teachers for
Additional Education in Certain Fields
Bill/Act: [HB 1303](#)

Arkansas

Summary:

This bill gives priority to awarding funds under the state's Teacher Opportunity Program for reimbursements for continuing education in STEM, computer science, literacy or reading, prekindergarten education, or special education.

Status: Signed into law on Feb. 14, 2017.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The bill amends existing law by identifying new population-level indicators for inclusion in the annual report of quality-of-life outcomes, including many new disability-related indicators. The bill amends the charge of the joint legislative Government Accountability Committee, giving the committee greater oversight of the agency performance measures used to demonstrate program results leading to improvements in population-level indicators. The bill tasks the Chief Performance Officer of the Agency of Administration with reporting to the General Assembly on the population-level indicator data and state agency progress in meeting outcomes relative to these population-level indicators. The bill requires the report be made accessible to the public in electronic format.

The bill amends the annual report's quality-of-life indicators to include the following disability-related indicators:

- rate of Vermonters with mental health conditions getting help for those conditions;
- percent of population trained in mental health first aid;
- percent of people served in Choices for Care who are living in each of the following: institutions, residential or group facilities, or independently;
- number and percent of adults with severe, persistent mental illness who are living in each of the following: institutions, residential or group facilities, or independently; and
- employment rate of people with disabilities who are of working age.

The annual quality-of-life report is intended to provide state policymakers with the information essential to making informed decisions about the effectiveness of state agency programs and services. The inclusion of the above disability-related population-level indicators communicates the importance of disability inclusion in the workplace and the community to the state's quality-of-life goals. The bill also increases transparency and citizen engagement by requiring the full report be made accessible to the public in electronic format. This bill represents an emerging policy issue identified in the CSG-NCSL *Work Matters* framework, related to policy option 4-G: Establish or improve reporting mechanisms to measure success of program(s) and drive quality improvement. Similar state efforts on data collection for policy decision-making have been found recently in Alaska, Kansas, Massachusetts and Washington.

Status: Signed into law on May 23, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting

☐ next SSL cycle
☐ Reject

Comments/Note to staff

03-38B-10 Crafting a Statewide Parent to Parent Program for Families
with a Child with Developmental Disabilities or Special
Health Care Needs
Bill/Act: [HB 2394](#)

Washington

Summary:

The bill provides for the creation of a framework to authorize the funding of parent to parent support programs for families of a child with either developmental disabilities or special health care and expand the program statewide. The bill tasks the department of social and health services with administering and funding, subject to appropriations, the statewide program through a pass-through to a state lead organization. The bill sets out contract requirements and programmatic elements for the lead organization and local host organizations. The bill requires that parents of children with developmental disabilities or special health care needs are highly involved in the implementation of the program, including serving as advisors to local host organizations and performing information support and program coordination duties.

This bill makes statewide long-standing local parent to parent support programs. Through this bill, the state formalizes a commitment to supporting families and children with certain disabilities and authorizing state budget appropriations to financially support the expansion of the program statewide. The parent to parent program provides new parents with emotional support and information and resource referral services to help navigate local and state service systems. Family engagement and support is identified as a priority policy option in the CSG-NCSL *Work Matters* framework, option 7-A: Encourage the development and adoption of comprehensive training for parents and families that provides them with the appropriate knowledge to support youth with disabilities in navigating the education and career development process.

Status: Signed into law on March 31, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Article 1, Section 29 of the bill requires the Minnesota State Colleges and Universities (MNSCU) Board of Trustees to create a full-time, two year residential postsecondary program for students with intellectual and developmental disabilities. The bill provides for the development of a plan to offer an inclusive postsecondary credentialing program in up to four MNSCU college or university campuses. The bill stipulates that campuses selected in the plan should be able to offer the program with existing resources and facilities and be located in diverse geographic regions in the state.

The bill requires the plan to include a goal of at least ten incoming students enrolled annually at each campus offering the program. The bill also provides for an application and admissions process tailored to students with intellectual and developmental disabilities.

The bill requires that programs offered through the MNSCU-developed plan must be two-year full-time residential postsecondary experiences where students are included fully in campus life. The bill requires that participating students receive a certificate, diploma or appropriate credential upon successful completion of the program.

The bill outlines program curriculum requirements, including:

- core courses that develop life skills, financial literacy, and the ability to live independently;
- rigorous academic work in a student's chosen field of study;
- an internship, apprenticeship, or other skills-based experience to prepare for meaningful employment upon completion of the program;
- on-campus mentoring and peer support communities; and
- opportunities for personal growth through leadership development and other community engagement activities.

Individuals with disabilities, and especially individuals with intellectual or development disabilities, have much lower rates of postsecondary education achievement and credentialing than their non-disabled peers. Research suggests that access to postsecondary learning experiences is a significant indicator of many employment and economic security outcomes the individuals with intellectual and developmental disabilities. This bill creates inclusive college programs that place participating students alongside their non-disabled peers during learning experiences and results in a conferred credential. While most states offer postsecondary comprehensive transition programs for students with intellectual and developmental disabilities, as described in the Higher Education Opportunity Act of 2008, Minnesota joins a handful of other states who have recently legislated more robust inclusive and credential-granting postsecondary program designs, including Florida and Colorado. Work-based learning experiences supporting meaningful employment, required by this bill, represent one possible career readiness policy strategy found in the *Work Matters* “Preparing for Work” section.

Status: Signed into law on June 1, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The bill creates an inclusive higher education pilot program for students with intellectual and developmental disabilities at three state institutions of higher education in the state. The bill identifies two four-year universities and one two-year community college as the sites for the pilot program. The bill required the three state institutions to create an inclusive program resulting in a certificate issued upon successful completion of the program.

The bill defined inclusive higher education to mean: *institution-approved access to higher education that enables a student with intellectual and developmental disabilities to have all of the rights, responsibilities, privileges, benefits, and outcomes that result from a college experience to the greatest extent possible, including academic success, career development, campus engagement, self-determination, participation in paid work experiences, on- or off-campus living, inclusive social activities, and access to and instruction in technology, resulting in a meaningful credential conferred by the institution.*

The bill authorizes each pilot program institution to conduct an assessment of institutional needs and capacities and identify state and institutional policy that supports or hinders the implementation of inclusive higher education.

The bill authorizes the following core elements for the pilot programs:

- programmatic and necessary supports for students to successfully access courses;
- student access to two undergraduate courses in the student's chosen issue area;
- student access to one course specifically tailored to the needs of students with intellectual and developmental disabilities;
- peer mentoring;
- integration, to the greatest extent possible, of students into the academic and social experiences offered on campus;
- coordination with state vocational rehabilitation system;
- curriculum that prepares students for gainful competitive employment; and
- the conferring of a certificate upon successful completion of the program.

The bill requires the pilot programs to become certified transition programs, as defined in the federal Higher Education Opportunity Act of 2008, if the institution determines the inclusive higher education program to be financially and programmatically sustainable. As stated in the bill, securing recognition as a certified transition program allows students participating in the program to receive certain types of federal financial aid.

Individuals with disabilities, and especially individuals with intellectual or development disabilities, have much lower rates of postsecondary education achievement and credentialing

than their non-disabled peers. Research suggests that access to postsecondary learning experiences is a significant indicator of many employment and economic security outcomes the individuals with intellectual and developmental disabilities. As identified in the bill's legislative declaration: *high-quality inclusive college programs across the country are reporting competitive job placement rates at over seventy percent within six months of graduation for students with intellectual and developmental disabilities, compared to a competitive job placement rate of less than thirty percent for students without access to these types of programs, as reported in a national study conducted by the Gallup Poll and the Special Olympics. Placement in competitive jobs results in greater community participation and less dependence on government and family support.*

This bill creates inclusive college programs that place participating students alongside their non-disabled peers during learning experiences and results in a conferred credential. This bill identifies two four-year institutions as site for the pilot program, allowing students with intellectual and developmental disabilities to attend inclusive programming at large state institutions and participating in integrate settings with large student population. The bill further instructs pilot programs to become transition programs under the Higher Education Opportunity Act of 2008, so as to allow students to apply for financial aid. This strategy takes the postsecondary access component of Higher Education Opportunity Act comprehensive transition programs one step further with directives to make the pilot programs as inclusive as possible. Colorado joins a handful of other states who have recently legislated more robust inclusive and credential-granting postsecondary program designs, including Florida and Minnesota. Many outcomes intended by the bill, including access to work experiences, gainful competitive employment outcomes, and integrated settings are emerging policy issues found throughout the CSG-NCSL *Work Matters* framework.

Status: Signed into law on June 1, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This joint resolution calls for equal rights for people with disabilities to access technology and information systems in the state. The joint resolution declares the intent of state legislators to see equal access implemented with deliberate speed, and provides for the legislative rationale for ensuring the accessibility of information and communication technologies utilized by both the public and private sectors.

The joint resolution indicates that technology and information access is critical to self-determination and community engagement and states that: *ensuring access to technology and information for Tennesseans with disabilities will create new markets and employment opportunities, decrease dependency on public services, and improve the independence, productivity, and quality of life of people with disabilities.*

The joint resolution communicates that Tennessee legislators recognize how pivotal information and communication technologies are to society today, and how inaccessible technologies create barriers to full participation in employment and community life for people with disabilities. A number of states have policies declaring the need for accessibility of state information and communication technologies, including Alabama, Arizona, California, Kentucky, Maine, New York and New Hampshire. This joint resolution is significant in that it calls for improvements to accessibility not only to government hosted technology services, but also commercially available technologies. Accessible information and communication technologies, for both public and private sector use, is called for in policy option 9-B of the CSG-NCSL *Work Matters* framework: Elevate the importance of accessibility as a primary policy and program consideration in the design, development and procurement of technology systems.

Status: Signed into law on Feb. 12, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

03-38B-14 Authorizing Personal Tax Refunds to be Contributed to
Accounts Under the College Savings Program
Bill/Act: [A 9118](#)

New York

Summary:

Expands contribution options for individuals who choose to invest in higher education by authorizing taxpayers to make direct deposit contributions of personal income tax refunds into a New York State 529 College Savings Program.

Status: Signed into law on Nov. 28, 2016.

Comments: From [Press & Sun-Bulletin](#) (Nov. 30, 2016)

ALBANY—Families will now be able to direct a part of their state tax refund into New York’s 529 College Savings Program to further save for their child’s academic future.

Gov. Andrew Cuomo signed the bill into law on Monday night that allowing families to split their state personal income tax refund and have the option of placing all or a portion of the refund into the college savings program at tax time.

[In the 529 account](#), savings can grow tax-free as long as the money will be used to cover higher education expenses such as room and board, books and other supplies.

“Every parent of a college-bound student in New York State should take advantage of our 529 college savings plan,” Comptroller Thomas P. DiNapoli said in a news release from Assemblyman David Buchwald, D-White Plains, who sponsored the bill.

The law is expected to benefit all families, especially those of low and moderate-income levels, supporters said.

Also under the new law, a minimum of \$25 must be contributed to start a 529 program.

The deposit cannot be changed or revoked once the taxpayer agrees to contribute the amount and can only be applied for the tax year that the refund was issued.

The bill was sponsored in the Senate by Thomas Croci, R- Suffolk County.

The measure was one of 133 bills Cuomo either signed or vetoed Monday.

For more information about New York’s 529, visit: <https://www.nysaves.org>.

Disposition of Entry:

SSL Committee Meeting: 2018 B

☐ Include in Volume

☐ Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The bill requires a community college campus to grant access to shower facilities for enrolled homeless youth, as specified.

Status: Signed into law on Sept. 21, 2016.

Comments: From [Santa Barbara Independent](#) (Sept. 23, 2016)

By Assemblymember Das Williams

During my six years in Sacramento as an assembly member representing Santa Barbara and Ventura counties, I have had the pleasure and privilege to work on dozens of significant pieces of legislation.

I have fought my hardest to champion environmental, higher education and sustainable energy bills that have benefited my district and all California residents.

Sometimes legislation is complex and controversial. It involves compromise, team-building, standing your ground, and, often, vigorous debate. Sometimes, however, the most important bills can also be the most simple.

I authored AB 1995, a bill that allows homeless college students who are enrolled in coursework, have paid tuition fees, and are in good standing with the community college district to shower at community colleges. The bill enjoyed bipartisan support in the Legislature and was recently signed into law by Governor Jerry Brown.

This bill is especially dear to me. The law historically has not allowed a student at a community college to use the shower facilities unless they were enrolled in physical education classes.

Across the nation, 58,000 students are homeless, according to data from the Free Application for Federal Student Aid (FAFSA). California has the highest rate of homeless youth in the nation and twice the rate of homeless students than the national average. Of course, this number is higher because not all students willingly report that they are homeless due to the attached stigma.

I was once one of them. Nearly 25 years ago, I was a homeless college student, in need of a place to shower. Each homeless student's story is different. I certainly did not have it as difficult as many others. Still, I know what it is like to be homeless and hungry, in need of a shower, and insecure about going to class and about my future.

When I was 16 years old, my parents had left town. I dropped out of high school and had little money, but I knew pursuing a higher education was key to building a better life.

So I spent every dime I had and purchased a used Volkswagen van. I lived in it and parked at Shoreline Park while I attended Santa Barbara City College. I slept in my vehicle, which could frequently mean interrupted sleep as I was sometimes, always politely, asked to move on.

College is difficult enough even when you have a fully functioning home environment, with amenities many take for granted. Imagine making a decision about whether to attend class based on whether you smelled badly because you hadn't showered in days. That decision was particularly vexing considering that the college had ample shower facilities available. Not being able to shower increased my sense of being an outsider.

Like most people facing adversity, I tried to figure out a way. I found a cold beach shower or did not shower at all.

Students like me without permanent housing may go without showers, basic hygienic products, and other essential services. Students are less likely to attend class when they do not take showers and feel insecure about their physical appearance. Students who do not have access to showers and secure storage for books and school supplies are at extreme risk of dropping out of school.

My bill attempts to ease some of the pain of being homeless:

- Authorizes any student enrolled in a California Community College that is facing a financial or housing crisis the opportunity to shower in the locker room facilities maintained by that college without the requirement of enrollment in a physical education (PE) course or athletic department program.
- Requires that students be enrolled in coursework, pay enrollment fees, and be in good standing with the community college district.
- Aligns the use of the shower facilities for homeless students with the campus' gym operating hours, and only for two hours per weekday.

I believe that AB 1995 greatly increases the likelihood that a student will be successful in college. I was homeless for nearly a year before I transferred to UC Berkeley. I was fortunate enough to endure through that challenging period, but there are many students who aren't able to survive the perils of homelessness. This new law helps them overcome at least one barrier and will empower them to attend classes with more confidence.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle

☐ Reject

Comments/Note to staff

Summary:

The bill requires each public and private postsecondary education institution that is located in a county that participates in the Restaurant Meals Program to apply to become an approved food vendor for participation in this program.

Status: Signed into law on Sept. 12, 2016.

Comments: From [The Center for Law and Social Policy](#) (Sept. 15, 2016)

On September 12, California Governor Jerry Brown signed the [College Student Hunger Relief Act](#) (AB 1747), a bill designed to improve benefits access for low-income college students. Specifically, it will increase access to food assistance programs, reducing hunger as well as financial barriers that threaten low-income students' college completion. CLASP commends the state's effort to provide [nontraditional students](#) the support they need to succeed in postsecondary education.

AB 1747 (Weber) enables students who qualify for the [Restaurant Meals Program \(RMP\)](#)—an optional component of SNAP that gives counties the discretion to allow homeless, disabled, or elderly people to use their benefits for prepared meals—to purchase freshly cooked food at on-campus food facilities. Under the new law, postsecondary institutions in counties participating in RMP will be required to register as approved food vendors. The bill also establishes a fund to support partnerships between food banks and on-campus kitchens, as well as codifies existing practice to support SNAP campus outreach. Using information from the Department of Social Services, the law further requires institutions to annually inform students about the program.

For many nontraditional students, [unmet financial need](#)—the gap between college costs and what students have to pay—is a significant barrier toward pursuing and completing college. Students with high unmet need are more likely to borrow or work more, cut their course loads, or even drop out. Ensuring students are able to access public benefits, such as SNAP, can help low-income students make ends meet while in school. CLASP's report [Lessons Learned from a Community College Initiative to Help Low-Income Students](#) discusses the results of Benefits Access for College Completion (BACC), our [2.5-year initiative](#) to increase access to public benefits for eligible low-income students. An evaluation of BACC demonstrates a direct correlation between increased benefits access and improved progress toward degree completion.

CLASP looks forward to California's continued efforts to address student hunger and connect them to public benefits that support persistence and completion. These initiatives should be a model for federal and state policymakers who want to help low-income students build skills, obtain credentials, and succeed in today's economy.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Makes instruction in sexual health education mandatory, revises human immunodeficiency virus (HIV) prevention education content, expands topics covered in sexual health education, requires this instruction to be inclusive of different sexual orientations, and clarifies parental consent policy.

Status: Signed into law on Oct. 1, 2015.

Comments: From [EdSource](#) (July 24, 2016)

A new California [law](#) requiring 7th- through 12th-grade students to be educated about sexual harassment and assault will enter its first full year of implementation this fall, and experts and advocates say schools have the opportunity to address troubling attitudes about gender and power that they say can contribute to sexual harassment and even assaults on college campuses.

Many school cultures trivialize harassment, tolerate language that degrades girls and women, and leave unchallenged the misconception that masculinity means being superior and aggressive and femininity means being inferior and submissive, said Erin Prangle, associate director of government relations for the American Association of University Women, a Washington, D.C.-based research and policy organization. These unchecked attitudes emerge at an early age and help create a mindset that, at the college level, has the potential to contribute to sexual assaults, such as the case of [Brock Turner at Stanford University](#), she said.

“The problems that have been very high-profile in the campus sexual assault arena aren’t problems in a vacuum,” Prangle said, without referring to the specific circumstances of the Turner assault.

“A lot of these assaults are symptoms of how children were socialized to be in relationships with other children and, ultimately, with intimate partners,” said Emily Austin, director of advocacy services at the California Coalition Against Sexual Assault, a Sacramento-based nonprofit organization.

In [a 2011 study](#), the American Association of University Women found that nearly half – 48 percent – of about 2,000 7th- through 12th-graders in a nationally representative survey said they experienced some form of harassment based on their gender during the school year. The harassment included unwelcome sexual comments and gestures, being shown sexual pictures they did not want to see, being touched in an unwelcome sexual way and being forced to do something sexual. Girls were more likely to experience sexual harassment than boys.

While there is no single profile of a student who sexually assaults others, sexual harassment by definition is about gender and power, and students who engage in that behavior are likely to have issues with both, said Dorothy Espelage, a University of Illinois at Urbana-Champaign researcher on bullying and sexual violence. Those issues, she said, may include a personal or

cultural belief that men should hold a dominant position over women in society, a conviction that gender roles must be strictly defined and a concern about being perceived as not masculine enough.

“In our work, the idea that girls should succumb to boys and that boys should call the shots—and be stoic and traditionally masculine—is associated with higher rates of sexual harassment,” Espelage said.

“People need to take sex discrimination seriously in this country,” said Erin Prangle of the American Association of University Women.

Power and gender identity come to the fore in middle school when girls and boys take stock of their relative status as social and sexual beings. In [a study](#) of nearly 1,000 5th, 6th and 7th grade students, Espelage and her colleagues found that the combination of high rates of bullying and high rates of homophobic name-calling—using words such as “homo, gay, lesbo or fag”—was a predictive indicator of which middle school boys were most likely to sexually harass other students over a two-year period, according to results published in 2015 in the Journal of Interpersonal Violence.

The findings do not imply that bullying leads to rape, according to [a research brief](#) on Espelage’s work published by the Centers for Disease Control and Prevention. Instead, the findings suggest the need for schools to explicitly address and forbid homophobic teasing and sexual harassment, the authors said.

“Unlike flirting or good-natured joking, which are mutual interactions between two people, sexual harassment is unwelcomed and unwanted behavior which may cause the target to feel threatened, afraid, humiliated, angry, or trapped,” according to the National Women’s Law Center’s [primer on sexual harassment](#) for students. In the school environment, sexual harassment includes unwanted sexual behavior – such as sending sexual notes, grabbing body parts, spreading sexual rumors or making sexual gestures, jokes, or verbal comments – that interferes with a student’s opportunity to obtain an education, according to the law center. Sexual harassment may occur electronically or in person.

It is also against the law in federally funded schools under Title IX of the Educational Amendments of 1972, as reiterated in a 2011 “Dear Colleague” letter from the U.S. Department of Education’s Office for Civil Rights. “Sadly, I think most people don’t know that Title IX applies to sexual harassment and sexual assault, and not just to sports,” said Rebecca Peterson-Fisher, senior staff attorney at Equal Rights Advocates, a San Francisco-based nonprofit legal organization.

“We need to role model masculinity that is respectful and begin a conversation around norms and objectification,” said Brett Sokolow of the Association of Title IX Administrators.

Unaddressed sexual harassment and assault incidents in K-12 schools are the “training ground” for college sexual assaults, said Esther Warkov, executive director of [Stop Sexual Assault in Schools](#), a nonprofit organization that is creating an anti-sexual harassment educational

curriculum. Warkov said she co-founded Stop Sexual Assault in Schools after her high school daughter in the Seattle Public Schools system was raped by a student during an overnight field trip.

To illustrate the types of student-to-student sexual harassment that parents and students report to schools, Warkov shared with EdSource copies of Title IX complaints filed between 2012 and 2015 at various schools in California. Warkov obtained the complaints by filing public records requests; to protect the privacy of all parties, EdSource is providing only a summary.

One parent of a 5th-grade girl stated that a boy repeatedly followed her daughter and another girl around the playground while shouting comments about their bodies and what sexual acts he would do to them. A high school girl described a male student putting his hand down the front of her shirt. A parent of an elementary school boy stated that a group of boys trapped her son while one boy rubbed his body against him. A middle school parent said that when her daughter told the principal that she had been touched in a sexual way, the principal asked her what she was wearing at the time.

Enforcement of the 44-year-old Title IX law in K-12 schools is poor, said Brett Sokolow, executive director of the Association of Title IX Administrators, a national organization based in Pennsylvania, who estimated that about 85 percent of school districts nationwide are out of compliance. He described a landscape in which school districts fail to fulfill some or all of the basic mandates – they fail to name a Title IX coordinator, fail to train a coordinator and fail to inform students that they have the legal right to go to school without being subjected to sexual harassment, which includes listening to crude sexual jokes and hearing about Facebook pages created to rank girls' appearance.

In 2013, the California Department of Education sent [a letter](#) instructing all school districts to complete a Title IX Coordinator survey, but response was so low that results were never published, said Peter Tira, department spokesman, who said the department is considering conducting a new Title IX Coordinator survey in the fall. In the Legislature, [Senate Bill 1375](#), by state Senator Hannah-Beth Jackson, D-Santa Barbara, would instruct school districts to post the name of their Title IX coordinators and their complaint procedures – requirements already mandated by federal law, as was stated in [a 2015 federal “Dear Colleague” letter](#) to school districts.

And yet, schools are obligated to act. “If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects,” according to [guidance](#) from the Office for Civil Rights.

Sokolow called on schools to become places where administrators, staff, teachers and students talk in age-appropriate ways about gender equality, sexual harassment and the need to ask for permission before touching someone, he said. “You can’t just teach somebody rape is wrong. You have to teach them to respect women,” he said. “We need to role model masculinity that is respectful and begin a conversation around norms and objectification.”

California's [new sexual health education law](#) for grades 7-12, which went into effect Jan. 1, would seem to provide an opportunity for such conversations. Schools must provide information about sexual harassment and assault, healthy relationships and body image and the curriculum must positively affirm gay, lesbian, bisexual and transgender people. In addition, another [new law](#) requires curriculum on affirmative consent before sexual activity, known as "yes means yes," to be taught in school districts where high school students must take a health class before graduating.

Meanwhile, 90 [Title IX sexual violence investigations](#) are underway nationwide in 82 elementary and secondary school districts, according to the Office for Civil Rights, including seven in California: Berkeley Unified, Carlsbad Unified, Palo Alto Unified, Pasadena Unified, San Diego Unified, Santa Cruz City High and Val Verde Unified. The federal Office for Civil Rights Data Collection publishes [data from all school districts](#) on reported sexual harassment incidents. "Zero" incidents reported is a bad sign, said Prangle at the American Association of University Women. "We know based on our research that can't be true," she said.

"The failure of schools to address sexual harassment and sexual assault in K-12 mirrors the failure to address it in society as a whole," said Peterson-Fisher at Equal Rights Advocates. "The prevalence of sexual harassment in society is extraordinary and we've done extraordinarily little to combat it."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This act requires any household member age 16 or older who lives in a prospective family child care home to undergo state and national criminal history records checks when the care provider first applies to the Office of Early Childhood (OEC) for licensure, thus conforming the law to existing OEC practice. It defines a “household member” as anyone residing in the family child care home other than the person licensed to provide child care. This includes the licensee's spouse, children, tenants, or any other occupant. It also authorizes the OEC commissioner to take action against licensees with household members who have committed specific crimes.

Additionally, the act requires, rather than allows, the Department of Labor (DOL) to approve higher education courses as required employment activities for temporary family assistance (TFA) recipients in the Jobs First Employment Services (JFES) program (see BACKGROUND). It also adds enrollment at a public or independent institution of higher education to the list of employment services that DOL, if the department deems it appropriate, must provide to TFA recipients. In doing so, the act allows TFA recipients participating in approved education courses to receive Care 4 Kids child care subsidies. It also repeals a conflicting law on DOL approval of higher education courses as employment activities.

Status: Signed into law on June 7, 2016.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Directs distribution companies (companies engaging in the distribution of electricity or owning, operating or controlling distribution facilities) to jointly and competitively solicit proposals for offshore wind energy generation from offshore wind developers and enter into contracts for the purchase of up to 1,600 MW of aggregate nameplate capacity by June 30, 2027. Individual solicitations submitted must be for no less than 400 MW of aggregate nameplate capacity.

Status: Signed into law on August 8, 2016.

Comments: From [The Washington Post](#) (Aug. 8, 2016)

Massachusetts Gov. Charlie Baker signed a new energy law on Monday that could give a huge boost to the country's offshore wind industry. [The legislation](#), which was overwhelmingly passed last week by the state legislature, includes the nation's biggest commitment to offshore wind energy, requiring utilities to procure a combined 1,600 megawatts of electricity from offshore wind farms in a little over 10 years.

The legislation comes at a time when the offshore wind industry is still ramping up in the United States. Although multiple projects have been proposed up and down the East Coast, there are no working turbines in the water yet. That should soon change.

In Rhode Island, wind energy development company [Deepwater Wind](#) is preparing to enter the final stages of construction—perhaps as early as next week—on a [30-megawatt offshore wind farm](#). While relatively small in scale, the project would be the first of its kind to function in U.S. waters, and has been hailed as a long-awaited jump start to the nation's offshore wind industry.

Deepwater also has interests in the state of New York, where it's proposed a [90-megawatt, 15-turbine wind farm](#) off the coast of Long Island. Originally, the Long Island Power Authority was scheduled to approve the project on July 20. However, it delayed the vote at the request of the New York State Energy and Research Development Authority, which asked to hold off until the release of a comprehensive master plan for the state's offshore wind development. Environmental groups are urging officials to move forward with the approval process as soon as possible.

In the meantime, New York's Public Service Commission voted Monday to [approve the state's Clean Energy Standard](#). The plan would require 50 percent of New York's electricity to come from renewable sources, such as wind and solar, by the year 2030. The Deepwater project, once approved, would be a critical component of achieving that goal.

In Massachusetts' case, the mandated renewable energy doesn't have to come from the state, itself. While several projects have been proposed in Massachusetts waters, none have launched yet. The most well-known of these is the [Cape Wind project](#), a proposed installation of 130 turbines with a combined capacity of 468 megawatts. The project has been involved in multiple

permitting struggles and other financing and legal snafus since its inception more than a decade ago.

Aside from the Cape Wind project, several other wind development companies hold leases in Massachusetts waters, including Deepwater Wind, Denmark-based DONG Energy and OffshoreMW, headquartered in Germany.

In terms of the new bill's wind requirements, though, individual companies must solicit bids for proposals with a capacity of at least 400 megawatts each. The goal is a combined 1,600 megawatts in long-term contracts by June 2027.

The bill has been hailed by renewable energy advocates and wind developers as a major step forward for both clean energy in Massachusetts and wind development in the country as a whole.

In a recent statement, [Peter Shattuck](#), Massachusetts director of the clean energy organization Acadia Center, hailed the legislation as a "huge step on the path to a clean energy future." And DONG Energy's General Manager of North America, Thomas Broström, called the legislation a "landmark moment for Massachusetts' clean energy future and a victory for the Commonwealth's residents and businesses."

Combined, the recent breakthroughs in U.S. wind development and investment — in Massachusetts, New York and elsewhere — may help boost the industry in a nation where it's heretofore been slow to launch. And that's a win not only for those states, but for clean energy in the country as a whole.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

04-38B-01 Tax Incentives for Refineries to Produce Cleaner-Burning Utah
Gasoline
Bill/Act: [SB 197](#)

Summary:

This bill modifies provisions relating to a sales and use tax exemptions for certain refineries.

Status: Signed into law on March 17, 2017.

Comments: From [The Salt Lake Tribune](#) (March 9, 2017)

A tax break designed to entice Utah refineries to produce cleaner-burning gasoline more quickly is on its way to Gov. Gary Herbert.

The House voted 72-0 on Wednesday to pass [SB197](#). The Senate previously passed it 24-1.

It broadens a sales tax exemption for refineries that move toward production of cleaner Tier 3 fuel. Legislative analysts estimate that would cost \$2.1 million a year in 2019.

The federal government is expected to require Tier 3 fuel eventually, but lawmakers want to speed the process in Utah to fight pollution — a concept that the governor has previously endorsed as the single most important thing policymakers could do to clean up Utah's air.

House Majority Leader Brad Wilson, R-Kaysville, the House sponsor of what he called the "monumental bill," said Tier 3 fuel would vastly reduce pollution particulates that worsen local inversions.

"If every vehicle on the Wasatch Front were using Tier 3 fuel, it's the equivalent of removing four out of five cars off the roads — a big and important step in the right direction to improve our air," Wilson said. Those figures are also cited by state environmental officials.

He noted that vehicles produce half of the air pollution particulates along the Wasatch Front now.

Wilson said refineries say decisions to make upgrades quickly hinges largely on the tax credit, and may offer big benefits. "These refiners are going to be making tens of millions of dollars of investment to make this happen if they take advantage of this legislation."

Longtime clean air champion Rep. Patrice Arent, D-Millcreek, added that Tier 3 gasoline will help even older Tier 2 cars "that most of us drive" to reduce pollution. "This gives us good bang for the buck."

Comments: From [The Standard Examiner](#) (March 20, 2017)

SALT LAKE CITY — Legislation encouraging Utah’s refineries to revamp their systems to produce [low-sulfur](#) Tier 3 fuels passed with overwhelming support the final week of the 2017 session in spite of the \$1.8 million tax break it promises.

South Davis County is home to three refineries that stand to benefit from [Senate Bill 197](#): [Chevron](#), [Holly](#) and [Tesoro](#).

According to Sen. [Stuart Adams](#), R-Layton, previous iterations of his bill contained \$60 million to provide manufacturers with tax incentives that would help make their businesses more competitive in Utah.

“We currently don’t give them an exemption. There are four states without sales tax. Of the remaining 46, 40 have exemptions for manufacturers,” Adams said.

However, that hefty fiscal note blocked the legislation from advancing—and the current SB 197 looks trim in comparison, scaled back to provide refiners with a sales tax exemption on the purchase or lease of machinery, equipment, catalysts, chemicals, and other supplies related to Tier 3 fuels.

But Adams said he believes in the legislation for reasons beyond keeping Utah’s business climate competitive.

“It’s probably the most significant clean air bill I’ve seen in recent years,” Stuart said. “We think its good tax policy not to tax inputs, but we also think we have significant problems with our air quality.”

Tier 3 fuel, the nationwide standard set by the U.S. Environmental Protection Agency in April 2014, holds the promise of removing a significant portion of the pollutants that sully Utah’s “pretty great state” reputation, particularly during wintertime inversions.

According to the EPA, no state would benefit more from implementing Tier 3 fuels than Utah, and the Utah Clean Air Partnership ([UCAIR](#)) explains why:

- Vehicles spew out about half the air emissions up and down the Wasatch Front.
- Tier 3 reduces the sulfur content of fuel from 30 to 10 parts per million (ppm).
- Tier 3 fuels used in existing vehicles will reduce emissions by seven to 11 percent.
- When fully implemented, Tier 3 fuel combined with Tier 3 vehicles will reduce volatile organic compounds and nitrogen oxide emissions by about 80 percent — an impact equivalent to taking four out of five automobiles off the road.

In addition to lowering sulfur in fuel, the EPA also requires the phasing in of cleaner-running vehicles between 2017 through model year 2025. And while large refineries were required to meet Tier 3 standards by 2017, Utah’s smaller refineries have until 2020 to ramp up.

“It’s the right thing to do for the environment, and we’ve given them this window to take advantage of this tax credit,” Stuart said. “They could take advantage of the tax credit in 2018

and 2019 to buy the equipment, put it in place and get it certified. Then they can begin producing it.”

Tyler Kruzich, manager of policy, government and public affairs for Chevron Salt Lake, applauded SB 197, but said Chevron “has not made a public announcement as to whether or not we will produce the Tier 3 fuels in Utah.”

“We’re incredibly encouraged by the legislation, and we strongly commend Sen. Stuart Adams and Rep. Brad Wilson for their work to help try to incentivize refiners to take that next step,” Kruzich said.

But according to Kruzich, Chevron USA already meets EPA’s national Tier 3 requirements.

“The idea behind Tier 3 is that a refiner like Chevron is required to produce 10 ppm across its entire fleet of refineries in the U.S. by a date certain. To comply with the EPA regulation, we can do projects at any of our refineries so long as we bring our pool average to 10 ppm,” Kruzich said. “We understand the importance of Tier 3 to Utah and we continue to analyze how best to provide the lowest sulfur gasoline we can to Utah consumers.”

Sen. [Jim Dabakis](#), a Salt Lake City Democrat, said SB 197 pulled him in two opposing directions.

“The state gives away over \$1 billion per year in tax credits to certain winners, and by routine I oppose them all because they pick winners and losers,” Dabakis said. “This is the only tax credit I voted for and even this one wasn’t easy because, in principle, the hard working taxpayers of Utah are turning over a check to the big oil companies.”

However, on final passage he supported SB 197.

“The truth is, the greatest possibility to change Utah’s air quality in many decades — maybe since getting lead out of gas — is Tier 3,” Dabakis said. “All new cars will be required to have it — and it lowers emissions in a huge way. As much as I don’t like giving money to these big oil companies, I don’t like polluted air even more.”

SB 197 is slated to take effect Jan. 1, 2018. Refiners who comply with the 10 ppm sulfur cap by July 1, 2021, will be subject to annual reporting to continue to receive the sales tax exemption on machinery, equipment and inputs required to produce Tier 3 fuel.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle

() Reject

Comments/Note to staff

Summary:

Declares it to be state policy that source watersheds are recognized and defined as integral components of California's water infrastructure, and that maintenance and repair of source watersheds is eligible for the same forms of financing as other water collection and treatment infrastructure, as specified.

Status: Signed into law on Sept. 27, 2016.

Comments: From [Conservation Finance Network](#) (Feb. 15, 2017)

In September, Governor Jerry Brown (D-CA) signed [AB 2480](#) into law. This bill established that "source watersheds are recognized and defined as integral components of California's water infrastructure." The conservation think tank Pacific Forest Trust created the bill together with its author, Assemblymember Richard Bloom (D-Santa Monica).

This may seem to be a nominal change in water policy for the state. But it is unusual because the law allows for the maintenance and repair of source watersheds. This way, they can be eligible for the same forms of financing as traditional water-utility infrastructure.

The bill mentions five Northern California watersheds. Problems due to community development and forest management have [negatively impacted these watersheds](#). The bill would provide more tools for the state to protect and restore them. More than 24 million people in California are [affected by drought](#) as of Feb. 10. So some stakeholders hope that AB 2480 will ensure the long-term viability of the state's water resources.

Watershed Value

Watersheds are a critical component of the water-resources systems that deliver clean water and sanitation services. Yet, [public spending programs](#) have historically focused on reservoir systems and water-utility infrastructure such as piping and treatment facilities. They have done this rather than emphasizing maintenance and repair of natural infrastructure such as watersheds.

The value of natural infrastructure in ensuring water quality and quantity is receiving greater attention both in the United States and abroad. The [United Nations Sustainable Development Goals](#) address the need for quality and sustainability of water resources worldwide to provide clean water and sanitation.

The national [Water Infrastructure Finance and Innovation Act \(WIFIA\) of 2014](#) includes watersheds as an eligible area for infrastructure investment. In 2015, the Obama Administration issued [an executive order](#) directing federal agencies to integrate natural infrastructure and ecosystem services into decision making.

The Sierra Nevada Conservancy has called attention to the need for increased funding and more efficient management to restore forested areas [and improve water quality and quantity](#) in the region. The organization contends that lack of funding for forest management leads to more intense fires that increase erosion.

This erosion results in sediment-laden runoff that degrades water quality. It also damages infrastructure by silting up reservoir systems. Funding made possible by AB 2480 would provide restoration and maintenance. This would improve management of forest systems in the source watersheds.

Nonprofit Success

The success of AB 2480 is a coup for environmental groups in California, which are concerned about climate change. Laurie Wayburn, Pacific Forest Trust's president, said "Mr. Bloom agreed this natural water system infrastructure was as critical for the state as the built infrastructure. And the state needed to be treating this natural infrastructure the way we treat the dams, canals and pumps with regular repair and maintenance."

As the bill took shape, Pacific Forest Trust engaged the water-stakeholder community early and often, gaining broad support from organizations such as Audubon California, California League of Conservation Voters, and Trust for Public Lands.

While there was no formal opposition to the bill, critics have been quoted by Water Deeply as [expressing concern](#) about the use of conservation easements and the lack of emphasis on management for overall ecosystem health.

Future Prospects

As the effects of climate change threaten water security, governments are looking for ways to invest in sustainable water resources.

A recent [market survey by Forest Trends](#) found that global investment in green infrastructure for water by governments, water utilities, companies and communities spent nearly \$25 billion in 2015. This is an 11.8 percent increase above 2013. Over 96 percent of that spending was in the form of direct payments from governments to landowners "to protect and restore water-critical landscapes."

With the passage of AB 2480, California can now fund watershed maintenance and restoration through revenue bonds rather than general obligation bonds, which rely on the state's taxing power.

Wayburn said the "cost effectiveness of this approach to enhancing the reliability, quality, quantity and timing of our water supplies really was compelling." This encouraged legislators to pass the measure.

However, the state still needs to raise the appropriate financing and develop a watershed-investment plan to guide projects. The timetable for an investment plan is forthcoming. Wayburn said the program will also “require a much more landscape level permitting of restoration to cover the millions of acres that are involved in a timely way.”

It is unclear what effect, if any, the watershed maintenance costs will have on the price of water provided to consumers.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Provides that by June 30, 2018 the Department of Public Health shall adopt specified rules concerning identifying lead service lines and plumbing in schools that pose a lead hazard and mitigating such lead hazards.

Status: Signed into law on Jan. 17, 2017.

Comments: From [Governing](#) (Jan. 17, 2017)

Gov. Bruce Rauner signed legislation into law Monday requiring schools and day cares to test for lead in drinking water sources, though several local schools have already conducted testing in recent years and might be compliant under the new rules.

The law requires day cares, schools with students up to fifth grade and schools built before 2000 to test drinking water. Schools and day cares will have to foot the bill and notify parents of the results.

Belleville districts 118 and 201, O'Fallon districts 90 and 203, Shiloh 85, and Smithton have already conducted lead testing in an effort to be proactive after a report showed dangerous lead levels were present in some St. Louis public schools. The dangers of lead contamination came into the national spotlight after lead-tainted drinking water in Flint, Mich. caused a public health crisis.

"After the scare and uncertainty after testing at some of the schools in the areas around, we went ahead and did our test in the late summer," said Belleville District 201 Superintendent Jeff Dosier. "We felt like it was a good idea to get a baseline of where the lead levels were in our schools."

The results showed little to no presence of lead, which represents a serious health hazard to young children in particular. District 201 spent about \$10,000 on the test.

Though lead testing cost local school districts thousands of dollars each, superintendents say the efforts were well worth the price -- and some schools might already be compliant under the new law. The Illinois Department of Public Health will accept results from tests conducted after 2013, according to Jen Walling, executive director of the Illinois Environmental Council.

Schools that have already conducted testing will be required to submit the method and results to the public health department. The department will review the results and then provide a waiver if schools complied with the new rules. The law requires that every tap be tested, so the school will have to test any taps that might not have been examined. Taps that have already been tested will not have to be tested again, Walling said.

Smithon District 130 tested the elementary school for lead two years ago, just in time to qualify for the waiver, said Superintendent Susan Homes. The original part of the school was built in 1952. She said the decision to test early on came from a desire to be proactive.

"If you're a grandparent, a parent, it gives you a sense of well being that isn't a question in your mind. If your school has tested it, you know it's safe," Homes said.

Under the new rule, the Smithon school will have to test a few water fountains at the 65-year-old building that weren't originally tested, Homes said, but she said she is in favor of the bill, despite the additional cost. Smithton paid \$3,900 for both lead and air quality testing, and no detectable amounts of lead were found in the water.

"I think when schools are faced with unfunded mandates and cause us to spend more money, I know some districts may not have invested money in it. I really think the law is good, though, in that it does force every school district to take a look at that," Homes said.

Paying for the mandate could be a concern for some school districts, said Belleville District 118 Superintendent Matt Klosterman, though he said testing for lead ensures students, staff and faculty are safe. Of the 271 drinking water sources that were tested at all school buildings in the district, 29 had elevated levels of lead, according to Klosterman. Those sites were all removed from service.

"We do what we have to do to provide safety and security to our folks," Klosterman said.

Though the new law only applies to certain schools, the ultimate goal is to eliminate lead contamination "completely" in all locations, said Jen Walling, the executive director of the state environmental council.

"We think that this bill is a bill that puts Illinois at the forefront in the nation in terms of testing for lead in schools, thereby working to reduce exposure of lead to children. We think it's the first step. The end goal should be removal of lead completely," Walling said.

That's an assessment the Belleville high school superintendent agrees with.

"I think that's a positive goal for us to strive for," Dosier said.

Information from The Associated Press contributed to this story.

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Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:

- ☐ next SSL meeting
- ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Requires school districts and boards of cooperative educational services to conduct periodic testing of school potable water sources and systems to monitor for lead contamination in certain school buildings; provides additional aid to such districts and boards for the costs incurred due to the testing of such potable water sources and systems containing an unacceptable amount of lead.

Status: Signed into law on Sept. 6, 2016.

Comments: From [Governing](#) (Sept. 6, 2016)

Schools in New York state will be required to test their drinking water for lead contamination under a new measure signed into law Tuesday by Gov. Andrew Cuomo.

School districts will report the results to parents as well as local and state officials. Buildings found to have high levels of lead will have to develop and implement plans to fix the problem.

"These rigorous new protections for New York's children include the toughest lead contamination testing standards in the nation, and provide clear guidance to schools on when and how they should test their water," said Cuomo, a Democrat.

Elementary schools must complete the tests by the end of this month. Schools for older children have until the end of October. Schools must cut off any water source with lead levels above 15 parts per billion and provide another supply. New tests will occur every five years or on a schedule worked out by the state's health commissioner.

Schools that can show they've already conducted tests can get waivers.

Lead exposure can cause significant neurological impairments in children.

The mandate will make New York the first state in the nation to complete statewide inspections, according to Cuomo's office.

(c)2016 the Niagara Gazette (Niagara Falls, N.Y.)

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

SEC.8. Section 4502.5 of this bill would make it unlawful to hold in captivity an orca, whether wild-caught or captive-bred, for any purpose, including for display, performance, or entertainment purposes; to breed or impregnate an orca held in captivity; to export, collect, or import the semen, other gametes, or embryos of an orca held in captivity for the purposes of artificial insemination; or to export, transport, move, or sell an orca located in the state to another state or country, except as provided.

Status: Signed into law on Sept.13, 2016.

Comments: From [Los Angeles Times](#) (Sept. 13, 2016)

Gov. Jerry Brown signed legislation Tuesday that will outlaw orca breeding and captivity programs like the one formerly run by SeaWorld theme parks.

California parks will also be banned from featuring the marine mammals, known as killer whales, in performances for entertainment purposes. Starting in June next year, orcas in captivity can be used for "educational presentations" only.

The law, authored by Assemblyman Richard Bloom (D-Santa Monica), makes exceptions for scientific and educational institutions holding orcas for research or rehabilitation.

[SeaWorld San Diego](#), the park featured in the critical 2013 documentary "Blackfish," announced in March that it would [stop breeding orcas](#) and end theatrical shows.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Establishes a rewards program for hunters who shoot coyotes in the state.

Status: Became law on July 13, 2016.

Comments: From [The State](#) (Nov. 1, 2016)

COLUMBIA, SC Hunters are being encouraged to shoot coyotes under a state program to control populations of the wild canines, which moved into South Carolina more than three decades ago from the western United States.

The S.C. Department of Natural Resources will soon launch a program that rewards anyone who kills one of 16 coyotes the agency tags and releases, the agency confirmed this week.

DNR wildlife biologist Charles Ruth explains the best time to go hunting during South Carolina's white tail deer hunting season. Matt Walsh, footage submitted by DNR

People killing a coyote the agency has tagged can receive a lifetime hunting license and qualify for other prizes, the agency said.

Although some people question whether trying to kill coyotes is a good idea, South Carolina lawmakers approved the coyote bounty program during the last legislative session after hearing complaints about the animals from constituents. The DNR is now preparing to release coyotes it has trapped and tagged.

While only 16 coyotes are to be let go, state officials want people to fire at coyotes in the hopes of killing one of the tagged animals. That is supposed to result in the deaths of more coyotes, state officials say.

South Carolina hunters already kill more than 30,000 coyotes a year, but that isn't deemed enough, wildlife officials say.

"The reasoning behind it from the Legislature is to provide incentive to get people to attempt to take more coyotes," said Jay Butfiloski, a wildlife biologist with the DNR.

Butfiloski, who did not have an estimate on how many coyotes exist in South Carolina, said his agency doesn't expect the bounty program to eradicate the animals. But it may keep the population more manageable, he said.

Ridding the state of coyotes may be a lost cause, say state wildlife officials and others familiar with coyotes.

“You go back to the federal war on coyotes out west, there were a lot of money and resources thrown at that,” Butfiloski said. “They’ve not eradicated them. They are a very successful species. They are fairly elusive. They are very general in what they will eat. They are fairly prolific. That’s kind of a recipe” for survival.

The bounty program also includes a registration program for people interesting in shooting coyotes. Those who register by Dec. 1 and who kill one of the 16 tagged coyotes by next July could be eligible to win a centerfire rifle scope combination, the agency said. Those who kill a tagged coyote also could win a Yeti cooler, the agency said.

Coyotes are wild canines that began moving into South Carolina in 1978 near Walhalla and Pickens, according to the DNR. Some walked to the Palmetto State, while others apparently were imported by hunters to train dogs for fox hunting or other sports, Butfiloski said.

Now, they are considered a public nuisance by deer hunters, farmers and homeowners. Hunters say coyotes are killing deer fawns and reducing populations of the much-sought-after game. Farmers say their livestock is threatened. Some homeowners say coyotes are threats to domestic pets, and the animals have been seen in some urban areas near Charleston. State wildlife officials said the resilient canines also have gobbled rare sea turtle eggs on coastal islands.

Author John Lane, who wrote the recently published “Coyote Settles the South,” said southerners must get used to living with the animals.

“Coyotes always seem to be underappreciated, little understood and always unpredictable,” Lane wrote in his book. “Unlike out west, there aren’t many stories yet in the South about living with them.”

Coyotes are larger than foxes but smaller than wolves, typically weighing about 30 to 45 pounds in South Carolina. They are grayish brown and are most active at twilight and through the night, according to research Butfiloski has done.

A coyote has a keen sense of smell, good eyesight and can run up to 40 mph, according to a report Butfiloski co-wrote on coyote biology and control. They range in areas of up to 20 square miles. They usually hunt alone or in pairs, according to his report.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

05-38B-06 Prohibiting the Advertisement, Packaging, or Labeling District of Columbia
of any Nonwoven Disposable Product as Flushable,
Sewer Safe or Septic Safe Unless the Claim is
Substantiated by Competent and Reliable Scientific
Evidence
Bill/Act: [B21-0833](#)

Summary:

This bill prohibits the advertisement, packaging, or labeling of any nonwoven disposable product as flushable, sewer safe, or septic safe unless the claim is substantiated by competent and reliable scientific evidence. The bill authorizes the Department of Energy and Environment (DDOE) to impose civil fines and penalties to sanction non-compliance with its provisions. DDOE is also authorized to seek injunctive relief or other appropriate remedies in any court of competent jurisdiction to enforce compliance.

Status: Became law on March 11, 2017.

Comments: From [The Washington Post](#) (Dec. 7, 2016)

Pre-moistened personal wipes labeled as “flushable” — popular with potty-training toddlers and other consumers looking beyond traditional toilet paper—soon might have to meet new government rules for toilets in the nation’s capital.

Under legislation passed unanimously Tuesday by the D.C. Council, wipes marketed as “flushable” would have to abide by new standards that the city and its sewer agency would set for how quickly they break apart post-flush. If Mayor Muriel E. Bowser (D) signs the legislation, the city would be the first in the nation to regulate the definition of flushable, experts for both the sewer and wipes industries say.

Officials for D.C. Water and other U.S. sewer utilities say such wipes have rapidly become a growing problem since 2008, when their popularity took off. Other flushable products quickly followed, including pop-off scrubbers for toilet-cleaning wands.

Sewer utilities say the wipes jam pumps, break equipment and require machinery to use more energy. They also collect fats, oils and grease that some restaurants and residents pour down drains—to sewer agencies’ additional dismay—and form large “fatbergs” that clog pipes and send raw sewage backing up into basements and overflowing into streets and rivers.

The problem costs U.S. utilities between \$500 million and \$1 billion annually, industry officials say. D.C. Water said it spends more than \$50,000 a year to clear such clogs, in addition to the \$100,000 it can cost for major repairs, such as when pump stations fail.

“We know they’re contributing to backups,” said George S. Hawkins, D.C. Water’s general manager. “People think by using products labeled ‘flushable’ that they’re relieving the problem, when they’re actually making it worse.”

The wipes industry says the legislation would make it impossible for flushable wipes now available in the United States to continue to be sold in the city. The industry also framed the legislation as a privacy battle, taking out newspaper ads urging, “Keep the D.C. Council out of your bathroom.”

Dave Rousse, president of the Association of the Nonwoven Fabrics Industry, said the D.C. law would set an unreasonable standard for how quickly the wipes must break apart. The law likely would backfire, he said, because toilet users would increasingly turn to baby wipes, which aren’t designed to be flushed.

“The end result will be an effective ban on these products in the city,” Rousse said. “The challenge is that the consumer’s need for supplemental cleansing won’t go away.”

The wipes that are clogging and jamming sewer systems, he said, are those that aren’t designed to be flushed, such as baby wipes, disinfectant wipes and facial cloths.

“There’s no evidence that there’s a problem at all with wipes marketed as flushable,” Rousse said. “These wipes are incapable of causing those problems.”

Hawkins said D.C. Water and the city’s Department of Environment and Energy likely will base the city’s flushability rules on international standards because the United States has no national standard. Sewer utilities say the industry’s own standards are too lax.

The bill also would require wipes that aren’t marketed as flushable to have more conspicuous “Do not flush” labels.

The legislation, sponsored by D.C. Council member Mary M. Cheh (D-Ward 3), would take effect Jan. 1, 2018.

Cynthia Finley, of the National Association of Clean Water Agencies, said that utilities hope the D.C. legislation will gain traction nationwide. Similar proposals have failed in Maine, California and New Jersey. A bill before the New York City Council appears to have stalled, Finley said.

“It’s okay to use a wipe,” Finley added. “Just put it in the trash can.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This bill adds paid maternity leave to an eligible state employee.

Status: Signed into law on Feb. 16, 2016.

Comments: From [WREG Memphis](#) (Feb. 16, 2016)

LITTLE ROCK — Gov. Asa Hutchinson today signed into law a bill to provide paid maternity leave to state workers.

SB 125 was introduced by Senator Missy Irvin and Representative DeAnn Vaught.

The bill provides for four weeks of paid maternity leave for state agency employees.

Governor Hutchinson issued the following statement:

“I am pleased that the maternity leave bill passed through the legislature with bipartisan support. Mothers make up a significant portion of our state’s workforce and this bill will ensure that we retain their vital contributions, while also allowing them to take care of their new additions. A fair maternity leave policy is crucial to a state’s ability to retain valuable employees and I am pleased that this is now the law of the state.”

Senator Irvin issued the following statement:

“This is a monumental day for women, families and children in Arkansas. In passing Senate Bill 125 we are leading the nation on this important pro-family and pro-woman issue.

Senate Bill 125 provides for paid maternity leave for our state employees for births and adoptions by utilizing hours donated by fellow employees without costing taxpayers a dime. It is by far, one of the smartest and most efficient laws we have passed.”

Representative Vaught issued the following statement:

“I love that we have finally found a way to help soon-to-be parents that work for state agencies here in Arkansas at no additional cost to taxpayers.

Today is a great day for working mothers in our state. As a mother, I am honored to be able to carry legislation that will help our dedicated state employees as they become parents.’

Employees may now take up to four weeks of paid maternity leave within the first 12 weeks after the birth or adoption of a child. The program requires the employee to have been employed by the state for more than one year.

The law does not require employees to exhaust sick or annual leave prior to being awarded catastrophic leave for maternity purposes.

Under the new law, all agency catastrophic leave banks will be eliminated and replaced with a single leave bank for all agencies that will be administered by the Office of Personnel Management.

It is important to note that the state`s maternity leave program will operate with no additional cost to taxpayers because the hours donated to the catastrophic leave bank are already accounted for as an unfunded liability in the state budget.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

06-38B-02 Exempting Military Retirement and Survivor Benefits from Arkansas
the State Income Tax
Bill/Act: [HB 1162](#)

Summary:

Military retirement and survivor benefits would become exempt from taxation beginning with the 2018 tax year. Eligibility would be for those who retired from uniformed service with the Army, Marine Corps, Navy, Air Force and the Coast Guard. Also entitled for the income tax exemption would be retirement benefits for retirees of reserve components of the various armed services, the National Guard of any state, the reserve corps of the United States Public Health Service, and the National Oceanic and Atmospheric Administration Commissioned Officer Corps.

Status: Signed into law on Feb. 2, 2017.

Comments: From [Arkansas News](#) (Feb. 7, 2017)

LITTLE ROCK — Gov. Asa Hutchinson on Tuesday signed into law a bill to exempt military retirement and survivor benefits from the state income tax.

House Bill 1162 by Rep. Charlene Fite, R-Van Buren, now Act 141 of 2017, is set to take effect Jan. 1, 2018.

The measure also will reduce the state's special excise tax on soft-drink syrup, a tax that generates revenue for the state Medicaid program and that Hutchinson has said was intended originally to be temporary.

The new law calls for the transfer of \$5.9 million a year from general revenue to the Medicaid program to offset the tax reduction.

To offset the veterans' tax break, estimated to cost \$13.4 million a year, and the transfers to Medicaid, the measure will repeal a state income tax exemption on unemployment compensation; end the classification of candy and soft drinks as groceries so the state sales tax on them would increase from 1.5 percent to 6.5 percent; and levy a sales tax on digital downloads of movies, books and ringtones.

Hutchinson said in a statement Tuesday, "This initiative will make Arkansas a more military friendly retirement destination and will encourage veterans to start their second careers or open a business right here in the Natural State. I am confident that adding these highly skilled and educated veterans to our workforce will spur economic development and benefit all Arkansans."

Disposition of Entry:

SSL Committee Meeting: 2018 B

() Include in Volume

() Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Allows a voter to distribute or share an electronic or digital image of the voter's own marked ballot via social media or other means. Establishes that distributing or sharing the image of a voter's own marked ballot is not a defense for any election offenses or related offenses under the Penal Code.

Status: Became law on June 22, 2016.

Comments: From [Associated Press](#) (Oct. 23, 2016)

STATES WHERE BALLOT SELFIES ARE ILLEGAL

ALABAMA: Not allowed because voters have "a right to cast a ballot in secrecy and in private," said a spokesman for Secretary of State John Merrill.

ALASKA: A state law bans voters from showing their marked ballots, but Division of Elections Director Josie Bahnke says there is no practical way to enforce it.

COLORADO: Ballot selfies or any public dissemination of a marked ballot are considered a misdemeanor. A 2016 bill to repeal the ban failed.

FLORIDA: Photographs are not allowed in polling places or of mailed ballots.

GEORGIA: Law prevents photos of ballots or the screens of electronic voting machines.

ILLINOIS: Banned by a law that considers "knowingly" marking your ballot so that another person can see it is a felony that carries of prison sentence of one to three years.

KANSAS: Secretary of state says a selfie showing a picture of the actual ballot violates state law.

MASSACHUSETTS: Taking a photo of a completed ballot in a polling location is banned in Massachusetts. But the state's top election official, Secretary William Galvin, says there's little the state can do to prevent it. Photos of mailed ballots are also banned.

MICHIGAN: Michigan bans photographs of ballots, but a resident is challenging the law as unconstitutional.

MISSISSIPPI: Photos showing how someone marked their ballot after voting are prohibited.

NEVADA: Photos inside polling places are not allowed, except by the media. Photos of mailed ballots are also banned.

NEW JERSEY: Law prohibits voters from showing their ballot to others. A pending legislative measure would allow voters to take photos of their own ballots while in the voting booth and share it on social media.

NEW MEXICO: Law prohibits voters from showing their marked paper ballot "to any person in such a way as to reveal its contents."

NEW YORK: Photos showing a completed ballot or indicating how a person cast their vote are not allowed.

NORTH CAROLINA: Photographing or otherwise recording a voted official ballot is not allowed.

SOUTH CAROLINA: Law bars voters from allowing their ballots to be seen. A 2012 state attorney general's opinion says that makes it illegal to reproduce a ballot by cellphone, video camera or iPad.

SOUTH DAKOTA: Secretary of State Shantel Krebs says ballot selfies are not allowed because they can be considered influencing a vote or forcing someone to show proof of voting.

WISCONSIN: State law prohibits sharing photos of ballots.

STATES WHERE THE LEGAL STATUS IS MIXED OR UNCLEAR

ARIZONA: Bars photography within 75 feet of polling places. But the Legislature changed the law that barred showing photos of completed ballots in 2015 to allow posting of early ballots on social media.

ARKANSAS: Nothing in state law prohibits taking photos while in a polling place as long as it's not disruptive or being used for electioneering purposes, but state law on sharing voter choices is unclear.

CALIFORNIA: Gov. Jerry Brown signed a bill last month that repeals a 125-year-old law barring voters from showing people their marked ballots. The change will take effect nearly two months after the presidential election, but legislative analysts have found no occasion of the ban being enforced. The author of the bill, in fact, has been sharing constituents' photos of marked ballots on social media since the law passed.

DELAWARE: Has a policy against cellphones in voting booths, but elections Commissioner Elaine Manlove said: "I don't know that we can control what happens behind the curtain."

IOWA: Law prohibits the use of cameras, cellphones or other electronic devices in voting booths, so Secretary of State Paul Pate has asked voters not to take selfies with ballots. Photos of absentee ballots are OK.

MARYLAND: Bans electronic devices in a polling place except for the media. And even media members aren't allowed to photograph a ballot that shows how someone is voting. But photos of mailed ballots are OK.

MISSOURI: Law prohibits voters from allowing others to see their ballots if the intent is to show how they voted. Secretary of state spokeswoman Stephanie Fleming described ballot selfies as a "gray area" and advises voters to check with local election authorities.

OHIO: Has a longstanding prohibition against voters letting their ballot be seen with the "apparent intention" of letting it be known how they are about to vote. The state elections chief has advised local election boards to consult their own attorneys about how to apply the law.

OKLAHOMA: Officials recommend against it, noting that state law dating back about 40 years suggests it is illegal but outlines no penalties.

PENNSYLVANIA: Law prohibits someone from revealing their ballot "letting it be known how" they're "about to vote." But officials recently released guidance on electronic items in polling places that noted the recent court cases that "found a First Amendment right to take 'ballot selfies.'"

TENNESSEE: Voters are not allowed to take photos or videos while in polling places. Voters are not allowed to take photos or videos while in polling places. They're only allowed to use electronic devices for informational purposes to assist during voting, according to Adam Ghassemi, a spokesman for Secretary of State Tre Hargett. The state's law doesn't address mail-in ballots.

TEXAS: Bars photography within 100 feet of polling stations, so selfies are not allowed. Photos of mail-in ballots are OK.

WEST VIRGINIA: Electronic devices are banned inside voting booths, according to Secretary of State Natalie Tennant. Nothing in the law prohibits photos of mail-in ballots.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

06-38B-04 Allowing Digital Carcass Tags
Bill/Act: [SB 50](#)

Montana

Summary:

Allows electronic hunting licenses for game animals that could be validated online.

Status: Signed into law on March 15, 2017.

Comments: From [Billing Gazette](#) (Feb. 7, 2017)

Hunting would come into the digital age in Montana if [Senate Bill 50](#) is passed. The measure would allow the use of electronic hunting licenses for game animals and wild turkeys that could be validated online through the use of a smartphone.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Would amend the Public Health Code and Revised School Code to allow an opioid antagonist to be prescribed to a school board and administered by a school nurse (or person trained by a nurse) in case of an opioid-related overdose in the school.

Status: Signed into law on Dec. 28, 2016.

Comments: From [CSG Knowledge Center](#) (Jan. 23, 2017)

In an effort to save young lives at risk due to drug overdoses, the state of Michigan is giving its schools the chance to stock naloxone, an “opioid antagonist” drug. [SB 805 and 806](#), signed into law in December, set several parameters for school districts.

They must have at least two employees trained on how to administer naloxone; call 911 when a student is having an overdose; and alert parents or guardians about the incident. Under another new Michigan law (HB 5326), a prescription will not be needed for pharmacists to dispense opioid antagonists to the family members and friends of recovering addicts.

New state laws are being adopted [across the Midwest](#) to address the rise in opioid use and overdoses. Examples include prescription drug monitoring programs and “Good Samaritan” laws that waive drug-possession penalties for individuals who report an overdose. According to the [U.S. Centers for Disease Control and Prevention](#), three Midwestern states had among the nation’s highest number of drug-overdose deaths in 2015:

- Ohio, 3,310 deaths, second-highest;
- Michigan, 1,980 deaths, seventh-highest; and
- Illinois, 1,835 deaths, eighth-highest.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

A new Section 1179b to the Revised School Code would allow a school board to require that, in each school it operates, there are at least two employees who have been trained in the appropriate use and administration of an opioid antagonist by a licensed registered professional nurse, beginning in the 2017-2018 school year. It would also provide that a nurse employed or contracted by the school district, intermediate school district (ISD) or public school academy (PSA), or an appropriately trained school employee, may possess and administer an opioid antagonist.

Status: Signed into law on Dec. 28, 2016.

Comments: From [CSG Knowledge Center](#) (Jan. 23, 2017)

In an effort to save young lives at risk due to drug overdoses, the state of Michigan is giving its schools the chance to stock naloxone, an “opioid antagonist” drug. [SB 805 and 806](#), signed into law in December, set several parameters for school districts.

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- Ohio, 3,310 deaths, second-highest;
- Michigan, 1,980 deaths, seventh-highest; and
- Illinois, 1,835 deaths, eighth-highest.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This bill permits a competent, qualified individual who is an adult with a terminal disease to receive a prescription for an aid-in-dying drug if certain conditions are met, such as two oral requests, a minimum of 15 days apart, and a written request signed by two witnesses, is provided to his or her attending physician, the attending physician refers the patient to a consulting physician to confirm diagnosis and capacity to make medical decisions, and the attending physician refers the patient to a mental health specialist, if indicated. Sunsets these provisions on January 1, 2026.

Status: Signed into law on Oct. 5, 2015.

Comments: From [Southern California Public Radio](#) (Oct. 5, 2015)

California will become the fifth state in the nation to allow terminally ill patients to legally end their lives using doctor-prescribed drugs after Gov. Jerry Brown announced Monday he signed one of the most emotionally charged bills of the year.

Brown, a lifelong Catholic and former Jesuit seminarian, announced that he signed the legislation approved by state lawmakers after an emotional and deeply personal debate. Until now, he had refused to comment on the issue.

Here is the full text of Brown's signing message:

"ABx2 15 is not an ordinary bill because it deals with life and death. The crux of the matter is whether the State of California should continue to make it a crime for a dying person to end his life, no matter how great his pain or suffering.

"I have carefully read the thoughtful opposition materials presented by a number of doctors, religious leaders and those who champion disability rights. I have considered the theological and religious perspectives that any deliberate shortening of one's life is sinful.

"I have also read the letters of those who support the bill, including heartfelt pleas from Brittany Maynard's family and Archbishop Desmond Tutu. In addition, I have discussed this matter with a Catholic Bishop, two of my own doctors and former classmates and friends who take varied, contradictory and nuanced positions.

"In the end, I was left to reflect on what I would want in the face of my own death.

"I do not know what I would do if I were dying in prolonged and excruciating pain. I am certain, however, that it would be a comfort to be able to consider the options afforded by this bill. And I wouldn't deny that right to others."

"This is the biggest victory for the death-with-dignity movement since Oregon passed the nation's first law two decades ago," said Barbara Coombs Lee, president of [Compassion & Choices](#), the organization that sponsored the legislation. A former ER and ICU nurse and physician's assistant, Coombs Lee coauthored the Oregon legislation.

"This victory is hugely significant in both substance and scope," said Coombs Lee. "Enactment of this law in California means we are providing this option to more than one in 10 Americans."

The coalition that fought the bill, Californians Against Assisted Suicide, issued this statement:

"This is a dark day for California and for the Brown legacy. Governor Brown was clear in his statement that this was based on his personal background. As someone of wealth and access to the world's best medical care and doctors the Governor's background is very different than that of millions of Californians living in healthcare poverty without that same access - these are the people and families potentially hurt by giving doctors the power to prescribe lethal overdoses to patients."

The coalition is reviewing "all of its options moving forward," the statement said. Those options include a possible court challenge or a ballot referendum, said spokesman Tim Rosales.

The bill passed Sept. 11 after a previous version failed this year despite the highly publicized case of Maynard, a 29-year-old Northern California woman with brain cancer who moved to Oregon to end her life last fall.

Opponents said the legislation legalizes premature suicide, but supporters call that comparison inappropriate because it applies to mentally sound, terminally ill people and not those who are depressed or impaired.

Religious groups and advocates for people with disabilities opposed the bill and nearly identical legislation that had stalled in the Legislature weeks earlier, saying it goes against the will of God and put terminally ill patients at risk for coerced death.

The measure was brought back as part of a special session intended to address funding shortfalls for Medi-Cal, the state's health insurance program for the poor. The governor had criticized the move to bypass the usual process.

The bill he received includes requirements that the patient be physically capable of taking the medication themselves, that two doctors approve it, that the patient submit several written requests, and that there be two witnesses, one of whom is not a family member.

Compassion & Choices says it now will launch a widespread education campaign about the new law in California.

"This means we need to do a significant amount of community education and education of physicians and health providers so that so that everyone is clear on what the act does or doesn't

do and how folks actually can access medical aid in dying if they qualify under the End of Life Option Act," Toni Broaddus, the group's California campaign director told KPCC.

California's measure came after at least two dozen states introduced [assisted suicide](#) legislation this year, though the measures stalled elsewhere. Doctors in Oregon, Washington and Vermont already can prescribe life-ending drugs.

In Montana, while assisted suicide is not legal, the state's supreme court said in [a 2009 ruling](#) that there is nothing in Montana law indicating that physician-aided suicide is against public policy. The court added that under the state's living will law, a patient's consent to doctor-assisted suicide is an acceptable defense for a physician charged with homicide.

Broaddus said California's "End of Life Option" bill varies from Oregon's in several key ways. First, it contains translation requirements.

"Over 200 languages are spoken in homes across the state," Broaddus said. "And it's very important to make sure Californians can access health care information in their own language."

Another difference from Oregon's law is that anyone in California who is prescribed lethal medication must also sign a form at least 48 hours before taking the medication attesting "that they do understand that they are choosing to do it of their own free will and that they understand they could change their mind if they want to," Broaddus said.

Maynard's family attended the legislative debate in California throughout the year. Maynard's mother, Debbie Ziegler, testified in committee hearings and carried a large picture of her daughter as she listened to lawmakers' debate.

In a video recorded days before Maynard took life-ending drugs, she told California lawmakers that no one should have to leave home to legally kill themselves under the care of a doctor.

"No one should have to leave their home and community for peace of mind, to escape suffering, and to plan for a gentle death," Maynard said in the video released by assisted suicide advocates after her death.

The Catholic Church targeted Catholic lawmakers before the bill's passage and urged the governor to veto it.

"Pope Francis invites all of us to create our good society by seeing through the eyes of those who are on the margins, those in need economically, physically, psychologically and socially," the California Catholic Conference said in a statement after its passage. "We ask the governor to veto this bill."

Disposition of Entry:

SSL Committee Meeting: 2018 B

() Include in Volume

- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Senate Bill No. 3 (1R) of 2017 requires health insurance coverage for substance use disorders and regulates opioids and certain other prescription drugs in several ways. The bill requires health insurance carriers, and the State Health Benefits Program and the School Employees' Health Benefits Program, to adhere to certain coverage requirements for treatment of substance use disorders. The bill also places certain restrictions on the prescription of opioids, and requires certain notifications when prescribing Schedule II controlled dangerous substances used to treat chronic or acute pain. The bill also requires certain health care professionals to receive training on topics related to prescription opioid drugs.

Specifically, the bill requires insurers to provide unlimited benefits for inpatient and outpatient treatment of substance use disorders at in-network facilities. The bill specifies that the services for the treatment of substance use disorders must be prescribed by a licensed physician, licensed psychologist, or licensed psychiatrist and provided by licensed health care professionals or licensed or certified substance use disorder providers in licensed or otherwise State-approved facilities, as required by the laws of the state in which the services are rendered.

The bill provides that the benefits, for the first 180 days per plan year of inpatient and outpatient treatment of substance use disorder, would be provided when determined medically necessary by the covered person's physician, psychologist or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements. If there is no in-network facility immediately available for a covered person, insurers must provide necessary exceptions to their network to ensure admission in a treatment facility within 24 hours.

The benefits for the first 28 days of an inpatient stay during each plan year must be provided without any retrospective review or concurrent review of medical necessity and medical necessity as determined by the covered person's physician. The benefits for days 29 and thereafter of inpatient care would be subject to concurrent review as defined in the bill. The insurer cannot initiate concurrent review more frequently than two-week intervals.

The benefits for the first 28 days of intensive outpatient or partial hospitalization services must be provided without any retrospective review of medical necessity and medical necessity as determined by the covered person's physician. The benefits for days 29 and thereafter of intensive outpatient or partial hospitalization services would be subject to a retrospective review of the medical necessity of the services.

The bill specifies that benefits for inpatient and outpatient treatment of substance use disorder after the first 180 days per plan year would be subject to the medical necessity determination of the insurer and may be subject to prior authorization or retrospective review and other utilization management requirements.

Under the bill, the benefits for outpatient visits would not be subject to concurrent or retrospective review of medical necessity or any other utilization management review.

The benefits for outpatient prescription drugs used to treat substance abuse disorder must be provided when determined medically necessary by the covered person's physician, psychologist or psychiatrist without the imposition of any prior authorization or other prospective utilization management requirements.

The bill also places certain restrictions on how opioids and other Schedule II controlled substances may be prescribed. In cases of acute pain, the bill provides that a practitioner cannot issue an initial prescription for an opioid drug in a quantity exceeding a five-day supply. Any prescription for acute pain must be for the lowest effective dose of immediate-release opioid drug. In cases of acute or chronic pain, prior to issuing an initial prescription of a course of treatment that includes a Schedule II controlled dangerous substance or any other opioid drug, a practitioner must document the patient's medical history, develop a treatment plan, conform with a monitoring requirement, limit the supply of opioid drug prescriptions, and comply with State and federal laws.

The bill also would require certain health care professionals to receive training on topics related to prescription opioid drugs.

Status: Signed into law on Jan. 15, 2017.

Comments: From NorthJersey.com (Feb. 15, 2017)

In a moment he described as "historic," Gov. Chris Christie on Wednesday signed a sweeping piece of legislation that mandates insurance coverage for up to six months of substance abuse treatment, imposes the nation's strongest limit on initial opioid drug prescriptions and requires education for patients and doctors about the risks associated with the drugs.

"The epidemic of addiction is incalculable, the numbers are indisputable," Christie said during a signing ceremony shortly after the Assembly passed the measure 64-1 with five abstentions.

"The person who's in the throes of addiction ... [and] realizes he or she needs help, they should not be blocked from the treatment center doors with their lives hanging in the balance."

Several physicians, lawmakers and insurance company representatives, however, have said the legislation has significant flaws and could have been made better had not leaders of both parties, spurred on by Christie, rushed it through the Legislature. The measure was introduced on Jan. 30.

"The sponsors have no idea how much the bill is going to cost taxpayers and they have no idea how much the insurance mandate will increase the cost of health insurance in the state," said Assemblyman Jay Webber, R-Morris, who was the sole lawmaker to vote against the bill. "A mandate like this will increase premiums and so we're going to have fewer people with health insurance at all."

In addition, several members of the medical community have been critical of the prescription limits imposed under the law, arguing that a one-size-fits-all approach inappropriately interferes with medical practice and disadvantages patients who already have limited access to healthcare.

Christie on Wednesday rejected those arguments.

“The fact is, whatever the cost is of this, it’s certainly less than 1,600 lives a year,” Christie said, referring to the number of New Jersey residents who died from drug overdoses, largely due to heroin and fentanyl use, in 2015.

The new law requires health plans to cover the first four weeks of inpatient or outpatient substance abuse treatment without the need for authorization by insurance company officials. It also mandates additional coverage for up to six months of treatment, including medication-assisted treatments, if deemed medically necessary.

The mandate applies only to the roughly 30 percent of New Jersey residents with insurance plans regulated by the state. That includes many public employees and teachers, as well as many people who get coverage through small- or medium-sized businesses or as individuals.

Another part of the law applies statewide and limits to five days — down from the current maximum of 30 — the initial supply of opioid drugs a doctor can prescribe to a patient. Doctors can prescribe opioid drugs beyond five days only after a second consultation with a patient.

Patients being treated in the course of cancer, palliative or end of life care are exempted under the law, which also requires doctors to discuss the risks of opioid drugs with patients before writing a prescription and requires certain health care professionals to receive training on topics related to the drugs.

“What I like about this legislation is that it demonstrates a recognition among policy makers that aggressive prescribing of opioids is fueling the epidemic,” Dr. Andrew Kolodny, executive director of Physicians for Responsible Opioid Prescribing, a national organization formed seven years ago to change prescribing patterns, said in an interview last week.

“The reason we have this epidemic of opioid addiction is because beginning in the 1990s, the medical community started to prescribe opioids much more aggressively than we had in the past,” he said. “And as the prescribing went up, addiction and overdose deaths went right up along with the increase in prescribing.”

According to the Centers for Disease Control and Prevention, sales of prescription opioids quadrupled from 1999 to 2015. Over the same period, the rate of fatal overdoses involving prescription opioids similarly increased, claiming the lives of some 183,000 Americans.

Christie on Wednesday cited another statistic, also used by the American Society of Addiction Medicine, that says four in five new heroin users start out by misusing prescription painkillers.

But many physicians and medical professionals disagree with Kolodny's assessment that the law is getting at the heart of the problem.

"We do have an epidemic of increasing fatalities, primarily from heroin abusers and drug abusers who have obtained prescriptions illegally," Dr. Scott Woska, a pain physician and representative of the New Jersey Pain Society, said during a committee hearing on the bill last month. "This is a complex problem that involves education in schools, law enforcement, drug trafficking and access to addiction treatment. Regulating doctors and the prescription process I do not feel would help the societal problem."

Mishael Azam, chief operating officer for the Medical Society of New Jersey, called on the Legislature to encourage better insurance coverage for non-narcotic alternatives to opioid painkillers and to fully utilize the state Prescription Monitoring Program to prevent abuse rather than constricting medical practice.

Even Dr. Mark Rosenberg, chairman of emergency medicine at St. Joseph's and one of the architects of an innovative Alternatives to Opiates pain management protocol there, expressed doubts about the appropriateness of the prescription limit for all patients.

He said that at a hospital like his, which provides a large amount of charity and underinsured care, asking patients to come back to the hospital after five days to renew a prescription could harm those who cannot afford immediate follow-up care for an ailment and burden the healthcare system.

"If I gave them a prescription for opioids because they needed it, I cannot get them into treatment in five or seven days. The clinic is too damn busy," he said. "So to have them come back to the emergency department, which is already cited as the place that's too expensive for care, makes no sense."

Assemblyman Joe Lagana, D-Paramus, called the law "a step in the right direction" and said that lawmakers were willing to make adjustments to it once they see how it works in the real world.

"We have to work with our medical professionals and addiction specialists to make sure that the law hits the mark by reducing opioid dependence," he said. "And if it needs tweaking, it deserves a reexamination by the Legislature."

Christie showed less flexibility on Wednesday. In response to the concerns of medical professionals, Assemblyman Declan O'Scanlon, R-Monmouth, said Wednesday that he and Assemblywoman Nancy Munoz, R-Union, would introduce legislation to change the prescription limit from five to seven days.

"If they send the seven-day limit to me, I'll veto it," Christie said.

But he did indicate that more work was to be done on all fronts in dealing with the opioid epidemic, including prevention, treatment and prosecution.

“Today is not the end, it’s the beginning,” he said. “We have a lot more to do.”

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Enacts the Internet system for tracking over-prescribing (I-STOP) act and creates a prescription monitoring program registry (part A); relates to prescription drug forms, electronic prescribing and language assistance (part B); relates to schedules of controlled substances (part C); relates to continuing education for practitioners and pharmacists in prescription pain medication awareness and the duties of the pain management awareness workgroup (part D); relates to the safe disposal of controlled substances (part E).

Status: Signed into law on Aug. 27, 2012.

Comments: From [Decision Resources Group](#) (Dec. 23, 2016)

Efforts to combat prescription fraud and abuse are prompting [states](#) to [mandate](#) that prescribers transmit prescriptions to pharmacies electronically.

Starting in January 2017, [Maine](#) will be the latest state to mandate prescribers use electronic prescribing, or e-prescribing, to transmit prescriptions for controlled substances. Maine's law also creates the Prescription Monitoring Program, sets limits for the strength and duration of opioid prescriptions, and is expected to reduce mistakes associated with handwritten scripts.

E-prescribing controlled substances is now legal in all 50 states. There could be a long road to adopting this practice in some regions, but [New York](#), Minnesota, and Maine already require e-prescribing. Several other states including California, Missouri, and [Vermont](#) are considering similar [legislation](#). Discussions are ongoing in [Massachusetts](#), [Texas](#), and Ohio.

New York has the most aggressive law. In March 2016, the second phase of New York's Internet System for Tracking Over Prescribing, or I-STOP, law went into effect. The law requires all prescriptions to be sent through authorized e-prescribing systems to pharmacies. It also imposes penalties on [providers](#) who are not in compliance. Those penalties include fines, jail time, or loss or suspension of license. As with Maine, New York's requirements are aimed at reducing over-prescribing opioids and preventing fraud.

There have been some challenges in the implementation of phase two of the I-STOP law. The law limits consumers from shopping for the best pharmacy to fill their scripts, and the Medical Society of The State of New York said the law is burdensome and costly to prescribers, especially those who do not prescribe a lot of prescriptions yet are still required to comply. Prescribers can apply for waivers, but it is a cumbersome process that is required each year.

On the other hand, pharmacists generally like the new regulations.

Andrew J. DiLuca, R.Ph., director of pharmacy services at Kaleida Health in Buffalo, NY, said the [health system](#) worked with its electronic health records vendor, Cerner, to accommodate the

new requirements. DiLuca said pharmacists like the e-prescribing regulations because it improves patient safety.

“It has been incredibly effective,” DiLuca said. “With I-STOP, we have seen a dramatic drop in opioid scripts, in general, because prescribers can see in real time what the patient has at home, and they don't feel obligated to just give them a small script. We used to get a lot of RXs for five or seven day supplies to appease patients or to avoid risking not treating them properly.

“It has also greatly reduced handwriting errors and increased continuity of treatment for chronic pain patients as there are significantly less delays in getting prescriptions now that they are only between the pharmacy and prescriber.”

New York began implementing the I-STOP law in 2012, which required prescribers to use e-prescribing for controlled substances. The 2012 law also included an online, state-wide registry database that tracks a patient's history of opioid use and can limit or entirely prevent doctor shopping.

The second phase was to take effect in 2015, but lawmakers delayed its implementation for one year to allow pharmacies and prescribers additional time to update systems and gain authorization. All vendors are required to obtain federal certification of the electronic health record software technology used to transmit the prescriptions. About 8 percent of the state's 124,000 prescribers were granted extensions on the March 27, 2016, deadline. The state allows several exemptions from the law, but physicians must submit information on why they need the exemption or be at [risk](#) for noncompliance.

According to Surescripts, which assisted New York with its implementation, the state's prescribers are outpacing their counterparts in other states in obtaining the necessary certification. Meanwhile, 95 percent of pharmacies in New York are able to receive prescriptions electronically.

“As we look beyond New York, we will continue to expand the connections we have with software vendors, providers, and pharmacies to broaden the [utilization](#) of e-prescribing for controlled substances and add considerable value to the nation's healthcare system,” said Tom Skelton, Chief Executive Officer of Surescripts.

Traditional paper scripts have become harder to come by in recent years and utilizing electronic prescriptions is not new. However, expect the number of states requiring e-prescriptions for controlled substances, and eventually all prescriptions, to continue to grow.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting

☐ next SSL cycle
☐ Reject

Comments/Note to staff

Summary:

Article 1 - Premium Assistance

Section 1 establishes definitions for purposes of the premium subsidy program.

Section 2 establishes the program which provides a subsidy of 25% of monthly gross premium in the individual market and is administered by the commissioner of management and budget through health carriers. Individuals receiving advance premium tax credits or enrolled in public program coverage are not eligible. Payments to health carriers for subsidies provided to individuals by the health carriers must be made within the limits of the available appropriation. Procedures are specified for lowering the premium subsidy percentage if the appropriation is not sufficient.

Section 3 requires the legislative auditor to conduct audits related to the program.

Section 4 specifies that notwithstanding the premium subsidies provided by the bill, the premium base for calculating premium taxes is the gross premium for the individual health plans.

Section 5 sunsets the program June 30, 2018.

Section 6 transfers \$326,945,000 from the budget reserve account to the general fund.

Section 7 appropriates \$311,788,000 from the general fund to the commissioner of Minnesota Management and Budget on a onetime basis for the program. Also appropriates \$157,000 on a onetime basis for the audit by the legislative auditor. Unexpended amounts are transferred back to the budget reserve account.

Section 8 makes the article effective the day following final enactment.

Article 2 - Insurance Market Reforms

Section 1 requires the Commissioner of Commerce to provide public access to certain compiled data of proposed changes to health insurance rates within ten business days after the filing deadline.

Section 2 sets the stop-loss aggregate attachment point for all groups at no less than 110% of expected claims.

Section 3 requires claim settlement periods under a stop loss policy to be no less favorable than claims incurred during the contract period and paid by the plan during the contract period or within three months after expiration of the contract period.

Sections 4 -9 allows for profit HMOs to operate in the state.

Section 10, subdivision 1, establishes definitions for purposes of authorizing agricultural cooperative health plans.

Subdivision 2 grants an exemption from joint-self insurance plan statutes if the plan meets specified conditions including that the plan is sponsored by an agricultural cooperative whose members are engaged in production agriculture.

Subdivision 3 establishes requirements for the joint self-insurance plan, including stop-loss and reserve requirements.

Subdivision 4 requires submission of plan documents to the Commissioner of Commerce.

Subdivision 5 requires a member to participate in the plan for three years or pay a financial penalty.

Subdivision 6 establishes the plan as a single risk pool.

Subdivision 7 allows for marketing of the plan.

Subdivision 8 exempts the agricultural cooperative health plan from premium taxes.

Subdivision 9 grants exemptions from benefit mandate and continuation requirements under state law, if the plan provides benefits required under ERISA and the Affordable Care Act.

Section 11 establishes procedures for a health provider to appeal a waiver received by a health plan related to network adequacy requirements.

Section 12 allows a health carrier to issue an individual plan to an employee of a small employer if the small employer is in compliance with the federal 21st Century Cures Act.

Section 13 requires an enrollee to have the same cost sharing requirements for defined unauthorized provider services as those applicable to services received from a participating provider in a health plan network.

Section 14 is a conforming change related to the premium tax exemption for agricultural cooperative health plans.

Section 15 entitles an enrollee suffering from specified conditions who was involuntarily terminated in the individual market to receive services otherwise covered under the terms of a 2017 health plan from a provider who provided in-network care to the enrollee during 2016 but who is out of network for 2017. The Commissioner of Minnesota Management and Budget is required to reimburse the new health plan company for the costs of services authorized under this section. This only applies if the enrollee's health care provider agrees to specified terms. The

health plan company may require medical records and other supporting information be provided with a request for authorization.

Section 16 requires an agency incurring administrative costs under the act to perform its duties within existing appropriations unless otherwise provided.

Section 17 requires the Commissioner of Commerce to report by March 1, 2017, on specified issues related to the use of certain sections of Minnesota Statutes related to health care access.

Section 18 appropriates \$15,000,000 from the general fund to the Commissioner of Minnesota Management and Budget for the purposes of **section 15** (transition of care coverage). This is a onetime appropriation and is available until June 30, 2018.

Section 19 repeals an HMO provision and a pilot program for agricultural cooperatives as conforming changes.

Status: Signed into law on Jan. 30, 2017.

Comments: From [Governing](#) (Feb. 10, 2017)

Before the November elections, the rising price of health insurance premiums under the Affordable Care Act (ACA) dominated the news. Now that President Trump and the Republican Congress have vowed to repeal the law, the conversation has largely shifted to what premiums will look like if Obamacare ceases to exist.

But the "repeal and replace" debate doesn't do anything for the consumers struggling under high premiums now. One state has agreed on a way to give them immediate relief -- and it could be a solution for other states as well.

Minnesota approved a law last month, passed by a GOP legislature and [signed](#) by Democratic Gov. Mark Dayton, that will give a 25 percent discount on premiums to anyone who didn't qualify for federal ACA subsidies this year.

Minnesota experienced some of the most drastic premium hikes in the country. On average, they jumped 59 percent from 2016 to 2017. Most consumers haven't felt the premium spikes because more than 80 percent of people who use the ACA marketplace nationwide receive federal subsidies. In Minnesota, though, only 62 percent, or about 100,000 residents, qualify for them.

That's because Minnesota had a lower-than-average uninsured rate when the ACA was enacted. More than 20 years ago, the state established the Health Care Access Fund, which works quite a bit like the ACA's Medicaid expansion. The fund, which still operates, offers lower premiums to people who don't qualify for Medicaid and to people who -- before the ACA came along -- couldn't afford insurance because of pre-existing conditions. It's funded through a tax on insurers and providers.

To pay for the 25 percent discount, the state is tapping into its rainy day fund. Rainy day funds are typically reserved for drastic unforeseen circumstances, but Democratic state Rep. Laurie Halverson said "a lot of us felt like this was an emergency for our residents."

While there is "nothing that should stop another state from pursuing something similar," said Justin Giovannelli, a professor at Georgetown University's Center on Health Insurance Reforms, "Minnesota appropriated some \$300 million, and that's significant for many states."

Four states—Illinois, Nevada, New Jersey and North Dakota—[have no rainy day funds](#), and states as a whole saved less in 2016 than the year before.

What's more, it could be a tough sell for many lawmakers. It was in Minnesota.

While it was ultimately a bipartisan bill, Republicans initially argued that the state should increase competition, not bail out consumers, to tackle the high cost of health insurance.

To convince Republican lawmakers to agree to the bill, Democrats will let health maintenance organizations (HMOs) operate as for-profit institutions in the state. Up until now, HMOs in the state had to be nonprofits. Democrats say that kept insurers fair, but Republicans argue that allowing more flexibility will increase competition and give consumers more plan options.

"The fact that we didn't have [for-profit HMOs] up to this point was a core Minnesota value," said Halverson, who sees the law as just the first piece of what many in the state hope to be an overhaul of its health-care system.

"After we work on insurance stabilization, we have to address the rising cost of care," she said. "I want us now to focus on true reform. This law is just the first salve."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This act directs the Green Mountain Care Board to identify annually up to 15 prescription drugs on which the State spends significant health care dollars and for which the wholesale acquisition cost has increased by 50 percent or more over the past five years or by 15 percent or more over the past 12 months. For each drug listed, the Attorney General's Office must require the drug's manufacturer to provide a justification for the wholesale acquisition cost increase, and the manufacturer must submit to the Office relevant information and supporting documentation.

The act requires the Attorney General to provide an annual report to the General Assembly based on the information the Office receives from manufacturers and to post the report on the Office's website. The act requires the Commissioner of Financial Regulation to adopt rules requiring health insurers that offer plans through the Vermont Health Benefit Exchange to provide searchable information online about their Exchange plan prescription drug formularies.

Status: Became law with governor's signature on April 14, 2016.

Comments: From [StatNews.com, June 6, 2016](#).

Despite opposition from the pharmaceutical industry, Vermont late last week became the first state in the country to require drug makers to justify price hikes for medicines.

The law is part of a wave of state legislation that comes in response to growing concern over the rising cost of prescription drugs. Around the country, lawmakers have been introducing bills in hopes of forcing drug makers to either disclose costs or explain pricing. These demands reflect industry arguments that rising prices reflect rising R&D costs.

"This bill is about accountability," Vermont Governor Peter Shumlin said in a statement.

The Vermont law requires state officials to identify 15 drugs for which "significant health care dollars" are spent, and where wholesale acquisition costs — otherwise known as list prices — rose by 50 percent or more over the previous five-year period. Alternatively, they must identify list prices for 15 medicines that rose 15 percent or more over a 12-month period.

Afterwards, the state attorney general must contact each drug maker to obtain justification for price hikes. The companies would have to submit information concerning all factors that contributed to the price increases, including detailed cost breakdowns. Ultimately, this information would be collected in a report and posted on a public website. Each violation carries a \$10,000 penalty.

It is worth noting that the law is worded in such a way that, even though pricing information will eventually be made available publicly, the names of specific drugs and companies will not be released. This provision is designed to appease the pharmaceutical industry, which objected to disclosing this sort of data for competitive reasons.

Whether the law will accomplish its goal remains to be seen.

There is speculation drug makers may try to avoid having explaining price hikes by simply raising prices below thresholds stipulated in any state law.

“That could cause companies to set a list price much higher than originally envisioned,” John LaMattina, a former head of R&D at Pfizer and now a senior partner at PureTech Health, a venture capital firm, wrote in his blog.

Then again, such a tactic could also backfire if new drugs are introduced at prices that physicians or payers believe cannot be justified easily. After all, more tools are being developed to assess value. The Institute for Clinical and Economic Review, for instance, has created a firestorm among drug makers for taking this approach to examining new medicines.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-01 Combatting Environmental Destruction from Illegal
Marijuana Grows
Bill/Act: [SB 165](#)

California

Summary:

This bill adds additional crimes or violations to an existing Fish and Game Code statute which authorizes civil fines for certain natural resource-related violations in connection with the production or cultivation of a controlled substance.

Status: Became law with governor's signature on August 7, 2015.

Comments: From [Sen. Bill Monning](#) (August 10, 2015)

(SACRAMENTO, CA) – On Friday, Governor Jerry Brown signed Senate Bill (SB) 165, authored by Senator Bill Monning (D-Carmel), which expands existing civil fines for environmental damage created during the cultivation of controlled substances in order to address the devastation to the ecosystem caused by illegal marijuana grow-sites.

“I want to thank the Governor for signing a bill that will help restore habitat destroyed by the release of toxic rodenticides and chemical fertilizers by illegal marijuana grow-sites,” said Senator Monning. “SB 165 will expand the authority of the Department of Fish and Wildlife and other local enforcement agencies to assess civil fines against those who devastate our forests and provide another tool to fight this growing problem.”

SB 165 will expand an existing fine structure to allow courts and the Department of Fish and Wildlife to fine growers to help pay for the expensive reclamation and cleanup costs of grow-sites.

Many marijuana grow-sites leave behind devastating impacts on the terrestrial and aquatic habitats they occupy and often operate on a commercial scale. A grow-site of 1,000 plants can require up to 5,000 gallons of water daily, and growers routinely divert streams and tributaries to water plants, exacerbating California's current drought and severely affecting Coho Salmon runs and other fishery populations.

In 2014 alone, the Department of Fish and Wildlife removed over 135 dams or diversions in rivers and streams, found 340,000 pounds of trash and waste, and discovered close to 70 gallons of chemicals at marijuana grow-sites. The National Park Service estimates that the cleanup and reclamation costs of these habitats can cost tax payers up to \$15,000 per acre, with the average grow-site being 10-20 acres.

Disposition of Entry:

SSL Committee Meeting: 2018 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:

- ☐ next SSL meeting
- ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-02 Providing for Reclassification of Offenses While Evidencing Florida
Prejudice Based on a Mental or Physical Disability of a Victim
Bill/Act: [HB 387](#)

Summary:

Currently, s. 775.085, F.S., authorizes civil remedies and reclassifies the criminal penalty for any felony or misdemeanor offense if the circumstances evidence prejudice based on race, color, ancestry, ethnicity, religion, sexual orientation, national origin, homeless status, mental or physical disability, or the advanced age of the victim.

The bill removes prejudice based on mental or physical disability as a factor for reclassifying an offense under s. 775.085, F.S. The bill creates a new section of law, s. 775.0863, F.S., to establish a separate hate crime statute specifically for crimes evidencing prejudice on mental or physical disability. The new section's language is substantively identical to the language currently in s. 775.085, F.S, which authorizes civil remedies and reclassifies the penalty for any felony or misdemeanor offense if the circumstances evidence prejudice based on mental or physical disability.

Status: Became law with governor's signature on March 24, 2016.

Comments: From [The St. Augustine Record](#) (March 24, 2016)

A piece of legislation drafted by Sen. Travis Hutson and Rep. Cyndi Stevenson of St. Johns County honoring former St. Augustine resident Carl Starke has been signed into law.

The measure, House Bill 387, was signed by Gov. Rick Scott on Thursday.

The bill doesn't significantly change Florida law, but it renames part of a law "Carl's Law." It refers to "providing for reclassification of offenses committed while evidencing prejudice based on a mental or physical disability of the victim."

Starke was killed in August. St. Johns County Sheriff David Shoar said three Jacksonville residents who were casing the Wal-Mart parking lot for cars to steal spotted Starke in the parking lot and followed him.

Shoar said Starke, who was autistic, presented a "soft target" for the suspects.

Two suspects — Kevin Williams and Christopher O'Neal, ages 17 and 16, respectively, at the time of the killing — were both indicted on first-degree murder charges.

Both Hutson and Stevenson said the point of the House bill and the companion Senate bill (SB 356) was to serve as a memorial for Starke.

"I'm happy that it's done," Hutson said. "Those affected really wanted it done. It was very important to the family."

“I hope it brings a lot of awareness to all communities,” he said. “We truly care about some of our most vulnerable (residents).”

Stevenson echoed Hutson’s sentiment, saying she hoped it would give some comfort to the family.

“I think this was a way to honor Carl,” she said. “They wanted to see what good they could do and maybe save somebody else. I was happy to help carry the bill.”

Both Hutson and Stevenson said they’ve been told the governor is interested in coming to St. Augustine for a ceremonial signing of the bill. But there has been no commitment yet as to a specific time.

When the bill was first introduced in September, Carli Durden, Carl’s sister, said in a release: “In the wake of the loss of our beloved Carl, who was a son, brother, and friend, we want to thank Sen. Hutson for his remembrance of Carl through legislative action. Carl was a gift to our family and this bill helps to memorialize him and his place in our community.”

Disposition of Entry:

SSL Committee Meeting: 2018 A

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-03 Repealing the Licensing Requirement for Carrying
a Concealed Pistol or Revolver
Bill/Act: [SB 12](#)

New Hampshire

Summary:

This bill: (1) Increases the length of time for which a license to carry a pistol or revolver is valid. (2) Allows a person to carry a loaded, concealed pistol or revolver without a license unless such person is otherwise prohibited by New Hampshire statute. (3) Requires the director of the division of state police to negotiate and enter into agreements with other jurisdictions to recognize in those jurisdictions the validity of the license to carry issued in this state. (4) Repeals the requirement to obtain a license to carry a concealed pistol or revolver.

Status: Signed into law on February 22, 2017.

Comments: From [New Hampshire Union Leader](#) (February 22, 2017)

CONCORD — Anyone who legally owns a gun can now carry it in a concealed fashion without a permit from their local police chief, thanks to Senate Bill 12, signed into law on Wednesday by Gov. Chris Sununu.

The battle over constitutional carry, or concealed carry, has been waged in the State House on and off for the past three decades.

“It’s been a long time coming,” said Sununu, as he fulfilled a campaign promise before a crowd of supportive citizens and lawmakers gathered in Executive Council chambers.

“SB12 ensures New Hampshire citizens are guaranteed the fundamental right to carry a firearm in defense of themselves and their families, as prescribed by our state constitution,” he said.

“This is about safety. This is about making sure that the laws on our books are keeping people safe while remaining true to the Live Free or Die spirit that makes New Hampshire the great state that it is.”

The bill passed the House by a wide, bipartisan margin, 200-97. The 13-10 vote in the Senate was along party lines, with Democrat opposed.

Concealed carry was before the Legislature for the third time in three sessions. The past two attempts passed with Republican majorities in the House and Senate, but were vetoed by then-Gov. Maggie Hassan. And those were only the most recent attempts.

“We’ve been working on this for 28 years,” said Republican Executive Councilor David Wheeler of Milford, who as a state representative sponsored some of the earliest versions of concealed-carry legislation.

His son, an attorney, drafted much of the language in the bill that was signed into law on Wednesday.

Gun rights advocates have been frustrated in their efforts to change New Hampshire law throughout the gubernatorial terms of Democrats John Lynch and Maggie Hassan. During the two-year term of Republican Gov. Craig Benson, from 2003-2005, they succeeded with three bills.

One law eliminated manufacturer liability, protecting gun manufacturers from lawsuits; another protected gun clubs and firing ranges from being shut down by neighborhood complaints if the range was there before the neighbors; and a third gave the state exclusive power to regulate firearms or ammunition, preempting any existing local ordinances or attempts to pass new ones.

Michelle Levell, chair of the Women's Defense League of N.H., couldn't be on hand for Wednesday's bill signing, but members of the organization held up a picture of the gun-rights activist who worked for years on the legislation.

"She's worked so hard for this moment, we wanted her to be here today," said Susan Olsen, director of legislation for the organization.

Sununu called the bill "common sense legislation" that aligns New Hampshire's concealed-carry laws with that of neighboring Vermont and Maine.

New Hampshire now joins 11 other states that allow concealed carry without an additional permit: Alaska, Arizona, Idaho, Kansas, Maine, Mississippi, Missouri, Montana, Vermont, Wyoming and West Virginia.

Democratic Party Chairman Ray Buckley said the law will make it harder for law enforcement to "keep track of guns that fall into the wrong hands." The previous law gave police chiefs the power to deny a concealed-carry permit to anyone they deemed "unsuitable."

That criteria gave local and state police too much freedom to act arbitrarily in denying someone their constitutional rights, according to the bill's supporters.

SB 12 is the first bill signed into law by the newly elected governor. Opponents argued that the existing system had worked well for years, and there was no need for the change.

"New Hampshire has imminent issues that need the governor's attention, but further relaxing the state's notoriously lax gun laws is not one of them," said Buckley. "The vast majority of Granite Staters support common sense reforms like background checks and it is those reforms that will make us safer, not more accessibility."

Republican Party Chairman Jeanie Forrester said Sununu made clear during the campaign that signing concealed carry would be one of his first acts upon taking office.

"He's holding true to that commitment," she said. "This new law secures our constitutional rights, catches us up with our neighbor states and makes it easier for people to defend their lives and property."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-04 Prohibiting the Wearing of Masks, Hoods, and Face Coverings North Dakota
During the Commission of a Criminal Offense
Bill/Act: [HB 1304](#)

Summary:

An act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting the wearing of masks, hoods, and face coverings during the commission of a criminal offense; to provide a penalty; and to declare an emergency.

Status: Signed into law on Feb. 23, 2017.

Comments: From [The Bismarck Tribune](#) (Feb. 23, 2017)

Gov. Doug Burgum signed a handful of protest-related bills into law Thursday, but they didn't become effective until after the main Dakota Access Pipeline protest camp was cleared by law enforcement.

House Bill 1426 elevates riot offenses and House Bill 1304 makes it a Class A misdemeanor to wear a mask to conceal one's identity while committing a crime, escaping criminal charges or with the intent to intimidate someone else. House Bill 1293 "expands the scope of criminal trespass activity under state law" and allows officers to issue a citation and \$250 fine for trespassing, according to a press release from Burgum's office.

Senate Bill 2302 expands the attorney general's authority to appoint out-of-state officers. Attorney General Wayne Stenehjem previously said it would be an additional tool that could come in handy if more federal help responded to the Dakota Access Pipeline protests.

Law enforcement arrested protesters and cleared the main protest camp in southern Morton County just after 2 p.m. Thursday. The bills, all of them emergency measures, became effective a little more than an hour after the Oceti Sakowin camp was cleared of inhabitants, according to Burgum's spokesman, Mike Nowatzki.

The news release said the bills were "designed to protect landowner rights, deter criminal activity and expand the ability to appoint outside law enforcement officers to assist North Dakota agencies." The office said they were introduced largely in response to the monthlong protests over the oil pipeline.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-05 Elevating Riot Offenses
Bill/Act: [HB 1426](#)

North Dakota

Summary:

Elevates riot offenses to a felony.

Status: Signed into law on Feb. 23, 2017.

Comments: From [The Bismarck Tribune](#) (Feb. 23, 2017)

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Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-06 Expanding the Scope of Criminal Trespass Activity
Under State Law
Bill/Act: [HB 1293](#)

North Dakota

Summary:

An act related to trespassing on posted property and disaster and emergency response recover costs.

Status: Signed into law on Feb. 23, 2017.

Comments: From [The Bismarck Tribune](#) (Feb. 23, 2017)

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Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-07 Expanding the Attorney General's Authority to Appoint North Dakota
Out-of-State Law Enforcement Officers
Bill/Act: [SB 2302](#)

Summary:

An act related to appointment of ad hoc special agents and authority for federal law enforcement officers to make arrests.

Status: Signed into law on Feb. 23, 2017.

Comments: From [The Bismarck Tribune](#) (Feb. 23, 2017)

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Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

08-38B-08 Civil Immunity to Law Enforcement Officers Who Carry Ohio
And Use Naloxone
Bill/Act: [SB 319](#)

Summary:

An act offering civil immunity to law enforcement officers who carry and use naloxone.

Status: Signed into law on Jan. 4, 2017.

Comments: From [Governing](#) (Jan. 9, 2017)

Gov. John Kasich recently signed another bill targeting Ohio's opiate and heroin epidemic.

In 2015, Ohio led the nation in opioid overdose deaths.

Senate Bill 319, sponsored by Sen. John Eklund (R., Chardon), expands access to the anti-overdose drug naloxone to entities such as homeless shelters, halfway houses, schools, and treatment centers that deal with populations at high risk of heroin overdose. It also offers civil immunity to law enforcement officers who carry and use naloxone.

"We have spent a billion dollars on this issue. A billion dollars....," Mr. Kasich said. "Thank God we expanded Medicaid, because that Medicaid money is helping to rehab people...There are going to be more tools to come, but we're not going to defeat this just from the top down."

He made the argument that the real answer is in talking to youths on ball fields and schools about drugs and to stop prescribing so many prescription painkillers in the first place.

The new law closes an exemption in current law that allows sole proprietors in private practice -- doctors, veterinarians, dentist, and other health care professionals--to directly distribute medications to patients without oversight from the Ohio Board of Pharmacy. Such professionals distributed 6.5 million doses, including 3 million doses of opiates, in 2015.

The bill also ends Ohio's status as one of eight states that do not require pharmacy technicians, who have been blamed for roughly a third of all drug theft cases over the last three years, to register with the state pharmacy board. The move subjects them to uniform criminal background checks and competency requirements.

"Four out of five people who were addicted to heroin because they were first addicted to prescription narcotics....," said Rep. Robert Sprague (R., Findlay), who sponsored a similar bill in the House. "The heroin addiction is really just a continuation of that addiction that started with those pills."

The number of prescriptions written and shopping by patients to find doctors willing to write those prescriptions are down. But the number of addiction-related deaths continues to climb.

The law will take effect in 90 days.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Establishes violations and penalties relating to unmanned aircraft and prohibits political subdivisions from regulation of unmanned aircraft.

Status: Signed into law on May 11, 2016.

Comments: From [Paradise Valley Independent](#) (May 25, 2016)

Municipal leaders at the Town of Paradise Valley and the city of Scottsdale say SB 1449 has stripped them of their ability to regulate unmanned aircraft flying above their jurisdictions — at least for the time being.

But officials at both municipalities say they are continuing to look at the new legislation signed into law on May 11 by Gov. Doug Ducey and expected to go into effect this August. They are looking to see what, if any, local provisions could be developed to quell fears of privacy and public safety.

The new laws are meant to help fuel the idea of a “shared economy” championed by Gov. Ducey — which local leaders say is well and fine — but ties the hands of municipal regulations to address privacy concerns expressed by local residents, particularly in the Town of Paradise Valley and portions of Scottsdale.

SB 1449 was crafted by Sen. John Kavanagh, R-Fountain Hills, while Rep. Eddie Farnsworth, R-Gilbert, fought to remove privacy provisions from the legislation saying no one is ensured privacy in the outside world — including one’s backyard, published news reports state.

While the term “drone” has been embedded within the broadcast nomenclature, the true definition of the word suggests a completely autonomous aircraft with programmable GPS waypoints, according to remote-controlled aircraft enthusiasts.

The devices are used for a variety of purposes. Real estate agents use them to obtain aerial photographs of top-tier properties. In the public sector, unmanned aircraft are often used for surveillance purposes in municipalities such as Phoenix.

In places like Paradise Valley and north Scottsdale, photography and video shot by unmanned aircraft are becoming a staple of selling homes in the luxury real estate game.

The new law makes it a crime to interfere with police and fire operations and also makes it unlawful to photograph or film sensitive locations such as nuclear power plants. In addition, SB 1449 requires all Arizona municipalities with more than one park to allow unmanned aircraft operations.

A Change in Plans

While the Town of Paradise Valley had enacted an ordinance meant to regulate unmanned aircraft, the city of Scottsdale has taken a wait-and-see approach. Paradise Valley's rules and regulations are now meaningless, officials say.

"From a city perspective, Scottsdale does not have any specific ordinances relating to drones," said Kelly Corsette, a spokesman for the city of Scottsdale.

"In light of the new legislation, however, city staff is reviewing the topic and will likely make recommendations to the city council in the near future regarding ordinance changes about operating non-commercial drones in city parks and the preserve."

What those proposed regulations could be is not known at this time.

Scottsdale Airport officials published their own guidelines for "drone usage" in October 2015, but say so far, drones have not posed any concern for airport operations.

"As drones have increased in popularity, we figured many people would be seeking information on drones and possibly looking to the airport for information," said Scottsdale Airport spokeswoman Sarah Ferrara in a May 24 statement.

"The city created a web page as a resource for drone operators to review guidelines, tips and FAA information to fly drones safely and responsibly. Aviation staff isn't aware of any issues to airport operations."

All airspace — from the ground up — is regulated by the Federal Aviation Association, which is a division of the federal Transportation Department.

The FAA has regulations that apply to the operation of all aircraft, whether manned or unmanned, and regardless of the altitude at which the aircraft is operating, officials say. FAA officials say all commercial remote-controlled pilots ought to have authorization for what they are flying.

FAA West Division Public Affairs Manager Ian Gregor points out his organization is in the process of creating and updating federal laws as they pertain to unmanned aircraft.

"Last December, we issued guidance to help local communities develop drone laws that do not impinge on the FAA's jurisdiction over the nation's civilian airspace," he said in a May 17 statement.

"We expect to finalize our small UAS rule this spring," he said. "In a nutshell, the rule will allow for routine commercial drone operations and will mostly eliminate the need for people to get case-by-case approvals to fly drones for commercial purposes."

The FAA has also created a rule-making committee to examine how certain drones can be safely flown over people, according to Mr. Gregor.

Where Privacy is up in the Air

Paradise Valley Mayor Michael Collins wrote a letter to the governor on May 2 questioning the new law and its refusal to respect a person's privacy.

"We continue to respectfully disagree with Rep. Farnsworth on privacy," he said in his letter addressed to Gov. Ducey.

"Paradise Valley residents are political, sports, entertainment and business leaders. In many cases, the only privacy our residents have is in the comfort of their own backyards. Under SB 1449 drones may be used to hover and film or photograph residents in their own backyards during private family events unless they are in a state of undress or engaged in a sexual act. This is not resolved under trespass statutes, as trespass is defined as 'on or in' the property."

Paradise Valley Town Manager Kevin Burke says SB 1449 takes the municipality out of the drone-regulation business.

"I would tell you that our issue of privacy and safety were absolutely ignored and rejected," Mr. Burke said in a May 17 phone interview.

"I think our frustration is we would place more of the blame on the House (of Representatives). Sen. Kavanagh and the industry lobbyists were at least working with cities and towns and other stakeholder groups — that seemed to go by the wayside in the House."

Beyond privacy issues, Mayor Collins contends the new legislation may impact public safety.

"One recent report of a drone hovering approximately 20 feet above the Lincoln and Tatum intersection brings to light the potential risk that such a distraction creates for our drivers and residents," he said.

"Under SB 1449, not only are we prohibited from addressing low-altitude flying and hover over arterials, but we also retain full liability in the event of a resulting incident within our rights of way. SB 1449 in its final form resolves one issue, but creates a myriad of unintended consequences."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This bill creates the crime of unlawful use of an unmanned aircraft system. The bill prohibits unmanned aircraft systems from flying over sporting events, concerts, automobile races, festivals, and events at which more than 5000 people are in attendance and critical infrastructure in the State of Delaware. The penalty for the crime is an unclassified misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense unless injury occurs to a person or property damage occurs as a result of a violation in which case it is a Class G. Felony.

Status: Signed into law on Sept. 6, 2016.

Comments: From [The Cape Gazette](#) (Oct. 28, 2016)

Lewes Parks and Recreation Commission say it's time for city officials to consider regulations on drone use.

Commissioner Pres Lee said he was walking through Canalfront Park recently when he heard a buzzing sound from above. Looking up, he discovered a drone.

"That's what gave me the idea," Lee said. "Why would the city limit it to parks though? Should it be a citywide ordinance?"

Councilman Dennis Reardon, who attended the meeting, said he expects city council to discuss the issue at its Monday, Nov. 14 meeting.

Lewes would not be the first Delmarva municipality to pass a law regulating drone use. In June, Bethany Beach Town Council approved an ordinance restricting use of unmanned aircraft in the town. In Bethany, recreational pilots are allowed to use drones directly over their property or property they have received permission to fly above. Commercial pilots are permitted to fly unmanned aircrafts within the town, but they must obtain permission from the town for each day's use.

Georgia Tugend of the Friends of Canalfront Park group said a drone in the park during a well-attended summer event raised safety concerns.

"It was clear there were two amateurs trying to fly a drone," she said. "It was very unsettling because we had the whole lawn full of young children, families. It really was quite jarring to have this drone flying over a crowd of people in the park."

But whether a municipality is allowed to enact a law restricting or prohibiting drone use within its borders may be in question. A preemption in Delaware code states only the state, not municipality or county, can regulate drones. The section also says Delaware code supersedes any existing law or ordinance of a county or municipality.

In September, Gov. Jack Markell signed House Bill 195, amending state code to prohibit people from operating an unmanned aircraft over any sporting event, concert, automobile race, festival or event at which more than 5,000 people are in attendance. The bill also prohibits use of drones over any critical infrastructure in the state of Delaware, including government buildings, power plants and public safety buildings, among others. The previously existing law also prohibits drone use over an incident where first responders are actively engaged in response.

This section preempts the authority of a county or municipality to prohibit, restrict, or regulate the testing or operating of unmanned aircraft systems and supersedes any existing law or ordinance of a county or municipality that prohibits, restricts, or regulates the testing or operating of unmanned aircraft systems." - Delaware Code Title 11, Chapter 5, Section 1334,

The Department of Natural Resources and Environmental Control prohibits use of drones in all state parks. However, an operator may request to fly and may be required to pay a fee to use a drone in a state park.

The state created an unmanned aircraft systems task force was created in December 2015. It is under the purview of the Department of Transportation and meets monthly to discuss issues related to unmanned aircrafts, such as promoting safety and economic development.

Towns and cities across the country have already taken steps to restrict use of unmanned aircrafts. Most municipalities have cited privacy and safety concerns for their regulations. In 2013, St. Bonifacius, Minn., became the first municipality in the country to pass a townwide ban of drone use up to 400 feet, citing privacy concerns.

In a memo released in December 2015, the Federal Aviation Administration addressed state and local regulation of unmanned aircrafts. It discourages state and local governments from passing laws, saying a "patchwork quilt" of differing restrictions could result in fractionalized control of navigable airspace.

"A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system," the memo reads.

The memo suggests state and local official consult with the FAA prior to passing regulations.

It does state, however, that state and local governments are free to pass laws regarding voyeurism, using unmanned aircrafts for hunting or fishing and attaching firearms or other weapons to a drone.

Nationally, the federal government has prohibited use of drones in all national parks. Flying within five miles of an airport is also prohibited without the consent of air traffic control or the airport.

The FAA requires owners of drones weighing .55 to 55 pounds to register their unmanned aircrafts. People who intend to operate drones for commercial purposes are required to pass an aeronautical general knowledge exam, requiring pilots of unmanned aircrafts to learn and

understand FAA regulations, weather patterns and concepts, aeronautical charts, airspace classes and regulations, drone operations and physiology. Pilots operating drones for recreational use are not required to pass an exam.

Commercial operators must follow certain rules set out by the FAA, including flying only during daylight hours, keeping the aircraft within sight and not flying over people; though waivers can be requested. Those operating a drone commercially include realtors, wedding photographers and news outlets, among others.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This legislation adds a new section to Idaho Code to define “unmanned aircraft system” excluding model flying airplanes or rockets, and to exclude unmanned aircraft used in taking commercial photography.

This provides that no person, entity or state agency may use an unmanned aircraft system to conduct unwarranted surveillance or observation of an individual or a dwelling owned by an individual without reasonable, articulable suspicion of criminal conduct. The same restrictions for unwarranted observation or surveillance will be used for a farm, dairy, ranch or other agricultural industry, except for state and local law enforcement agencies engaged in marijuana eradication efforts.

This also provides that no person, entity or state agency may use an unmanned aircraft system to photograph an individual without reasonable, articulable suspicion of criminal conduct and without consent from the individual for the purpose of publishing or publicly distributing photographs.

This provides for a civil cause of action and a fine in the amount of \$1,000.00.

This allows for utility companies to inspect facilities when there is a valid easement permit or right of occupancy.

Status: Signed into law on April 11, 2013.

Comments: From [Reuters](#) (April 11, 2013)

Idaho's Republican governor signed a law on Thursday that restricts use of drone aircraft by police and other public agencies as the use of pilotless aircraft inside U.S. borders is increasing. The measure aims to protect privacy rights.

In approving the law, which requires law enforcement to obtain warrants to collect evidence using drones in most cases, Idaho becomes the second U.S. state after Virginia to restrict uses of pilotless aircraft over privacy concerns.

"We're trying to prevent high-tech window-peeping," Idaho Senate Assistant Majority Leader Chuck Winder, sponsor of the measure in the Republican-led Idaho legislature, told Reuters earlier this year as the bill was pending in the legislature.

Current federal regulations sharply limit the number and types of drones that can fly in American airspace to just a few dozen law enforcement agencies, including one in Idaho, public agencies including the Department of Homeland Security and universities for scientific research.

But unmanned aircraft are expected to be widely permitted in coming years, raising fears about misuse of miniature devices that can carry cameras which capture video and still images by day and by night.

Lawmakers in Idaho and more than a dozen states this year introduced legislation to safeguard privacy in the face of an emerging market the unmanned aerial vehicle industry forecasts will drive \$89 billion in worldwide expenditures over the next decade.

The measure Idaho Governor C.L. "Butch" Otter signed into law on Thursday requires police to obtain warrants to use drones to collect evidence about suspected criminal activity unless it involves illegal drugs or unless the unmanned aircraft is being used for public emergencies or search-and-rescue missions.

The Idaho bill, approved last week by the state Senate and the state House of Representatives, also bans authorities, or anyone else, from using drones to conduct surveillance on people or their property, including agricultural operations, without written consent.

Idaho's Republican governor couldn't be immediately reached for comment.

Americans are most familiar with drones because of the use of armed, unmanned aircraft by the United States for counter terrorism operations against Islamist militants in countries like Pakistan and Yemen.

The majority of unarmed drones expected to operate in U.S. airspace when restrictions are rolled back by the Federal Aviation Administration in 2015 weigh less than 55 pounds and fly below 400 feet, according to a September report by the U.S. Government Accountability Office.

Cash-strapped law enforcement agencies see small drones, which cost as little as \$30,000, as money-saving, low-manpower tools that could locate illegal marijuana farms, seek missing children and track dangerous fugitives.

Yet worries about widespread snooping persist. In February, privacy concerns prompted the Virginia legislature to put a hold on drone use for two years, and grounded a plan by Seattle police to deploy two camera-equipped drones.

Civil uses for drones would likely emerge first after 2015, while a commercial market would develop more slowly as airspace issues are resolved, the GAO report shows. Possible uses include pipeline inspection, crop dusting and traffic monitoring.

The FAA's goal is to eventually allow, to the greatest extent possible, routine drone operations in U.S. airspace.

Disposition of Entry:

SSL Committee Meeting: 2018 B
() Include in Volume

- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Prohibitions on the use of unmanned aircraft systems.

Status: Signed into law on August 7, 2014.

Comments: From [Law360](#) (August 11, 2014)

Unmanned aerial systems (UAS) — also commonly referred to as drones and the systems used to operate them — are ubiquitous in the American consciousness today, even though for most of us our experiences with UAS may be limited to news reports. Times are changing, however, and UAS will soon be a regular part of everyday life in the United States. The [Federal Aviation Administration](#) estimates that 7,500 UAS will be operating in the United States in five years, with more than \$89 billion invested in UAS over the next decade globally.

The FAA has struggled with a congressional mandate to integrate UAS into the national airspace by 2015. A recent report by the FAA’s Office of Inspector General explained that FAA will not meet the August 2014 milestone for issuance of a final rule on the operations of small UAS (defined as under 55 pounds). The FAA OIG explained that the “delays are due to unresolved technical, regulatory, and privacy issues[.]” In fact, the FAA OIG indicates that “privacy concerns have been the primary contributor” to the significant delays in issuance of regulations for small UAS because this important consideration is not central to “FAA’s primary mission” to ensure the safety of the national airspace.

Nevertheless, Congress has also instructed the agency to conduct a study of the impact of UAS integration on individual privacy and submit a report on its findings. How the FAA ultimately resolves these competing demands and the degree to which states will play a role in their resolution remains an open question. As a result, the FAA OIG concludes “while it is certain that FAA will accommodate UAS operations at limited locations, it is uncertain when and if full integration of UAS into” the national airspace will occur.

Reports also indicate that President Obama will soon issue an executive order that will task another federal agency, the [U.S. Department of Commerce](#)’s [National Telecommunications and Information Administration](#), to coordinate with industry and other stakeholders on voluntary privacy guidelines for commercial UAS in the national airspace. Whether this development will resolve the challenges faced by FAA to date in addressing UAS privacy issues through future regulation remains to be seen.

At the same time, the FAA has acknowledged that states and local governments have enacted and will continue to pursue UAS legislation. The FAA has also restated its mandate to ensure

“the safe and efficient use of U.S. airspace” and that its “authority generally preempts any state or local government from enacting a statute or regulation concerning matters — such as airspace regulation — that are reserved exclusively to the U.S. Government.”

In particular, the FAA explained that “a state law or regulation that prohibits or limits the operation of an aircraft, sets standards for airworthiness, or establishes pilot requirements generally would be preempted,” but “it would be within state or local government power to restrict the use of certain aircraft, including a UAS, by the state or local police or by a state department or university.”

In addition, UAS-related litigation continues around the country. For example, the [National Transportation Safety Board](#) will hear an appeal of a decision by an NTSB administrative law judge in *Michael P. Huerta, Administrator, Federal Aviation Administration v. Raphael Pirker*, 2014 NTSB LEXIS 22 (March 6, 2014) (FAA v. Pirker). In the underlying proceeding, the NTSB ALJ vacated a \$10,000 penalty that FAA assessed to Pirker in connection with a commercial UAS flight during October 2011 in Charlottesville, Virginia. The NTSB ALJ concluded that “at the time of [Pirker’s] model aircraft operation ... there was no enforceable FAA rule or FAR Regulation applicable to model aircraft or for classifying model aircraft as an UAS.”

The FAA appealed the decision to the full NTSB, and the decision will be stayed until the full NTSB rules. The FAA explained its concern “that this decision could impact the safe operation of the national airspace system and the safety of people and property on the ground.” This case is therefore an important challenge to the FAA’s authority to regulate UAS under the current FAA regulatory framework. Absent such authority, and should the significant delays in its ongoing small-UAS rulemaking process continue, there will be a serious gap in the FAA’s ability to restrict commercial UAS use.

Likewise, in *Texas Equusearch Mounted Search and Recovery Team v. FAA*, 2014 U.S. App. LEXIS 13794 (D.C. Cir. July 18, 2014), the U.S. Court of Appeals for the District of Columbia Circuit dismissed litigation brought by UAS operator Texas Equusearch. The case considered email correspondence in which an FAA inspector instructed the company to cease and desist UAS-based search and rescue operations. The court found that the FAA email “is not a formal cease-and-desist letter representing the agency’s final conclusion” as manifested through the agency’s regulatory procedures. *Id.* at *2.

In contrast, the court found an “absence of any identified legal consequences flowing from the challenged email” that only constituted an expression of the FAA’s opinion on the use of UAS. FAA responded to the decision by stating that it “has no bearing on the FAA’s authority to regulate UAS” and that FAA “remains legally responsible for the safety of the national airspace

system” and “to protect users of the airspace as well as people and property on the ground.”

The FAA has also emphasized that Texas Equusearch lacked UAS authorization, either its own or as a contractor to another party’s existing emergency certificate of authorization for use of UAS in natural disaster relief, search and rescue operations, or other urgent circumstances. Thus, this case raises fundamental questions about the legal bases for current FAA UAS regulatory authority and the importance of the ongoing rulemaking process.

Against this complex federal backdrop, North Carolina is one of several states attempting to address the opportunities and challenges presented by UAS through state legislation. For example, the North Carolina General Assembly’s Legislative Research Committee authorized the creation of a Committee on Unmanned Aircraft Systems “to study both the safety and privacy of its citizens, as well as the economic benefits of enabling” UAS, “to develop governmental needs and provide commercial growth in the private and academic sectors in” North Carolina. In particular, the UAS Committee has identified substantial economic opportunities tied to use of UAS in a number of industries, including agriculture, real estate, broadcasting and mining, among others.

Throughout 2014, the UAS Committee held several meetings and drafted proposed legislation, which has since passed the North Carolina House of Representatives but remains pending before the state Senate. Originally known as House Bill (HB) 1099, the proposed legislation was subsequently rolled into the state’s annual appropriations bill, Senate Bill (SB) 744, in a section entitled Regulation of Unmanned Aircraft Systems. SB 744 passed the North Carolina General Assembly on Aug. 2, and North Carolina Gov. Pat McCrory signed the bill into law on Aug. 7. The UAS provisions of SB 744 will regulate the use of UAS in North Carolina in several ways, including:

- Create a private right of action for “any person who is the subject of unwarranted surveillance, or whose photograph is” unlawfully taken by UAS in North Carolina;
- Impose limitations on the use of infrared or other thermal imaging technology by commercial UAS in North Carolina;
- Criminalize damage, disruption, or interference by UAS with manned aircraft that is taking off, landing, in flight, or otherwise in motion in North Carolina; and
- Criminalize harassment by UAS of persons lawfully taking wildlife resources in North Carolina.

Other UAS provisions in SB 744, however, offer examples of potential conflict between state and federal law. For example, SB 744 also requires that the North Carolina Division of Aviation

of the Department of Transportation develop a “knowledge and skills test for operating” a UAS in North Carolina. In addition, a license for operation of commercial UAS in North Carolina would be required, and the state-issued license would designate “the geographic area within which a licensee shall be authorized to operate[.]” These provisions generally mirror planned FAA certification requirements for UAS pilots and crew members, which also include medical requirements and training standards.

This raises a potential question about whether the North Carolina licensure requirements conflict with any future FAA requirements, or merely supplement them. This could affect the degree to which reviewing courts may determine that Congress intended the federal regulatory scheme to occupy the field of UAS regulation.

Federal courts in North Carolina have previously considered preemption in the aviation context, albeit in a different factual and legal setting. For example, in *Med-Trans Corp. v. Benton*, 581 F. Supp. 2d 721 (E.D. N.C. 2008), the U.S. District Court for the Eastern District of North Carolina permanently enjoined the North Carolina [Department of Health and Human Services](#) and related state agencies from enforcing state licensure and other air safety requirements upon an out-of-state air ambulance provider that conducted intra-state air ambulance activities within North Carolina.

As a result, some provisions of SB 744 could conflict with FAA’s position regarding federal preemption of state UAS operational or pilot requirements. We note, however, that SB 744 also requires that the state licensing system must comply with FAA “guidelines on commercial operation, as those guidelines become available” and that commercial UAS operations in North Carolina may not occur until “FAA has authorized commercial operations.” Thus, it is possible that this aspect of the state regulatory framework would simply defer to FAA rules, as they take effect in the future.

In sum, the UAS provisions of SB 744 constitute an example of a state law response to the complex regulatory challenges posed by the anticipated increase of UAS activity in the United States. Whether and how SB 744 conflicts with federal law is an issue that bears watching, and preemption claims involving UAS will undoubtedly be litigated intensely over

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

House Bill 912 enacts the Texas Privacy Act and amends the Government Code to create the Class C misdemeanor offense of illegal use of an unmanned aircraft to capture an image for a person who uses an unmanned aircraft to capture an image of an individual or privately owned real property in Texas with the intent to conduct surveillance on the individual or property captured in the image. The bill establishes a defense to prosecution for the offense if the person destroyed the image in a specified manner. The bill defines "image" as any capturing of sound waves, thermal, infrared, ultraviolet, visible light, or other electromagnetic waves, odor, or other conditions existing on or about real property in Texas or an individual located on that property. The bill makes it a Class C misdemeanor to capture an image in the previously described manner and to possess that image, makes it a Class B misdemeanor to capture an image in that manner and to disclose, display, distribute, or otherwise use that image, and establishes a defense to prosecution for these offenses under certain circumstances. The bill makes each image a person possesses, discloses, displays, distributes, or otherwise uses in committing such an offense a separate offense. The bill prohibits an image captured by the illegal use of an unmanned aircraft or by an unmanned aircraft that was incidental to the lawful capturing of an image from being used as evidence in criminal proceedings, civil actions, and administrative proceedings and exempts such an image from any disclosure or legal compulsion requirements, except to prove a violation under the bill's provisions.

House Bill 912 authorizes an owner or tenant of private property in Texas to bring an action against a person who illegally captured an image of the property or owner or tenant while on the property by using an unmanned aircraft to enjoin a violation under the bill's provisions or to recover a civil penalty or actual damages and establishes venue and a deadline for bringing such action. The bill requires the Department of Public Safety to adopt rules and guidelines for use of an unmanned aircraft by a law enforcement authority in Texas and requires each state law enforcement agency and certain county or municipal law enforcement agencies that used or operated an unmanned aircraft during the preceding 24 months to issue, each odd-numbered year, a written report containing specified statistics regarding the agency's use of such aircraft to the governor, the lieutenant governor, and each member of the legislature. The bill requires an agency to retain the report for public viewing and to post the report on the agency's publicly accessible website, if one exists. The bill sets out the circumstances under which it is lawful to capture an image using an unmanned aircraft in Texas.

Status: Signed into law on June 14, 2013.

Comments: From [Texas Tribune](#) (May 17, 2013)

Police officers, oil and gas pipeline inspectors, news photographers and movie producers would now all have access to drone footage under certain conditions in language added to legislation banning the use of unmanned aerial vehicles, which passed the Texas Senate on Friday.

State Sen. [Craig Estes](#), the Wichita Falls Republican who sponsored the bill in the upper chamber, said he worked on the compromise with several groups that had opposed the legislation, including the Texas Association of Broadcasters and the Texas Police Chiefs Association.

Under the Senate's version of [House Bill 912](#), authored by state Rep. [Lance Gooden](#), R-Terrell, law enforcement officers could use drones in a number of situations, including if they have a valid search or arrest warrant, are pursuing someone they have reasonable cause to suspect has committed a crime, and to search for a missing person. Energy companies would be able to use them for exploration, as well as to maintain and repair pipelines.

The Texas Tribune thanks its sponsors. [Become one](#).

Estes also accepted an amendment from Sen. [Rodney Ellis](#), R-Houston, that protects from retaliation those who film, record or photograph police officers on the job.

If the lower chamber does not agree with the Senate amendments, the bill will head to conference committee, where lawmakers will work out their differences.

Original Story:

A ban on the use of unmanned aerial drones moved one step closer to passage Monday, when a Senate panel approved [House Bill 912](#) by [Lance Gooden](#), R-Terrell.

State Sen. [Craig Estes](#), R-Wichita Falls, sponsor of the bill, said that although the measure "already has so many exemptions in it, it's like Swiss cheese," he would work with law enforcement and the media to create additional legal uses for drones. He said he would address those concerns before taking the bill to the Senate floor for a vote. But a representative of prosecutors told the committee that the bill already has so many exceptions that it would likely never result in a conviction.

The bill, which has more than 80 co-authors in the House, would make it a Class C misdemeanor to use an "unmanned vehicle or aircraft" to capture video or photographs of private property without the consent of the property's owner or occupant. It would also create an additional penalty for someone who displays or distributes an image or video captured by an illegally operating drone.

The Texas Tribune thanks its sponsors. [Become one](#).

The measure already contains exemptions for cases in which law enforcement needs to use a drone to save someone in imminent danger or they have an arrest warrant for the person they are filming who may have committed a felony. But Jennifer Wichmann, an Arlington city official

speaking for the police department, said that exceptions are needed for the use of drones to investigate any crime, not just felonies.

Before passing the measure last week, the House rejected an amendment by state Rep. [Jason Villalba](#), R-Dallas, that would have provided a broad exemption from the regulations for law enforcement. Estes stopped short of endorsing that amendment, but said that law enforcement representatives could come to his office "anytime" to make sure "they are able to do their job."

The Texas Association of Broadcasters also asked for an amendment to exempt "bonafide news organizations" who may use drones to capture footage of traffic, wildfires or hurricane damage. "It would be used the same way a helicopter is used today, but at far less expense," said Stacy Allen, the association's legal counsel. He said courts should be charged with balancing privacy rights and the First Amendment rights of journalists.

"What about a movie star sunbathing in her backyard by the pool?" Estes asked Allen, who said that since this would be private property, it would likely still be protected by the bill and that none of his clients could be considered the "paparazzi."

Estes responded with a grin, "Nobody in the press has been involved with the paparazzi, have they?"

This prompted Donnis Baggett, executive vice president of the Texas Press Association, to tell the committee, "I don't know of a single one of our 500 members who are interested in taking pictures of sunbathing celebrities."

The number of exemptions already in the bill is "unprecedented," said Shannon Edmonds, who studies legislation for the Texas District and County Attorneys Association. "Basically this is never going to get prosecuted," he explained, because judges are not going to be able to sort out the subtle differences between legitimate and illegitimate drone uses.

State Sen. [Carlos Uresti](#), D-San Antonio, offered the only vote against the bill. After the hearing, he cited opposition from the San Antonio Police Department, which argued that the bill was too broad and could limit the use of bomb-defusing robots.

"I'm going to side with the experts, and those folks are the experts," Uresti said.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Prohibits law enforcement agencies from using drones or information acquired through the use of a drone for the purpose of investigating, detecting, or prosecuting crime unless the agency has obtained a warrant or unless one of the court-recognized exceptions to the warrant requirement applies. Prohibits law enforcement agencies from using drones to gather or retain data on private citizens peacefully exercising their constitutional rights of free speech and assembly, unless the drone is being used either: (1) for observational, public safety purposes that do not involve gathering or retaining data; or (2) pursuant to a warrant. Law enforcement agencies are permitted to use drones operated for purposes other than the investigation, detection, or prosecution of crime, including search and rescue operations and aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages, and storm damage. Prohibits any person from equipping a drone with a dangerous or deadly weapon or from firing a projectile from a drone.

Status: Signed into law on June 6, 2016.

Comments: From [The Burlington Free Press](#) (May 3, 2016)

NORTH HERO - Grand Isle County Sheriff Ray Allen can see launching the department's \$7,000 drone to look for a child who wanders away from his parents on a cold night, to search for a boat sending out a distress call or to fly over propane tanks threatened by a field fire.

Drones are a powerful tool for policing and public safety, law enforcement officials say. But civil-rights advocates say police use of drones brings up privacy issues, and that laws have failed to keep up with technology. Allen would not, he says, send the drone equipped with both a camera and a thermal imaging device to search for marijuana fields, or to otherwise assist in an investigation.

Allen says he sees no privacy issues with police use of drones -- small, remote controlled aircraft -- and existing law protects Vermonters from drone surveillance.

Allen Gilbert, the executive director of the American Civil Liberties Union in Vermont, disagrees.

One of Gilbert's major concerns is what would happen if, while using a drone for crowd control at a concert or protest, police observe a crime taking place.

If an officer is in someone's house for an unrelated reason and sees evidence of a crime -- such as drug paraphernalia -- out in the open, the officer can use that information as probable cause to ask for a warrant. How that "plain view" doctrine would apply to drone evidence is unclear, Gilbert said.

Allen said he sees no privacy issues. He does drone demonstrations at schools and has a presentation board of images taken by the drone that he takes around the community to help residents of Grand Isle understand how police are using the device.

If the sheriff's office received a tip about a marijuana-growing operation, for example, the department would call the National Guard or U.S. Customs and Border Protection and ask to use a helicopter for aerial surveillance, Allen said. No Vermont public-safety agency owns a helicopter because of the expense, but law-enforcement officers say the same law that protects Vermonters from surveillance by helicopters protects residents from drone surveillance.

The body of privacy law regarding the issue is case law, Gilbert said -- a collection of court decisions setting precedents. He said there is no provision in the state statutes that deals with the issue. There are also several key differences between drones and other methods of aerial surveillance -- helicopters and planes -- that lead to a need for an update to state law, he added.

"Drones are so much more than a set of eyes," Gilbert said.

Drones can range from thousands of dollars to only a few hundred — one of the major differences from other aircraft, Gilbert said. Drones are unmanned and much cheaper than helicopters, so they can be used in ways helicopters can't — to peek into a window of an apartment on the eighth floor, for example. He expects drone use by police to proliferate over the next few years.

Other states have also tried to regulate drones, a move the Federal Aviation Administration has said could lead to a patchwork quilt of rules that could severely limit the agency's ability to control airspace and flight patterns. The U.S. Senate recently passed a bill that would prohibit states from making their own laws regarding drone use.

States are passing their own legislation because the federal government has been slow to regulate drones, Gilbert said.

In Vermont, regulating drone use by police is one part of a wide-ranging privacy bill. The Vermont House gave preliminary approval Monday evening to S.155, which passed the Senate earlier this year. Under the bill, law enforcement would have to get a warrant to use a drone in a criminal investigation, but would not need one to use the device in emergency situations.

"Drones are evolving technology, and this is the first attempt to reckon with it," said Burlington Police Chief Brandon del Pozo. The bill "is myopic in scope."

Burlington has no police drone, del Pozo said, and he has no plans to buy one.

"I'm not going to invest in something so tightly regulated to make it not useful," he said, but he predicted that many police departments would begin using drones over the next few years.

The Grand Isle County Sheriff's Department is one of the first Vermont police agencies to purchase a drone. The 13-officer department is responsible for 82 square miles of land and 122

square miles of water, and was able to obtain the drone through a grant from the U.S. Coast Guard. One condition of the grant is that the device can be used only for the preservation of life.

"We just use it as another eye in the sky for search and rescue," said Sgt. Dustin Abell, who built the drone. "This device is not being used for surveillance."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

The Act requires a law enforcement agency to obtain a search warrant before it may use a drone to gather evidence or other information in a criminal investigation from or at a place or location where an individual has a reasonable expectation of privacy. The Act creates exceptions to this requirement for the use of drones in public places and for the following uses of drones:

- In an active search and rescue operation.
- To locate an escaped prisoner.
- To surveil a place or location for the purpose of serving an arrest warrant.
- Where there is reasonable suspicion that use of a drone is necessary to prevent imminent danger to an individual or to prevent imminent destruction of evidence.

For purposes of this provision, the Act defines “drone” as “a powered, aerial vehicle that carries or is equipped with a device that, in analog, digital, or other form, gathers, records, or transmits a sound or image, that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, and can fly autonomously or be piloted remotely.” The Act specifies that a drone may be expendable or recoverable.

Status: Signed into law on April 9, 2014.

Comments: From [Wisconsin State Cartographer’s Office](#) (April 9, 2014)

Governor Walker has signed Senate Bill 196, the Drone Privacy Protection Act, into law. The law becomes effective on April 10, 2014.

The law requires law enforcement agencies to obtain a warrant prior to using a UAS to collect evidence, when an individual has a reasonable expectation of privacy. The bill also prohibits individuals from using a UAS "with the intent to photograph, record, or otherwise observe another individual in a place or location where the individual has a reasonable expectation of privacy."

For more information see the [Wisconsin Legislative Documents Web site](#) or on the [Wheeler Report](#).

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

09-38B-08 Making it a Misdemeanor to Use a Drone to Impede
Emergency Personnel in the Performance of Their Duties
While Coping with an Emergency
Bill/Act: [AB 1680](#)

California

Summary:

This bill makes it a misdemeanor to use a drone to impede specified emergency personnel in the performance of their duties while coping with an emergency.

Status: Signed into law on Sept. 29, 2016.

Comments: From [The Orange County Register](#) (Sept.30, 2016)

As we head into wildfire season, there's a new worry for firefighters – as well as for all of us.

Hobby drones.

What started out as a toy and morphed into an awesome gizmo is on its way to becoming an aerial killing machine.

In Holy Jim Canyon this month, hobby drones stymied helicopters trying to snuff out a 155-acre wildfire.

From California to Alaska, according to officials, drones this year have impeded aerial firefighting at least a dozen times.

“There have been drone incursions all over the state,” Orange County Fire Authority Battalion Chief Craig Covey said. “We get helicopters taken out all the time by birds.

“If we’re worried about running into a bird, think about what a drone with four propellers could do.”

Because of hot, fast-moving Santa Ana winds that typically blow during October and November, U.S. Forest Service officials warn the next two months are especially worrisome.

“We’re extra vigilant,” said Jake Rodriguez, forest service public information officer. “What we’ve seen this season so far, is very extreme fire behavior.”

The long drought combined with beetle-infested trees has created particularly volatile fuel conditions.

Flames shot up as high as 100 feet during the Cajon Pass fire in mid-August, Rodriguez reported. Thirty-five square miles burned in a single day.

Department of Interior officials report that more than 30,000 wildfires this year have burned more than 2.7 million acres.

A drone that costs as little as \$500 could cost you your home – or your life.

Stopping Firefighters

Putting a video camera on the belly of what amounts to a miniature helicopter may sound nuts, but it can be very cool.

Lifeguards use drones to watch for sharks. Businesses use drones for planning. Real estate agents use drones to market properties. Outdoor enthusiasts capture beautiful landscapes.

But no matter how tempting it may be to deploy a drone, civilian machines don't belong in a situation that requires police or firefighters.

One first responder echoed a common refrain, telling drone fans, "If you fly, we can't."

"Drones interrupted air efforts in three California fires," writes Mark Bathrick, director of aviation services for the Department of the Interior, "including in Kern County, where a blaze destroyed more than 150 homes and killed an elderly couple."

"Drones grounded aircraft five times on the Saddle fire in Utah in late June," Bathrick continued, "as the blaze burned remote terrain inaccessible to ground forces, threatened communities and prompted the evacuation of 500 homes."

Last year, Bathrick said, a drone prompted firefighters to abandon aerial efforts while a fire burned over a California highway.

Drones can knock out an aircraft windshield, get sucked into an intake, Covey said. "Drones compromise our ability to save lives and property."

Air support, the Orange County Fire Authority air operations chief explained, is often critical to fighting fires, especially in wildland areas. In the recent Holy Jim fire, helicopters held the line while ground crews worked their way into steep wilderness.

During the 2007 Santiago wildfire that burned 29,000 acres, a dozen firefighters had to deploy fire-resistant sacks when they became surrounded by flames. Without helicopters dropping water, Covey said, they could have died.

If drones existed then, the outcome would have been, well, let's not go there.

Beefing up Laws

Almost as soon as a fire starts, something called a Temporary Flight Restriction is established by the Federal Aviation Administration. It means nothing without permission – including drones – can fly in a specified area.

Acreage varies, but typically an area will cover 5 square miles or more.

During the Holy Jim fire, Rodriguez said, “There were drones flying *over* our helicopters at Dove Lake.”

Choppers were prevented from scooping water out of the reservoir in Dove Canyon – not just once, but twice during the battle.

The FAA is still investigating the incidents. Regulations allow fines up to \$20,000.

In Utah, legislators approved laws that allow first responders to stop drones, even if it means damaging the machine.

In Sacramento, two bills follow Utah’s approach but remain unsigned by the governor. AB 1680 would make it a crime for the operator of a drone to interfere with efforts to fight fires. SB 807 would allow firefighters to damage drones that impede firefighting efforts.

The Orange County Fire Authority board supports the bills. Supervisor Todd Spitzer, a board member, noted, “Drones completely jeopardize the safety of the pilot in the aircraft and, if a helicopter goes down, seriously jeopardize the people on the ground.”

Spitzer, who represents canyon country below Saddleback Mountain among other areas, said he is anticipating a horrible fire season. “The sooner we get on a fire with aircraft that can draw significant amounts of water, the better off we are.”

Virtual Fencing

According to the Interior Department, drones intruding into firefighting areas doubled from 2014 to 2015. But help might be on the way.

Interior Department officials said they are partnering with drone manufacturers to create virtual fences around wildfires.

The idea is a “warning system that provides real-time alerts and geo-fencing alarms to prevent drone pilots from interfering with firefighting operations.”

Law enforcement helicopters face problems as well.

With three helicopters and a fourth helicopter being made ready, the Orange County Sheriff’s Department reports few problems with drones – so far. But with cheaper drones and the hobby growing more popular, challenges await.

“Everybody it seems,” said Sheriff’s Reserve Deputy Jer Kahala, “is buying them.”

Kahala, a helicopter hoist operator, said, “If we can’t render aid because someone’s flying a drone, well, that’s a life-and-death situation.”

One of the biggest challenges for pilots dumping water and fire retardant, is that drones are so small they are nearly impossible to see.

Remember: If you fly, they can't.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

09-38B-09 Providing for the Operation and Regulation of Unmanned Michigan
Aircraft Systems
Bill/Act: [SB 992](#)

Summary:

This act would create a comprehensive regulatory framework for the use of unmanned aircraft in the state.

Status: Signed into law on December 30, 2016.

Comments: From [Grand Rapids, MI News](#) (April 9, 2014)

LANSING, Mich. (WOOD) — A measure that would extend drone use in Michigan is on its way to Gov. Rick Snyder for consideration.

[Senate Bill 992](#) allows people licensed by the Federal Aviation Administration to operate drones for commercial and recreational use.

Rockford Sen. Pete MacGregor sponsored the bill, saying it's important to have a framework in place as drones become increasingly popular.

The proposed law would ban drone operations that could interfere with public safety officers, people's privacy or a court order. The FAA's finalized restrictions for commercial drone operators took effect in August.

SB 992 would also create a 27-member Unmanned Aircraft Systems Task Force to regulate drone use.

People who violate the state's proposed restrictions could be charged with a misdemeanor; the maximum punishment would be two years in prison and a \$500 fine.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary: The act is primarily a series of definitions to reaffirm protections and freedoms associated with speech. As part of this effort the act lays out definitions for stalking and harassment and revised these definitions to include actions committed through the use of a drone or unmanned aerial vehicle:

- (a) “Stalking” means an intentional harassment of another person that places the other person in reasonable fear for that person’s safety.
- (b) “Harassment” means a knowing and intentional course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person, and that serves no legitimate purpose. “Harassment” shall include any course of conduct carried out through the use of an unmanned aerial system over or near any dwelling, occupied vehicle or other place where one may reasonably expect to be safe from uninvited intrusion or surveillance.
- (c) “Course of conduct” means conduct consisting of two or more separate acts over a period of time, however short, evidencing a continuity of purpose which would cause a reasonable person to suffer substantial emotional distress. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- (d) “Unmanned aerial system” means a powered, aerial vehicle that: (1) Does not carry a human operator; (2) uses aerodynamic forces to provide vehicle lift; (3) may fly autonomously or be piloted remotely; (4) may be expendable or recoverable; and (5) may carry a lethal or nonlethal payload

Status: Signed into law by the governor 6/6/16

Comment: *The Witchita Eagle* [reported](#):

Gov. Sam Brownback signed legislation Friday that expands the definition of harassment in the state’s Protection from Stalking Act to include the use of an unmanned aerial system – more commonly known as a drone – to harass a person “over or near any dwelling, occupied vehicle, or other place where one may reasonably expect to be safe from uninvited intrusion or surveillance.”

The legislation is the result of an ongoing dispute in Olathe, where one family has reported repeated harassment from a neighbor with a drone. The language is one of several provisions lawmakers stuck into SB 319 last week during their wrap-up session.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- () Include in Volume
- () Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary: The original bill (HB 126) addressed the use of unmanned aircraft in relation to a wildland fire and generally prohibits an individual from flying an unmanned aircraft, or drone, within certain areas relating to a wildland fire. HB 3003 increases the original penalties contained in HB 126 and authorizes the neutralization of an unmanned aircraft in certain circumstances.

Status: HB 3003 signed by the governor July 17, 2016; HB 126 signed by the governor March 21, 2016

Comment: From [Desertnews.com](#), February 5, 2016

SALT LAKE CITY — Aerial drones delayed suppression efforts in at least two Utah wildfires last year, and a proposal in the Legislature would make it a crime to fly them in the vicinity of a fire.

[HB126](#), sponsored by Rep. Kraig Powell, R-Heber City, would make it a class B misdemeanor to fly unmanned aircraft within 3 miles of an uncontrolled wildfire. It would be a class A misdemeanor if the drone causes an air tanker to have to drop its load somewhere other than the fire.

An incident commander on the scene of a wildfire, however, could grant someone permission to fly in the area, according to the bill.

"This is welcomed by everyone in the wildfire community," said Jason Curry, an investigator with the Utah Division of Forestry, Fire and State Lands.

Air support was delayed for about 30 minutes last September because of a drone that was sighted near the Church Fork Fire in Millcreek Canyon.

Also in September, a drone hovering directly over a firefighting helicopter caused all air operations to be suspended for the day at the Wheeler Fire in Wasatch County. An air tanker on final approach to drop a load of retardant had to be diverted and dropped its load in a location away from the fire, according to the U.S Forest Service.

The House Natural Resources, Agriculture and Environment Committee unanimously passed the bill to the House floor Friday.

From [fox13news.com](#), July 12, 2016

A bill under consideration in Wednesday's special session of the Utah State Legislature will allow authorities to "neutralize" drones over wildfires.

Fed up with unmanned aircraft that have shut down wildland firefighting operations, lawmakers are introducing the bill that could allow them to shoot down the drones. House Bill 3003 is sponsored by Rep. Don Ipson, R-St. George, and Sen. Evan Vickers, R-Cedar City.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

Senate Bill 995 amended the Michigan Vehicle Code to do the following:

- Allow an automated motor vehicle to be operated on a street or highway in Michigan.
- Allow an on-demand automated motor vehicle network to be operated on a highway, road, or street in Michigan.
- Prohibit a local unit of government from imposing a fee, registration, franchise, or regulation on an on-demand automated motor vehicle network through December 31, 2022.
- Specify that, when engaged, an automated driving system allowing for operation without a human operator is considered the driver or operator of a vehicle for purposes of determining conformance to traffic or motor vehicle laws and is deemed to electronically satisfy all physical acts required by a driver or operator of the vehicle.
- Allow an individual to use two-way communication devices to operate or program the operation of an automated motor vehicle while operating it without a human operator.
- Revise the circumstances that a manufacturer of automated driving systems or upfitter must ensure exist when researching or testing the operation of an automated motor vehicle or any automated technology or automated driving system installed in a vehicle on a highway or street.
- Allow a university researcher or an employee of the Michigan Department of Transportation (MDOT) or the Department of State who is engaged in research or testing of automated motor vehicles to operate them if the operation complies with generally the same circumstances as applicable to a manufacturer.
- Provide that a manufacturer of automated technology, an automated driving system, or a motor vehicle is immune from liability that arises out of a modification made to certain automated vehicles or systems without the manufacturer's consent.
- Create exceptions to distance restrictions for vehicles weighing a certain amount and for vehicles being delivered to a location if the vehicles are in a platoon.
- Allow an individual to operate a platoon on a street or highway in Michigan if the individual files a plan for general platoon operations with the Michigan State Police (MSP) and MDOT before starting platoon operations.
- Create the Michigan Council on Future Mobility within MDOT, and require the Council to provide annual policy recommendations.
- Require the Secretary of State to create and maintain a computerized central file that provides an individual historical driving record for a natural person, instead of a person, with respect to certain criteria.

The bill also repealed Section 663 of the Code, which prohibited an individual from operating an automated motor vehicle on a highway or street in automatic mode, except as allowed for research or testing.

Status: Signed into law on Dec. 9, 2016.

Comments: From [The Detroit News](#) (Dec. 9, 2016)

Dearborn — Gov. Rick Snyder on Friday signed legislation that aims to put Michigan in the driver's seat for autonomous technology, testing and deployment for self-driving cars. Proponents say the laws are important for the state's economic development and talent retention.

And state leaders say the result should include more autonomous vehicles taking to Michigan roadways and quickening development of the technology they say will make roads safer and cut down on accidents.

Snyder chose the Automotive Hall of Fame in Dearborn to sign the significant package of bills that will allow the public to buy and use fully self-driving cars when they are available. The laws also would allow ride-sharing services without drivers to be operated by auto manufacturers or by ride-hailing services such as Lyft or Uber.

Advertising

"I'm excited to sign this bill," Snyder said. "In my heart I view this as a portal opening for safety, for opportunity for more economic success. We should be proud we're leading the world, right here in Michigan."

The legislation updates a 2013 law that has allowed testing of autonomous vehicles in Michigan, though with a driver behind the wheel. It puts Michigan ahead of other states.

The package of four bills (Senate Bill 995-998) landed on Snyder's desk late last month after passing through the House and Senate with near unanimous support. The main bill allows self-driving vehicles to operate on any Michigan roadway. It allows automated platoons of trucks to travel together at set speeds. And it allows networks of self-driving cars that can pick up passengers on demand.

It also creates the Michigan Council on Future Mobility to make recommendations on statewide policy to keep Michigan ahead of the game.

Sen. Mike Kowall, R-White Lake Township, who introduced Senate Bill 995, said autonomous and connected vehicles and technology could have helped avoid the Thursday pileup on Interstate 96 that left three dead.

He said the legislation signed into law Friday will allow automakers, engineers and researchers to do what they do best. "We're getting government out of the way, we're letting industry grow at its own rate," Kowall said.

Snyder told reporters that the law will help open up Michigan to more autonomous vehicle development. "It's not about racing on legislation, but it's about having good, smart legislation that's about safety first and then creating an environment for innovation," he said.

Automakers are encouraged by the law that gives Michigan the broadest set of regulations. GM, which voiced strong support for the legislation, would not say Friday if it now plans to test autonomous vehicles in Michigan. But Pam Fletcher, GM's executive chief engineer of global electric and autonomous vehicles, said the law "positions Michigan very, very well."

Ford has said it plans to deploy a fully autonomous vehicle without a steering wheel or pedals in 2021 for ride-sharing or ride-hailing purposes. Ford wants to sell 100,000 or more a year of the vehicles.

"Without this, we wouldn't be able to enable it here in Michigan," said Wayne Bahr, global director of Ford Motor Co.'s automotive safety office. "Our headquarters is here, research is here, autonomous vehicle team is here and having the ability to do our testing in a four season environment and to do it right next to where our engineers are is absolutely phenomenal."

State competition

GM also is working with partner Lyft Inc. to develop a fleet of self-driving Chevrolet Bolt EVs that it would use for ride-hailing. While it is testing autonomous Bolts in California and Arizona now, it hopes to test with Lyft's service within a couple of years on public roadways.

"We believe an orderly and safe introduction of autonomous vehicles is a key to success for public acceptance and really maximizing the benefit of these vehicles," Fletcher said, adding part of the legislation for deploying self-driving ride-hailing services without a driver is "the way we think this kind of technology needs to roll out."

Michigan is one of eight states along with Washington, D.C., that have laws allowing testing of autonomous cars, according to the National Conference of State Legislatures. California, Florida and Nevada have laws that allow for the "operation" beyond testing. Arizona and Massachusetts' governors signed executive orders related to self-driving vehicles.

Federal discrepancy

The bills were amended to allow tech companies such as Google Inc. to test and ultimately operate self-driving vehicles without drivers on state roadways.

The Michigan law differs and is separate from autonomous car guidelines federal officials released in September. The Vehicle Performance Guidance for Automated Vehicles are considered best practices for safe design, development and testing of automated vehicles before they go on sale or operate on public roadways.

"If you think about what this legislation does, we now have 122,000 miles of a test bed, 122,000 miles of road in the state of Michigan are open for complete operations," said Kirk Steudle, Michigan Department of Transportation director.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
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- ☐ Reject

Comments/Note to staff

Summary:

Amends the Michigan Vehicle Code to do the following:

- Allow a motor vehicle manufacturer to participate in a SAVE project if it meets certain self-certification criteria.
- Prescribe requirements, including the designation of a project's geographic boundaries and the maintenance of incident records, for a motor vehicle manufacturer that participates in a SAVE project.
- Specify that an automated driving system or any remote or expert-controlled assist activity, when engaged, must be considered the driver or operator of the vehicle and deemed to satisfy electronically all physical acts required by a driver or operator of the vehicle.
- Require a motor vehicle manufacturer to ensure each vehicle participating in a fleet.
- Require a motor vehicle manufacturer, for each SAVE project in which it participates, to assume liability for each incident in which an automated driving system is at fault while the system is in control of a vehicle in the participating fleet.

Status: Signed into law on Dec. 8, 2016.

Comments: From [The Detroit News](#) (Dec. 9, 2016)

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The package of four bills (Senate Bill 995-998) landed on Snyder's desk late last month after passing through the House and Senate with near unanimous support. The main bill allows self-driving vehicles to operate on any Michigan roadway. It allows automated platoons of trucks to travel together at set speeds. And it allows networks of self-driving cars that can pick up passengers on demand.

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 - ☐ next SSL meeting
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- ☐ Reject

Comments/Note to staff

Summary:

This legislation defines “automated driving system.” It allows for the creation of mobility research centers where automated technology can be tested. It provides immunity for automated technology manufacturers when modifications are made without the manufacturer’s consent.

Status: Signed into law on Dec. 8, 2016.

Comments: From [The Detroit News](#) (Dec. 9, 2016)

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- ☐ Reject

Comments/Note to staff

Summary:

This legislation exempts mechanics and repair shops from liability on fixing automated vehicles.

Status: Signed into law on Dec. 8, 2016.

Comments: From [The Detroit News](#) (Dec. 9, 2016)

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- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

10-38B-05 Expend Highway Users Tax Fund Moneys on
Transit-Related Projects
Bill/Act: [SB 13-048](#)

Colorado

Summary:

This legislation authorized the state department of transportation to expend highway users tax fund moneys on transit-related projects because it will help reduce traffic and wear and tear on highways and bridges.

Status: Signed into law on April 26, 2013.

Comments: From [The Summit County Citizens Voice](#) (April 28, 2013)

SUMMIT COUNTY — Alternative transit in Colorado could get a funding boost this year, after Gov. John Hickenlooper last week signed Senate Bill 13-048 into law.

The measure gives communities new flexibility to spend their share of the \$250 million pot of money collected from gas taxes and license plate fees — known as the Highway Users Tax Fund — on bike and pedestrian paths, transit and other projects. Previously, the money was restricted by law to highway and bridge projects.

“Aurora supported the bill because we wanted the flexibility to address all of our local transportation needs, not just road and street needs,” said Steve Hogan, Aurora Mayor. “Our city wishes to address parking related to Light Rail, bike path and bike lane improvements, and transit needs around the Fitzsimons/Anschutz Campus. These amenities make our city more desirable.”

A 2013 report by the National Association for Realtors found that houses located near public transit were the “equivalent of beachfront property” with an average 42% better value than similar houses without access to public transit. Another report by CEOs for Cities found that homes in walkable neighborhoods are worth thousands of dollars more and helped attract employers.

The bill was supported by the Metro Mayors Caucus, Metro Area Commissioners and the Metro Denver Chamber of Commerce as well as transit agencies and environmental groups. It drew little opposition as it worked its way through the legislature.

“Once signed into law, it becomes important that local governments know what an important tool this is for providing the walkable, bikeable, easy-transit amenities that residents want,” said Will Toor, director of transportation at the [Southwest Energy Efficiency Project](#). SWEEP worked with sponsors Representative Max Tyler and Senators Matt Jones and Nancy Todd to develop the bill.

Transit and other multi-modal projects allowable by SB 13-048 include, but are not limited to: bus purchases, transit and rail station construction, transfer facilities, maintenance facilities for

transit rolling stock, bus rapid transit lanes, bus stops and pull-outs along roadways, transit operations, and bicycle and pedestrian overpasses, lanes and bridges.

Even rural Colorado communities will benefit. For example, bus service in the Aspen and Glenwood Canyon region was recently reported to provide gas savings, reduced highway repair and lower parking demand valued at millions of dollars per year in benefits to the area.

Lakewood Mayor Bob Murphy called SB 13-048 a “common sense bill” that offers cities and counties across Colorado the flexibility to choose which transit projects to fund. He said it also helps local governments to be more responsive to feedback from citizens about what the citizens feel should be priorities for transit projects.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

10-38B-06 Increasing Local Income Tax Rates by Between 0.1 Percent Colorado
and 0.25 Percent and Dedicating Those Additional Revenues
to Public Transportation
Bill/Act: [SB 176](#)

Summary:

This legislation allowed six counties in the Indianapolis region to increase local income tax rates by between 0.1 percent and 0.25 percent and dedicate those additional revenues to public transportation. Voters in Marion County approved a 0.25 percent tax in November 2017.

Status: Signed into law on March 26, 2014.

Comments: From [The Indy Star](#) (March 13, 2014)

After a long and winding road, a measure that would clear the way for an expanded mass transit system in Central Indiana won support from both chambers of the Indiana General Assembly during the final hours of the 2014 legislative session.

Senate Bill 176, which would allow six counties to have voter referendums on whether to fund mass transit projects primarily through income taxes, now goes to Gov. Mike Pence. The House voted 65-34 for the measure while the Senate voted 32-16.

The bill represents a major victory for transit supporters – Indianapolis Mayor Greg Ballard among them – who have been trying to pass transit legislation for at least three years.

Still, the compromises required to get the measure through the legislature may complicate the ability of local officials to sell a mass transit plan to the public.

As originally written, the bill would have required large businesses in Central Indiana to contribute 10 percent of the transit system's operating costs through a new corporate income tax.

That provision created a tricky dynamic. Some senators felt the corporations should have “skin in the game” because business groups such as the Indiana Chamber of Commerce have pushed for an expanded mass transit system for years to help transport workers and spur economic development.

But the business community – including the state and city commerce chambers – lobbied to get rid of the corporate tax requirement, fearing it would set a precedent for a new, local business tax.

A new corporate tax also would have worked at cross purposes with a top Republican legislative priority: Cutting the state's corporate income tax rate.

As a result, Senate and House negotiators reached a compromise on the measure. Under the deal, a House provision that would have allowed light rail and a Senate provision that would have taxed businesses were both removed.

Instead of the corporate tax, the legislation would set up a nonprofit that would have the goal of raising up to 10 percent of the transit system's operating costs from the business community.

If the business community's contributions fall short of that goal, local governments would have to make up the difference.

Conservatives in the legislature slammed that provision, noting that the business community has pushed hard for an expanded transit system.

"What happens when the 10 percent contribution isn't met? Taxpayers are on the hook!" said Sen. Scott Schneider, R-Indianapolis. "What was a bad bill is now a terrible bill."

Even supporters of the bill are quick to acknowledge it's not perfect.

"I'm not here to tell you this is a perfect bill," said the measure's author, Sen. Patricia Miller, R-Indianapolis. "There's been a lot of give and take through this entire conversation."

The compromise legislation raises a key question: Will voters approve a mass transit plan when they can't be sure precisely how much business will contribute and how much taxpayers will be on the hook for?

"That is a toughie. I would think it would be a tough sell, personally, but I could be wrong," said Noblesville Mayor John Ditslear. "We have to work with the cards we have been dealt."

Mark Fisher, vice president of government relations for the Indy Chamber, said most businesses would already contribute to the mass transit system through individual income taxes.

He conceded that large corporations don't pay individual income taxes. But he believes they will step up to support mass transit.

"If we do anything well in Indianapolis, it's coming together to do what's best for the community," he said. "I do believe we'll get support, not just from corporations but also small businesses, individuals and the philanthropic community."

The negotiated bill — which applies to Marion, Hamilton, Hancock, Johnson, Delaware and Madison counties — also includes a provision that would allow townships to hold voter referendums on transit funding even if the county declines to do so. Qualifying townships would have to be adjacent to a county or township whose voters have already approved a mass transit plan.

That issue could complicate matters as well — but not necessarily in a bad way, said Christine Altman, a Hamilton County commissioner.

"I think it gives flexibility," she said.

The important thing, for now, is that the General Assembly passed a transit bill at all, she said.

"Having the momentum to get through the Senate this year, it is very positive," she said. "This may not be the best bill in imagination or vision, but it is something to get it going."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
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- ☐ Reject

Comments/Note to staff

Summary:

This legislation sets up a framework for local governments and the Delaware Department of Transportation (DelDOT) to work together to build bikeable, walkable communities around transit. In exchange for permitting development at a density high enough to increase transit ridership, DelDOT must provide local governments with funding to overcome the most significant barriers to walking and cycling. In addition, DelDOT may not approve funding to increase road capacity in these neighborhoods unless it also determines that these projects will have no negative effect on transit access, pedestrian safety or percentage of trips that can be made by bicycle under low-stress conditions.

Status: Signed into law on May 5, 2016.

Comments: From [Rails-to-Trails](#) (May 16, 2016)

Exciting news from Delaware. The “First State” in the Union just achieved another first—and this one has important implications for the biking and walking movement. Delaware recently passed an innovative policy tool that [will enable communities to become more biking and walking friendly](#).

On May 5, while attending the Walkable Bikeable Delaware Summit, Gov. Jack Markell signed the “Complete Communities” bill, Senate Bill (SB) 130.

Delaware's Complete Communities bill will help local governments create more safe active-transportation routes like this one in Charlotte, North Carolina. | Photo by Nancy Pierce

This bill sets up a simple framework for local governments and the Delaware Department of Transportation (DelDOT) to work together to build bikeable, walkable communities around transit. In exchange for permitting development at a density high enough to increase transit ridership, DelDOT must provide local governments with funding to overcome the most significant barriers to walking and cycling. In addition, DelDOT may not approve funding to increase road capacity in these neighborhoods unless it also determines that these projects will have no negative effect on transit access, pedestrian safety or percentage of trips that can be made by bicycle under low-stress conditions.

Although this innovative approach to transportation planning is something new in the country, the idea recalls an old-fashioned model—the walkable communities that existed before the car culture of the 1950s. In most places in the U.S., local governments who want to undertake this kind of development control their own zoning and planning decisions but may face a state transportation department with different priorities. By aligning the priorities of local and state government, “Complete Communities” planning and investment can re-establish the types of neighborhoods that existed before people exclusively relied on cars.

The Complete Communities partnership between local and state government has the potential to revolutionize the way that communities are developed in Delaware—and could serve as an effective model for other states. Local governments are likely to designate neighborhoods as Complete Community Enterprise Districts for [several reasons](#): to reduce the money residents spend on transportation, to promote the development of new businesses, and to promote health by encouraging people to get out of their cars and be more physically active. SB 130 will also make public transportation viable by making it more convenient, easy to use and self-sustainable in the long term. If more people live and work in places where public transportation is accessible, fare box revenue will increase. Public transit agencies can then use that revenue to increase their capacity.

Bike Delaware led the strong coalition effort to [help pass the bill](#), with support from a variety of local, state and national organizations, including RTC. Key leadership came from Nemours, a prominent Delaware children’s hospital, as well as the American Heart Association and the League of Women Voters of Delaware.

Support was also provided by the Delaware Association of Realtors and Delaware State Chamber of Commerce, who embrace the model as the future of sensible development, and AARP Delaware, who backed the bill due to the benefits it could provide seniors, making communities more accessible through different modes of transportation.

RTC is excited to see how these new communities develop and whether other states might also be able to replicate this model. The “First State” could be on the forefront of a new model for sensible, walkable, bikeable and transit-rich communities all over the country.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This legislation establishes a certification program through the state Department of Safety required for manufacturers of autonomous vehicles before the vehicles can be tested, operated or sold. It also imposes a mileage-based and number of axles-based use tax on autonomous vehicles that operate on public highways.

Status: Signed into law on April 27, 2016.

Comments: From [Brentwood Home Page](#) (April 13, 2016)

Tennessee will soon be the first state in the U.S. to codify the definitions of “self-driving” vehicle use.

The Tennessee Senate unanimously approved a bill on Wednesday that will make the state the first in the U.S. to codify the definitions of autonomous vehicle use, setting up a certification program as well as a tax structure for self-driving vehicles.

Sen. Mark Green’s (R-Clarksville) bill, SB 1561, expands the definition of a ‘driver’ to include that a human isn’t required to control the vehicle. It will amend a section of the Tennessee Code by adding that “‘autonomous technology’ means technology installed on a motor vehicle that has the capability to drive the motor vehicle without the active physical control or monitoring by a human operator.”

The bill also establishes a new certification program that will be administered by the Department of Safety for AV manufacturers to go through before they can be sold, tested or operated in the state. The Department of Safety will establish a fee for applications for AVs, including a \$0.01 per mile driven tax structure for AVs with two axles, and a \$0.026 per mile driven tax structure for AVs with more than two axles.

Two amendments have been added to the bill as it has moved through the legislature the past few months. The first deleted all the language of the original bill, replacing it with defining AV technology to mean “technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle to a minimal risk condition in the event of a critical vehicle or system failure or other emergency event.”

The second amendment defined autonomous technology as “technology installed on a motor vehicle that has the capability to drive the motor vehicle without the active physical control or monitoring by a human operator.”

In crafting the bill, Green and others looked at big companies like Google, Tesla, Microsoft and Apple being headquartered and actively developing AV technology in California, a state that’s

quickly becoming a leader in AV research. There are 11 vehicles registered in California, according to Department of Revenue reports.

Last year the Senate passed a bill that preempted local governments from regulating AV technology, setting Tennessee apart from other states that are developing the industry.

“If California and Baltimore want to regulate innovative technology, they can feel free to do so,” Sen. Brian Kelsey (R-Germantown) said at the Senate meeting on Wednesday. “Tennessee is going to stand out and be different. We’re going to be pro-business. We want to encourage those jobs and those manufacturers to come to Tennessee.”

Based on the population estimated of California and Tennessee, Green’s bill reasonably estimates that three autonomous vehicles will operate in fiscal year 2016-2017, with that number going up to six in FY 2017-2018 and nine in FY 2018-2019 in the states. Due to the low number of projected vehicles, the bill won’t have a significant impact on state of local revenue or costs.

“I think this bill puts Tennessee out front in terms of innovation,” Sen. Lee Harris (D-Memphis) said at the Senate meeting. “This is a bipartisan effort to really innovate.”

When the bill went through the Senate Transportation and Safety Committee, it passed eight to one. It passed the Senate unanimously on Wednesday.

Even with the legislation, the likelihood of drivers in Jetson-like vehicles is still many years away as there is much development and research left to go.

AVs sense their environment with things like radar, GPS and computer vision, something that is continually advancing and improving. Technology is advancing to a point where computers are operating faster than the human brain, making incidents less likely to occur if a computer can sense a collision, like with a stray animal, ahead of time.

However, technology is still in relative infancy when it comes to self-driving cars, and 100 percent fully autonomous vehicles are at least ten years away, if not more.

There are six levels of autonomous driving according to Director of Audi Government Affairs in D.C. Brad Stertz. A level zero AV is a vehicle with no advanced technology. A level one AV is one that has things like adaptive cruise control, blind spot detection and lane keeping technologies. A level two AV is one that is semi-autonomous and those are just now starting to come on the market.

Level three AVs are two to three years away for Audi and allow hands-free operation in highway traffic at around 35 to 40 miles per hour. For a computer algorithm, it’s easier to predict the environment on highways rather than in suburban areas that have more stops and lines on the roads.

Level four AVs would include technology like detecting when a passenger is having a heart attack, even pulling over for them, calling 911 and driving them to the nearest hospital. A level

five AV is one that is fully-autonomous. A driver can be completely hands-free and can get where they need to go with no input.

“Eventually the technology will get there,” Stertz said. “But it’s up to 30 years away.”

AV technology could possibly help to reduce congested roadways and traffic in Middle Tennessee. Nashville MTA/RTA Chief Executive Officer Steve Bland recently spoke to the Franklin Tomorrow group during their FrankTalks lecture and said that part of the MTA/RTA’s plan for the next ten years includes a fixed guideway lane on freeways for buses, and that lane could include AVs.

“In a managed lane environment, you could envision emergency vehicles, carpools and vanpools, and possibly even AVs as that continues to advance,” Bland said. “It’s not a short term issue where every vehicle will be converted, but you could imagine a managed lane where theoretically it could be the first autonomous lane for Tennessee.”

On a federal level, the U.S. Department of Transportation is seeking to clear the hurdles against AVs. President Barack Obama has a fiscal year 2017 budget proposal of nearly \$4 billion for automated vehicles, as well as DOT initiatives to accelerate vehicle safety innovations.

The \$3.9 billion budget proposal would provide for 10 years of pilot programs to test connected vehicle systems in designated corridors throughout the country, and work with industry leaders to ensure a common multi-state framework for connected and autonomous vehicles.

Even with federal action in place, each state still has to legalize the use of AVs on their roads for it to become a reality. With the Senate passing the bill on Wednesday, AVs could be on Tennessee roads by January.

Green’s legislation will go to the House of Representatives later this session. Check back with BHP as this story develops.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This legislation allows value capture financing to be used to finance repair and improvements of transit infrastructure within specific areas.

Status: Signed into law on August 12, 2016.

Comments: From [CMAP](#) (July 8, 2016)

Our region's transportation network is one of its most important assets, key to our economic prosperity. While our transportation system enjoys a global reputation, it is aging quickly and falling behind other industrialized parts of the world. A 21st century transportation system requires strategic investments that support economic growth and quality of life, and GO TO 2040 recommends innovative funding for transportation infrastructure, including locally-based options like value capture. If signed by the governor, the legislation promoting four transit projects supported by value capture would provide increased access and quality of service to some of the region's most heavily utilized transit facilities.

Property owners often benefit from the construction of new or improved transit through increased rents, sales, and land values. Value capture levies taxes or fees to utilize a portion of these benefits to pay for the cost of the transit improvement. One value capture strategy already practiced in Illinois, known as tax increment financing (TIF), is commonly used for a variety of public investments. TIF has already been used to improve both suburban and City of Chicago transit stations.

On June 30, 2016, the Illinois General Assembly [approved](#) a modified form of TIF to raise local revenues to fund four major transit improvements in Chicago and adjacent municipalities: [Red and Purple Line Modernization](#), [Union Station](#) improvements, the [Red Line South Extension](#), and the [Blue Line Modernization](#) project. The new districts are called Transit Facility Improvement Areas (TFIA) and would use incremental property tax revenue to fund improvements. The legislation limits the scope and revenue compared to a typical TIF, requiring that all revenues be spent on transit facilities and identifying revenue set-asides for the Chicago Board of Education and other jurisdictions receiving property taxes. The TFIAs would support development of high-priority infrastructure investments recommended by GO TO 2040.

Value capture is an [increasingly common method](#) to raise revenue for transit and road projects nationally and globally. Many states use an added property tax or TIF mechanism to raise value capture revenues for major transportation improvements. Virginia has used special assessment districts called Transportation Investment Districts to fund both [rail](#) and [highway](#) improvements. Atlanta uses a type of TIF district to fund the [Atlanta Beltline](#) project. Texas uses a transportation-specific TIF called a [transportation reinvestment zone to fund road and highway investments](#).

CMAP produced two reports on value capture, one in [2010](#) and the second in [2011](#), that highlighted potential value capture mechanisms and explored case studies in the region. Value capture tools are varied and can include TIF districts, special assessment (SA) and special service area (SSA) districts, land value taxes, and special local taxes such as sales or hotel taxes. CMAP's reports and subsequent project-specific analyses have highlighted several key findings: TIF-like districts provide the highest revenue potential, and underinvested areas need significant additional resources to supplement value capture revenues.

The legislation outlines a new type of TIF for Illinois, with some notable differences between the TFIAs and a typical TIF. The chart below highlights the major differences in revenue sharing, lifespan, establishment criteria, and eligible expenditures.

The new requirement for sharing revenues with overlapping districts that receive property tax revenues represents a departure from current TIF requirements. In each TIF (or TFIA), property values are frozen at the establishment year to create a "base value." In a TIF, all jurisdictions may only tax this base value. This may lead to increases in property tax rate over time for jurisdictions with a large proportion of their property value in a TIF. The proposed TFIA institutes revenue-sharing provisions to reduce this effect. Within the city of Chicago, a TFIA would return all revenues to the Chicago Board of Education, as if there were no TFIA, and share 20 percent of incremental revenues with the remaining underlying districts. This distribution method does not apply to municipalities other than Chicago.

Other departures from current TIF requirements include lifespan, establishment criteria, and eligible expenditures. To repay the cost of the improvements, a 35-year lifespan is likely the most feasible option because the TFIAs receive a smaller amount of revenue, which in turn would require a longer amount of time to repay the costs of constructing transit infrastructure. The proposed TFIAs must be within a half-mile of one of the four transit facilities outlined in the bill, and do not need to meet typical TIF blight criteria. Finally, all revenues generated by a TFIA must be spent on transit improvements. The focus on infrastructure costs may allow the district to have a shorter lifespan if costs are repaid earlier.

The legislation outlines a process to incorporate existing TIFs into the proposed TFIAs, which is significant because a large proportion of the potential TFIA areas already have existing TIFs. In some cases, these TIFs may have preexisting obligations to developers or other infrastructure projects. While the legislation does not provide a clear path for resolving these obligations, the City of Chicago may choose to repay them with other funds or wait until these agreements are completed.

The transit improvements supported by TFIA legislation provide the region with a critical tool to implement GO TO 2040's recommendations. Indeed, three of the projects identified in the legislation are approved [Major Capital Projects](#) in GO TO 2040: Red and Purple Line Modernization, Union Station improvements, and the Red Line South Extension. The fourth project, the Blue Line Modernization and Extension program, supports CMAP's recommendations to reinvest in and modernize the existing transportation system. The legislation limits the TFIA district length for this project to nine miles, approximating the existing length of the Blue Line from downtown to Forest Park, without an extension. As shown in the map,

potential TFIA districts for these four projects overlap, indicating that implementation will involve consideration of project benefits and funding needs. In fact, the proposed TFIA districts overlap downtown, emphasizing the regional benefits of transit investments.

Cost estimates for each of these projects range from \$900 million for the first phase of the Union Station Master Plan to up to \$4.2 billion for all phases of the Red and Purple Line reconstruction. Federal support for these projects is available through the New Starts program and its component Core Capacity program for existing transit systems, and potentially other grant programs. But the federal [share for the New Starts and Core Capacity programs is limited](#) to 60 percent of project costs, with the remaining 40 percent drawn from state and local sources, such as farebox revenues.

Leveraging the value that transit infrastructure creates to fund long-term improvement and expansion offers a key option in the current constrained funding environment. ON TO 2050 will underscore the region's need to increase investments in modernizing existing infrastructure and pursuing strategic expansions of the system. Value capture mechanisms could be an important [transportation system funding concept](#) for the region. CMAP will closely monitor the implementation of the TFIA legislation, which is pending the Governor's approval.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This legislation authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, adopt an infrastructure financing plan, and issue bonds, for which only the district is liable, upon approval by 55% of the voters; to finance public capital facilities or other specified projects of communitywide significance, including, but not limited to, brownfield restoration and other environmental mitigation; the development of projects on a former military base; the repayment of the transfer of funds to a military base reuse authority; the acquisition, construction, or rehabilitation of housing for persons of low and moderate income for rent or purchase; the acquisition, construction, or repair of industrial structures for private use; transit priority projects; and projects to implement a sustainable communities strategy. Legislation in 2015 ([AB 313](#)) expanded EIFDs.

Status: Signed into law on Sept. 29, 2014.

Comments: From [California Planning and Development Report](#) (Aug. 31, 2014)

It looks like Governor Jerry Brown's vision for Enhanced Infrastructure Financing Districts will become law. Meanwhile, a minor revival of redevelopment has also reached the Governor's desk but Brown appears likely to veto it.

In the closing days of the California legislative session, a bill expressing Brown's longstanding goals for Infrastructure Financing Districts (IFDs) came to the floor through a gut-and-amend of SB 628, by State Sen. Jim Beall, D-Campbell. The substitute amendment went on the record Tuesday, August 26. It passed the Legislature without further amendment in the year's closing session early Saturday morning, August 30, and was sent on to the Governor.

If, as expected, the Governor signs it, SB 628 would expand the existing but underused mechanism of IFDs, with the idea that they could take up some former functions of the state's abolished local redevelopment districts. The mechanism would be simpler, more focused on infrastructure, and more dependent on electoral approval, without the flexibility or protections for the existing urban public that were built and bashed into Redevelopment over the years.

The bill's language reportedly came from the Governor's office. It was supported energetically by the California Economic Summit organization. (The Summit's op-ed-style case for the bill, which Beall linked to prominently on his legislative Web site, is at <http://bit.ly/1pfneLr>.) But the bill alarmed housing advocates, who warned that it could lead to displacement of poorer neighborhoods as in the redevelopment "blight" clearances of the middle 20th century. And while the League of California Cities supported SB 628, the League's legislative director, Dan Carigg, described it as a "helpful" tool that should be one of several, saying it did not by itself replace the usefulness of redevelopment funding mechanisms to serve populated urban areas.

The Governor's press office, in response to a detailed request for comment, wrote: "SB 628 is consistent with the administration's previous proposal regarding infrastructure financing

districts."

A very different bill, AB 2280 by Assemblymember Luis Alejo, D-Salinas, made it to the Governor's desk as of August 27 after extended negotiations (partly through its 2013 predecessor, AB 1080) that gathered support from business, local government and housing advocates. But the odds were still running against the Governor's signing it. AB 2280 would revive redevelopment-style tax-increment financing in narrowly chosen urban areas, with 25% affordable housing set-asides. Those provisions are more reassuring to housing and local-government advocates but more likely to trigger the Governor's opposition to former redevelopment mechanisms and his skepticism toward housing affordability restrictions.

Compared with its last formal expression in the May budget proposal revision, the Enhanced IFD's legislative language picked up two major changes in SB 628.

The bill removed a prior 55% popular vote requirement to create an Enhanced IFD, though it still requires a 55% vote for any such district to issue bonds. Carigg characterized this as the major change since May. But he still said the 55% requirement for bond issues made Enhanced IFDs more likely to be created where "it's less populated, or on the edge of town."

Legislative staff veteran Fred Silva, now a senior fiscal policy advisor to California Forward and staff to the California Economic Summit "infrastructure action team", said his group and the League had each advocated for the single 55% vote, to be required only at the stage of issuing bonds, rather than requiring two votes, first to create the district and then to issue the bonds.

Brian Augusta, a legislative advocate with the Western Center on Law and Poverty, noted SB 628 also softened a requirement on post-redevelopment disputes, appearing in the bill's proposed new Sec. 53398.54 of the Government Code. As of the May revise this provision would have blocked local governments and/or special districts from making use of the Enhanced IFD mechanism unless they first had "resolved all litigation" with the state over specified statutes related to the redevelopment dissolution process, involving either themselves or their successor redevelopment agencies. But in the parallel SB 628 provision, as Augusta noted, "it says that they can't use any assets of a former redevelopment agency that are the subject of litigation [involving the state] to 'benefit' the new IFD entity."

The requirement remains in place in SB 628 that each would-be Enhanced IFD creator must first receive a Department of Finance "finding of completion" regarding assets managed by the successor agency for its former redevelopment agency.

Augusta wrote that the requirement to resolve litigation "was a big sticking point, I am told, in discussions between the Governor's office and legislative leaders. Apparently the revised language was satisfactory to both sides."

The Governor had been pushing all year to expand the IFD mechanism to perform selected redevelopment functions, rather than re-enact the old Redevelopment laws and processes. (See [here](#) on the post-Redevelopment picture as of mid-spring, and [here](#) on the IFDs proposal in the May revise.)

For comparison the [SB 628](#) bill as passed is on the state legislative tracking site.

Silva said the May revise already reflected a policy his group had supported: authorization to include vehicle license fee "backfill" funds as a source of IFD financing.

Carigg said that over the Legislature's summer break the League sought something more along the lines of Sen. Lois Wolk's SB 33, which was not successful in the 2013-14 session. He still saw a need to have some financing mechanism available that is patterned after "the proven tool of the past, which is redevelopment." He said, "If you're going to be realistic about the challenges of urban California," addressing them would take more than SB 628.

Housing advocates said the bill did not contain adequate protections against displacement, nor any requirements to fund or build affordable housing. They warned that housing protections of these types were painstakingly added to redevelopment law because of lessons learned from the slum-clearance devastations of the twentieth century, and dropping them risked having to learn those lessons over again.

Augusta's concern was for the possible loss of affordability and anti-displacement legal protections reflecting 70 years of lessons learned on redevelopment. He said it took creation of Redevelopment's low- and moderate-income housing fund and the 20-percent housing set-aside obligation to stop the program's original gentrifying effects, together with replacement housing requirements and housing production requirements assuring that affordable housing would be built in redevelopment areas. Although SB 628 does include some housing replacement and relocation protections, he described it as a redevelopment tool of a type "that often drives gentrification, displacement" without including the old tools that were developed to prevent it. Hence he called it "kind of half a loaf."

He said those concerns were expressed to the Assembly and the Governor's office but word came back that SB 628 in its current form was what the Governor was willing to sign.

The bill does provide some anti-displacement and relocation provisions, including that if an IFD removes affordable housing, it must be replaced within two years by "the construction or rehabilitation, for rent or sale to persons or families of low or moderate income" of an equal number of units if the removed units were home to people of "low or moderate income," or 25% of the units if the residents themselves were not of "low or moderate income." Affordability restrictions are to apply for 55 years to rentals or for 45 years to "owner-occupied units," with an alternative option to set up an equity-sharing agreement.

Silva said housing advocates were concerned, though, he argued, unduly so, about the bill's definition of "low or moderate income" by reference to Health and Safety Code Sec. 50093.

Section 50093 under current law defines "Persons and families of low or moderate income" as "persons and families whose income does not exceed 120 percent of area median income," adjusted for family size. They give San Francisco's area median income for a four-person household in 2014 as \$103,000 per year and Los Angeles County's as \$64,800 per year. As of

early 2013 the maximum CalWORKS cash aid payment for a household with four eligible persons was \$762 per month.

While some spoke of fixing the legislation in a later cleanup bill, policy director John Bauters of Housing California sent a furious series of Twitter messages during the SB 628 gut-and-amend's brief pendency to liberal legislative leaders, once calling it a "horrible bill" and repeatedly saying "#SB628 will displace people of color from their communities. Vote NO!"

Arriving on the floor late and suddenly, the bill was not amended. Housing advocates had hoped to add an anti-displacement amendment but could not. Silva said in addition to housing relocation provisions, he expected cleanup legislation on the process for forming districts and setting up their financing with public participation -- especially the question of whether a city that initiated formation of a district should be the only author of its financing plan, if the district included other local governments or districts as partners.

Silva said the bill's history was an instance of "one of the dilemmas where the Administration is working through the elements of a proposal and is not prepared to have a proposal heard and worked on by a legislative policy committee."

Augusta said work on a cleanup bill was likely to start in January, with any cleanup amendments likely to take effect in the fall of 2015 -- timing that might not be a huge problem because he didn't expect "a gold rush" to create IFDs after the bill's signing.

He said, "The administration and the Speaker have committed to working next year to clean up the relocation and replacement housing provisions, and that's good. We are also looking to have the broader conversation about putting in place requirements and funding for affordable housing, because that is a key anti-displacement tool that is missing from this."

Silva argued that the objectives of the new Enhanced IFDs would be to create infrastructure, not so much to build housing. He suggested the example of a five-square-mile district, partly within a city limit, for which a city, its surrounding county, and the local water district might choose to layer together their tax increment eligibilities to cooperate on financing a stormwater capture project. Multiple districts would be most likely to agree on infrastructure types of projects, he suggested.

Silva noted that cities have extremely varied policy positions on whether to favor affordable housing, and said "we're silent on that question because the Economic Summit wanted to [make] tools available as opposed to requirements that said, 'whatever you're going to do, you have to set money aside for a particular purpose'," because "purposes are always going to be different." He said his own group and the Governor's office had concluded adequate tools were needed for infrastructure investment, not "the old redevelopment model that had more of a target to reduce blight."

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This legislation authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area to carry out provisions of the Community Redevelopment Law in that area for purposes related to, among other things, infrastructure, affordable housing, and economic revitalization. It provides for the financing of these activities by, among other things, the issuance of bonds serviced by tax increment revenues, and requires the authority to adopt a community revitalization and investment plan for the community revitalization and investment area that includes elements describing and governing revitalization activities.

Status: Signed into law on September 22, 2015.

Comments: From [LA Times](#) (September 22, 2015)

Four years ago, Gov. [Jerry Brown](#) and the Legislature dissolved 400 redevelopment agencies throughout California that provided public subsidies to spur economic development and housing construction in blighted city cores.

Critics said the agencies were rife with waste and corruption, and noted that much of the property tax money they diverted as incentives to development came from schools and other essential government services.

On Tuesday, Brown took action to replace the old system with a more limited one that will target downtrodden areas with financial assistance.

“These important new measures enacted today will help boost economic development in some of our most disadvantaged and deserving communities,” the governor said in a statement.

Though some supporters of the bill praised its approval, opponents, including taxpayer advocates, said it would set off a “land grab” by local governments.

Brown signed a measure that would create entities similar to redevelopment agencies to fund affordable housing, hazardous waste cleanup and other projects in disadvantaged communities.

Assemblyman [Luis Alejo](#) (D-Watsonville), author of the bill, AB 2, said new Community Revitalization Investment Authorities would provide investment in poor areas throughout the state.

“If we do not fix our existing neighborhoods, then cities will sprawl outward, worsening costly problems like traffic and greenhouse gas emissions,” Alejo said in a statement. “Real smart growth starts with making the most of what you already have.”

The new system would have “significantly less” tax money to use and would be much more restricted to areas of low-income residents, said Dan Carrigg, legislative director of the League

of California Cities, which supports the bill. “It puts another tool back in the toolbox, although one nowhere nearly as financially robust as the former redevelopment program,” he said.

Opponents, including the California Alliance to Protect Private Property Rights, a group of farmers, landowners and taxpayer advocates, said other programs set up after redevelopment should be given time to work.

They object to restoring to local agencies the ability to take private property through the power of eminent domain and to pay for it using property tax money, according to Marko Mlikotin, executive director of the group.

“I’m absolutely shocked,” he said of the governor’s approval of the bill. “It’s a major setback for private property rights in California.”

A companion bill signed by Brown, SB 107, will help local government cover the costs of dissolving redevelopment agencies, and allows municipalities to honor some contracts and loans approved before the Legislature’s 2011 vote to eliminate these agencies. It also allows local agencies to use all approved debt to provide low- and moderate-income housing.

In addition, that bill provides \$23.75 million to the state Department of Forestry and Fire Protection to forgive debts owed by the newly formed cities of Jurupa Valley, Menifee and Wildomar for services rendered by Riverside County.

Disposition of Entry:

SSL Committee Meeting: 2018 B

- ☐ Include in Volume
- ☐ Include as a Note
- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff

Summary:

This legislation allows agencies to pursue public-private partnerships for mass transit projects and associated projects such as transport or service vehicles and parking facilities. P3s for highways, bridges and tunnels are not allowed under the bill. It permits developers to submit unsolicited proposals during a designated 90-day period.

Status: Signed into law on April 27, 2016.

Comments: From [The National Council for Public-Private Partnerships](#) (April 29, 2016)

Tennessee Gov. Bill Haslam signed into law April 27 a bill that will allow agencies to pursue public-private partnerships for mass transit projects and associated projects such as transport or service vehicles and parking facilities.

As introduced, SB 2093 would have authorized the use of P3s to develop a broad range of transportation projects but [was amended to exclude highways, bridges and tunnels](#) at the behest of the road builders' lobby, said Sen. Bill Ketron, who introduced the bill. As a result, P3s would be used only to develop mass transit such as a light rail line, or a \$2.3 billion project Ketron favors that would install a monorail to link Murfreesboro to Nashville.

[SB 2093](#) permits developers to submit unsolicited proposals but includes a 90-day period during which other firms can submit competing proposals.

The law also requires the private partner to pay for an independent audit of all cost estimates associated with the development or operation of a project whose estimated cost exceeds \$50 million. The audit also must include a review of the project's public costs and any risks it could pose to taxpayers and the audit's results will be subject to public disclosure, the [bill summary](#) explains.

"With long-term funding sources for transportation being uncertain, the ability to enter into private-public partnerships will allow us to finance projects that we might not otherwise be able to even consider," said [Ketron](#) on April 5 after the state Senate approved the bill. "This legislation is the result of months of collaboration by many groups that understand the necessity for forging ahead to find solutions to the challenges we face to meet growing transportation demands in Tennessee."

The law will take effect Oct. 1.

Disposition of Entry:

SSL Committee Meeting: 2018 B

☐ Include in Volume

☐ Include as a Note

- ☐ Defer consideration:
 - ☐ next SSL meeting
 - ☐ next SSL cycle
- ☐ Reject

Comments/Note to staff