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

CSG COMMITTEE ON
SUGGESTED STATE LEGISLATION

2014 CYCLE
DOCKET BOOK B
June 22, 2013

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

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

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

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

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

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

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

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

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

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

Docket ID#
Title
State/source
Bill/Act

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

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

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

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

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

Comments/Note to staff:

*Item was deferred from the previous SSL cycle
SSL DOCKET CATEGORIES - 2004A and later

(*) Indicates item is carried over from previous SSL cycle.

(01) Conservation and the Environment
(02) Hazardous Materials/Waste
(03) Energy
(04) Science and Technology
(05) Public, Occupational and Consumer Health and Safety
(06) Property, Land and Housing/Infrastructure, Development/Protection
(07) Growth Management
(08) Economic Development/Global Dynamics/Development
(09) Business Regulation and Commercial Law
(10) Public Finance and Taxation
(11) Labor/Workforce Recruitment, Relations and Development
(12) Public Utilities and Public Works
(13) State and Local Government/Interstate Cooperation and Legal Development
(14) Transportation
(15) Communications/Telecommunications
(16) Elections/Political Conditions
(17) Criminal Justice, the Courts and Corrections/Public Safety and Justice
(18) Public Assistance/Human Services
(19) Domestic Relations/Demographic Shifts/Social and Cultural Shifts
(20) Education
(21) Health Care
(22) Culture, the Arts and Recreation
(23) Privacy
(24) Agriculture
(25) Consumer Protection
(26) Miscellaneous
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>TITLE OF ITEM UNDER CONSIDERATION</th>
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<tbody>
<tr>
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<tr>
<td>(01) CONSERVATION AND THE ENVIRONMENT</td>
<td></td>
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</tr>
<tr>
<td>01-34B-01 Caps on State Owned Public Land</td>
<td>MI</td>
<td></td>
</tr>
<tr>
<td>01-34B-02 Ferrous Metallic Mining Regulations</td>
<td>WI</td>
<td></td>
</tr>
<tr>
<td>01-34B-03 Rainwater Harvesting</td>
<td>TX</td>
<td></td>
</tr>
<tr>
<td>01-34B-04 Sewage Pollution Right to Know</td>
<td>NY</td>
<td></td>
</tr>
<tr>
<td>(02) HAZARDOUS MATERIALS/WASTE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(03) ENERGY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*03-34A-01 Participation in Low Carbon Fuel Standards Programs</td>
<td>NH</td>
<td></td>
</tr>
<tr>
<td>03-34B-01 Energy Resources Procurement Act</td>
<td>UT</td>
<td></td>
</tr>
<tr>
<td>(04) SCIENCE AND TECHNOLOGY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>*05-34A-02 Home Inspections and Yellow Corrugated Stainless Steel Tubing Flexible Gas Pipe</td>
<td>OK</td>
<td></td>
</tr>
<tr>
<td>05-34B-01 Student Athletes Heat Acclimatization Guidelines</td>
<td>MD</td>
<td></td>
</tr>
<tr>
<td>(06) PROPERTY, LAND, HOUSING AND INFRASTRUCTURE, DEVELOPMENT/PROTECTION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>06-34B-01 Catastrophe Savings Account</td>
<td>AL</td>
<td></td>
</tr>
<tr>
<td>06-34B-02 Homeowner’s Bill of Rights</td>
<td>CA</td>
<td></td>
</tr>
<tr>
<td>06-34B-03 Housing Related Parks Program</td>
<td>CA</td>
<td></td>
</tr>
<tr>
<td>(07) GROWTH MANAGEMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/ DEVELOPMENT</td>
<td></td>
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</tr>
<tr>
<td>08-34B-01 Rural County Attorney Recruitment</td>
<td>SD</td>
<td></td>
</tr>
<tr>
<td>08-34B-02 Health Care Industry Zone Act</td>
<td>MS</td>
<td></td>
</tr>
<tr>
<td>(09) BUSINESS REGULATION AND COMMERCIAL LAW</td>
<td></td>
<td></td>
</tr>
<tr>
<td>09-34B-01 Online Poker Regulatory Authority</td>
<td>NV</td>
<td></td>
</tr>
<tr>
<td>09-34B-02 Casino Control Act</td>
<td>NJ</td>
<td></td>
</tr>
<tr>
<td>09-34B-03 Funeral Services Courtesy Cards</td>
<td>IN</td>
<td></td>
</tr>
<tr>
<td>09-34B-04 Limited Out of State Funeral Director Courtesy Licenses</td>
<td>OH</td>
<td></td>
</tr>
<tr>
<td>09-34B-05 Electronic Titling for New Vehicles</td>
<td>VA</td>
<td></td>
</tr>
<tr>
<td>09-34B-06 Uniform Certificate of Title for Watercraft Act</td>
<td>VA</td>
<td></td>
</tr>
</tbody>
</table>
(10) PUBLIC FINANCE AND TAXATION
10-34B-01 Self-Settled Spendthrift Trusts

(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS
AND DEVELOPMENT
11-34B-01 Secure Choice Retirement Savings Trust Act
11-34B-02 Mandated Employer Provided Sick Leave
11-34B-03 Mandatory Overtime Bans for Nurses
11-34B-04 Safe Patient Handling Act
11-34B-05 Violence Against Healthcare Employees Act

(12) PUBLIC UTILITIES AND PUBLIC WORKS

(13) STATE AND LOCAL GOVERNMENT/INTERSTATE
COOPERATION AND LEGAL DEVELOPMENT
*13-34A-01 State Employee Retirement System Reform
13-34B-01 Online and Interactive Gaming Interstate Compact
13-34B-02 Teacher Tenure Reform
13-34B-03 TEACHNJ/Tenure Reform

(14) TRANSPORTATION
14-34B-01 Design-Build Contracts/Procurement Process
14-34B-02 In-Line Speed Skates Road Access
14-34B-03 Public- Private Partnerships Promotion
14-34B-04 Public-Private Partnerships/Tolling
14-34B-05 Toll Asset Monetization/Ohio Turnpike
14-34B-06 Transportation Infrastructure Investment Act
14-34B-07 Elimination of Motor Fuels Tax

(15) COMMUNICATIONS/TELECOMMUNICATIONS
15-34B-01 The School Violence Prevention Act/Cyber-bullying
15-34B-02 Wireless Broadband Collocation Act

(16) ELECTIONS/POLITICAL CONDITIONS
16-34B-01 Online Petition Study Bill
16-34B-02 Uniform Faithful Presidential Electors Act

(17) CRIMINAL JUSTICE, THE COURTS AND
CORRECTIONS/PUBLIC SAFETY AND JUSTICE
*17-34A-01 Warrant to Use GPS Tracking
17-34B-01 Freedom from Unwarranted Surveillance Act
17-34B-02 Police Warrants for Aerial Surveillance
17-34B-03 Unmanned Aircraft Systems Moratorium
17-34B-04 Criminal Penalties for Fraudulent Military Records
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>State</th>
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</thead>
<tbody>
<tr>
<td>17-34B-05</td>
<td>Firearm Protection Act</td>
<td>WY</td>
</tr>
<tr>
<td>17-34B-06</td>
<td>Gun Violence Prevention/Firearm Regulation</td>
<td>CT</td>
</tr>
<tr>
<td>17-34B-07</td>
<td>NY SAFE Act of 2013/Gun Control</td>
<td>NY</td>
</tr>
<tr>
<td>17-34B-08</td>
<td>Safe 2 Tell Program</td>
<td>CO</td>
</tr>
<tr>
<td>17-34B-09</td>
<td>Tire Deflation Criminal Penalties</td>
<td>TX</td>
</tr>
<tr>
<td>17-34B-10</td>
<td>Uniform Deployed Parents Custody and Visitation Act</td>
<td>ND</td>
</tr>
<tr>
<td>17-34B-11</td>
<td>Voluntary Surveillance Access Database</td>
<td>NY</td>
</tr>
</tbody>
</table>

(18) PUBLIC ASSISTANCE/HUMAN SERVICES
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>18-34B-01</td>
<td>Charitable Bail Organizations</td>
<td>NY</td>
</tr>
<tr>
<td>18-34B-02</td>
<td>Home Visiting Accountability Act</td>
<td>MD</td>
</tr>
<tr>
<td>18-34B-03</td>
<td>Welfare Recipient Drug Testing</td>
<td>KS</td>
</tr>
</tbody>
</table>

(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS

(20) EDUCATION
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-34B-01</td>
<td>Academic Performance Index and Graduation Rates</td>
<td>CA</td>
</tr>
<tr>
<td>20-34B-02</td>
<td>Acceleration Options in Public Education</td>
<td>FL</td>
</tr>
<tr>
<td>20-34B-03</td>
<td>Alabama Accountability Act</td>
<td>AL</td>
</tr>
<tr>
<td>20-34B-04</td>
<td>Alabama Ahead Act</td>
<td>AL</td>
</tr>
<tr>
<td>20-34B-05</td>
<td>Classroom Innovation Grant Program</td>
<td>SD</td>
</tr>
<tr>
<td>20-34B-06</td>
<td>Ensure Effective Teaching and School Leadership</td>
<td>ME</td>
</tr>
<tr>
<td>20-34B-07</td>
<td>High School to Work Partnerships</td>
<td>VA</td>
</tr>
<tr>
<td>20-34B-08</td>
<td>Innovation Districts</td>
<td>KY</td>
</tr>
<tr>
<td>20-34B-09</td>
<td>K-12 Student Assessment</td>
<td>KY</td>
</tr>
<tr>
<td>20-34B-10</td>
<td>Nonpublic Alternative High Schools Accreditation</td>
<td>IN</td>
</tr>
<tr>
<td>20-34B-11</td>
<td>Postsecondary College and Career Readiness</td>
<td>AR</td>
</tr>
<tr>
<td>20-34B-12</td>
<td>Preparing for the Future Economy</td>
<td>ME</td>
</tr>
<tr>
<td>20-34B-13</td>
<td>School Innovation Zones</td>
<td>WV</td>
</tr>
<tr>
<td>20-34B-14</td>
<td>Smart School Technology Act</td>
<td>UT</td>
</tr>
<tr>
<td>20-34B-15</td>
<td>Soft Skills Certification</td>
<td>GA</td>
</tr>
<tr>
<td>20-34B-16</td>
<td>Suicide Prevention/Education Training</td>
<td>SC</td>
</tr>
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(21) HEALTH CARE
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<tr>
<td>21-34B-01</td>
<td>Clearance for Direct Patient Access</td>
<td>UT</td>
</tr>
<tr>
<td>21-34B-02</td>
<td>Dental Therapy Licensing</td>
<td>MN</td>
</tr>
<tr>
<td>21-34B-03</td>
<td>Health Care Cost Containment and State GDP</td>
<td>MA</td>
</tr>
<tr>
<td>21-34B-04</td>
<td>Healthcare Claims Database Reporting</td>
<td>VA</td>
</tr>
<tr>
<td>21-34B-05</td>
<td>Medicaid Payments for Induced Labor</td>
<td>TX</td>
</tr>
<tr>
<td>21-34B-06</td>
<td>Regulating Compounding Pharmacies</td>
<td>VA</td>
</tr>
</tbody>
</table>

(22) CULTURE, THE ARTS AND RECREATION
<table>
<thead>
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<tr>
<td>22-34B-01</td>
<td>Fine Art Secured Lending License</td>
<td>CT</td>
</tr>
</tbody>
</table>

(23) PRIVACY
(24) AGRICULTURE
24-34B-01 Farm Animal and Research Facilities Protection Act  SC

(25) CONSUMER PROTECTION
25-34B-01 Senior Insurance - Veterans Protection  CA
25-34B-02 Penalties for Financial Exploitation of Vulnerable Adults  MN

(26) MISCELLANEOUS

01-34B-01 Caps on State-Owned Land  Michigan
Bill/Act: Senate Bill 248

Summary: The legislation caps the amount of land the state can own at 4.65 million acres until the legislature approves a strategic plan for buying, managing, and selling public land in the future. It also requires the agency to develop a plan for the acquisition and sale of land with an emphasis on multi-use recreation, including motorized and non-motorized uses, and public access. If the legislature approves the agency's plan by passing another bill, the cap on land ownership would be removed.

Status: Signed into law in July 2012.

Comment: From a 2011 article in the Grand Rapids Press:

An Upper Peninsula lawmaker has introduced legislation to cap state land ownership at 4.6 million acres hoping to limit the negative impact that public property has on local tax revenues. But Department of Natural Resources officials and conservation groups contend the measure would hamper the state’s ability to preserve natural areas, and ignores the quality and location of properties.

Sen. Tom Casperson, R-Escanaba, introduced Senate Bill 248 to address the concerns of townships and municipalities with large tracts of public land which receive payments in lieu of taxes from the state.

Casperson claims a 4.6 million-acre cap on state-owned land would force the state to better manage and pay for the properties it currently owns while providing a 15,000-acre buffer above current holdings to buy and sell land in the public’s interest.

"I have a lot of my communities up here that are surrounded by state land ... and the tax reimbursement rates are lower," Casperson said. "It’s certainly a problem when you have that much land in public ownership ... We think there should be some type of limit to it."

Lawmakers in the state Senate Natural Resources, Environment and Great Lakes Committee recently amended the bill to exempt the purchase of Commercial Forest Lands with public access, trailways and conservation easements.

DNR spokeswoman Mary Dettloff said the agency worked with Casperson to make the changes, but state officials have other concerns, too. She said DNR’s properties involve a complex management system with multiple funding sources and different priorities for different areas of the state."We have concerns about putting a hard cap on (publicly owned lands) for lots of reasons," Dettloff said. "It’s impossible for us to predict what the market conditions will be in 10, 20, 30 years from now.

"Some of the land we have purchased ... has federal funding involved. So for us to sell it involves a lot of hoops to jump through."
That could complicate important purchases if the state hits the cap, she said.
Michigan United Conservation Clubs is opposing the measure in current form, according to resource policy manager Amy Trotter.

Recent exemptions have improved the legislation, she said. MUCC favors a cap with a "rolling average over a three-year period" and other exemptions that would allow the state more flexibility to purchase properties, particularly in southern Michigan where public land is limited, Trotter said.

"Southern Michigan has 4 percent of the land in public ownership, where it’s more like half in the U.P.,” Trotter said.

The Heart of the Lakes Center for Land Conservation Policy, an umbrella organization for the state’s conservation groups, opposes any type of cap because "it takes … a general stand on what lands need to be protected," said Meredith Johnson, program and policy coordinator.

"In some places in the southern Lower Peninsula, there is nowhere close by to go to a state park or fishing," she said.

"The overall policy looks at the number of acres, not the kind of acres they are, where they are or what the community needs."

David Bertram, legislative team leader for the Michigan Townships Association, said Michigan owns more land than "any other state east of the Mississippi. Local communities need their state payments in lieu of taxes to come in on time. "The problem is they don’t pay the full amount and they don’t pay on time," Bertram said, adding that 20 percent of Michigan land is owned by the state and federal governments.


Disposition of Entry:

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

Comments/Note to staff:
Ferrous Metallic Mining Regulation of Wisconsin

Bill/Act: Senate Bill 1

Summary: The legislation created an expedited process and modified permitting standards to facilitate permits for ferrous metallic mining in Wisconsin. It creates new procedures for obtaining approvals from the Department of Natural Resources for the construction of utility facilities as we as providing appropriations and new penalties for mining violations.

Status: Signed into law in March 2013.

Comment: From an analysis on CSG’s Knowledge Center:

On a party line vote of 58-39, the Wisconsin General Assembly sent a high-profile bill to Governor Scott Walker's desk for consideration yesterday which would make substantial changes to existing permitting and environmental regulation to open a large iron mine near Lake Superior. Despite the objections of environmental groups and Native American tribes, the Governor is expected to sign the bill and in a statement he praised lawmakers for streamlining the regulatory review process in order to help create needed new high-skilled jobs.

Thursday's passage of SB 1, culminated nearly two years of work by proponents to allow open-pit mining of iron by a company called Gogebic Taconite. Supporters of increased iron mining like the Wisconsin Manufacturers and Commerce estimate that an expansion of iron mining could generate $1.5 billion in economic investment and thousands of mining and construction jobs for the state.

Legislators and environmental groups opposing the bill expressed strong concerns that the new proposal would wipe away important environmental protections and cause serious water and air pollution in a pristine area called the Penokee Range. Adding additional complexity to the final outcome of Thursday's vote was a statement by the Bad River Band of Lake Superior Chippewa or Ojibwe Tribe, which has a reservation upstream from the mine, to use "every avenue of resistance" including legal action to slow down construction operations. In addition to the threat of lawsuits, the Tribe has regulatory authority granted by the EPA over water quality for users that impact their tribal water resources.

Among the many provisions in the legislation, the highlights of SB 1 include:
- A maximum time limit of 480 days for state environmental officials to make permitting decisions - currently there is no time limit;
- Requiring projects that damage one acre of wetlands to be replaced with up to one and a half acres of newly created wetlands;
- Caps permit fees at $2 million, plus the reimbursement of wetland mapping expenses for the state;
- Taxes generated from the project would be split 60/40 between local governments and the state. Current law sends all mining proceeds to local government and there is no cap on permitting fees in place today; and
• Provides exemptions for mining projects from having to pay the state's $7/ton recycling fee for waste materials.

http://knowledgecenter.csg.org/drupal/content/controversial-wisconsin-mining-bill-headed-governor-walker

Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires rainwater harvesting system technology for potable and nonpotable indoor use and landscape watering be incorporated into the design and construction of each new state building with a roof measuring at least 50,000 square feet that is located in areas which average at least 20 inches of rainfall per year. It directs the development of rules that ensure safe drinking water standards regarding the installation and maintenance of rainwater harvesting systems that are used for indoor potable purposes and connected to a public water supply system. It includes provisions waiving liability for a municipality or public water supply system for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system if the entities are in compliance with the sanitary standards for drinking water. The bill also encourages municipalities and counties to promote rainwater harvesting at residential, commercial, and industrial facilities through incentives such as the provision at a discount of rain barrels or rebates for water storage facilities as well as training requirements by the Texas Water Development Board (TWDB) for public entities.

Status: Signed into law in May 2011.

Comment: The legislation was supported by the Texas Gulf Coast Chapter of the Green Buildings Council, see release: [http://usgbctexasgulfcoast.org/news.asp?show=art&artid=930](http://usgbctexasgulfcoast.org/news.asp?show=art&artid=930)

From an Austin public radio news release:

Rain barrels and other rain catchment systems could soon be installed on state government buildings.

The rainwater harvesting bill made it through the Texas Legislature this week and is headed to the Governor’s desk. HB 3391 requires that future state buildings that are large enough must have rainwater harvesting systems incorporated in the buildings’ design and construction plans.

State Rep. Doug Miller (R-New Braunfels) authored the bill. It also allows for banks or “financial institutions” to consider lending developers, homeowners or businesses money for projects where rainwater will be the sole source of water supply.

Although there’s no state credit for people or businesses that use rainwater systems, the bill encourages cities and counties to offer incentives to install them. It also prohibits municipalities from denying someone a building permit based on the fact that the builder is using a rainwater system, unless it doesn't meet standards.

The City of Austin already has a rebate for Austin Water Utility customers or other water districts customers they approve. The rainwater system must be new or being added on to existing system for more water storage. Below are the rebate amounts:
http://kutnews.org/post/rainwater-harvesting-bill-passes-both-texas-chambers

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation requires publicly owned treatment works to report discharges of untreated or partially treated sewage in no less than two hours. To the extent knowable, the water treatment facilities will report the volume and treated state of the discharge, the date and time of the discharge, and remedial actions taken.

Status: Became law in August 2012.

Comment: From a press release by Governor Cuomo after signing the bill into law:

"These new notification requirements will let the general public know when untreated sewage is released in water bodies, especially swimming beaches and fishing areas. In addition, this new law will also raise awareness to the need for upgrades and maintenance of our state's wastewater infrastructure. I thank the bill sponsors for their work on this important law."…

Currently, notification of a discharge is only provided to certain public officials and not the general public. Sewage treatment plants were required to inform the Department of Environmental Conservation (DEC) and the local health department only to instances where the discharge of untreated or partially treated sewage may affect shellfish harvesting, swimming or recreational areas. The new law will expand the notification requirements, ensuring that all New Yorkers know when untreated sewage that poses a threat to public health has been discharged in their communities, as well as giving DEC additional information, enabling the agency to focus compliance education and outreach efforts.

http://www.governor.ny.gov/press/08102012-requirement-sewage-plants

Disposition of Entry:

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

Comments/Note to staff:
Participation in Low Carbon Fuel Standards Programs

**New Hampshire**

**Bill/Act:** HB 1487

**Summary:** This Act prohibits the state from joining, implementing, or participating in any state, regional, or national low carbon fuel standards program or any similar program that requires quotas, caps, or mandates on any fuels used for transportation, industrial purposes, or home heating without seeking and receiving prior legislative approval. However, the Act permits the state department of environmental services to engage in regional and national discussions of such programs.

**Status:** Became law in 2012.

**GO TO TABLE OF CONTENTS**

**Comment:** From a June 2012 CSG post in the Knowledge Center:

HB 1487 went into effect today, which prevents the state of New Hampshire from joining a national, regional, or state low carbon fuel standard (LCFS) without first receiving legislative approval. Although the legislation does not prevent agency staff from participating in discussions about LCFS related topics, it could have a significant impact on the development of a regional agreement that critics have often referred to as a “liquid cap and trade program.”

Supporters of creating an LCFS see it as a way to create market incentives for developing low-carbon transportation fuels, alternative fuel infrastructure, and as a strategy for mitigating impacts of climate change. Essentially, the LCFS is a mandate to reduce the “carbon intensity” of transportation fuels by examining the entire life-cycle of fuel production (often referred to as a “wells to wheels” comparison) and the amount of greenhouse gases contained in a particular type of fuel per unit of energy. If fuel providers like a refinery fail to reduce their carbon intensity of fuel by a certain percentage over time, they face fees or penalties and must pay into a fund to develop alternative fuels.

Although such mandates have been under consideration for nearly a decade, the first state to implement a LCFS was California under an executive order by Governor Arnold Schwarzenegger in 2007. Under California’s LCFS, fuel providers were required to reduce the carbon content of transportation fuels by 10 percent in 2020. Late in 2011, a federal judge blocked the implantation of the mandate because it discriminated against out of state ethanol and violated the Commerce Clause of the Constitution. That injunction was eventually lifted in April 2012 by the US Court of Appeals in San Francisco and the California Air Resources Board continues to move forward with implementation.

The idea was further spurred by then Senator Barack Obama who made the implementation of a LCFS as part of his 2008 campaign platform. By 2009, New Hampshire state officials were working jointly with the Northeast States for Coordinated Air Use Management (NESCAUM) to develop a regional LCFS for New England and the mid-Atlantic along similar lines to the mandate established in California.
Opponents of setting LCFS fuel mandates have expressed skepticism over the availability of commercially alternative fuels like cellulosic ethanol to fill the void to meet fuel demand and the overall financial impact it would have on prices at the pump. For example, NESCAUM released an economic analysis stating that reducing the carbon intensity of fuels by 10 percent would create thousands of jobs and between $7 and $29 billion in gross economic impact. The American Petroleum Institute rebutted those claims, “To meet the NESCAUM volume of 3 billion gallons of cellulosic ethanol, land area equal to that of the entire state of New Jersey (low end estimate) or Massachusetts, Connecticut plus Rhode Island combined (high end estimate) would be needed.” Further, a report produced by the Consumer Energy Alliance found that an LCFS would have significantly negative economic impacts - with a reduction of $306 billion in economic activity and 147,000 job losses in the Northeast and Mid-Atlantic states - while still not achieving the stated goal of a 10 percent carbon intensity reduction. One of the reasons they believe emissions reductions do not go down is because the LCFS only addresses the fuel mix and not overall consumption. In essence, this causes “crude shuffling” because non-conventional fuels like Canadian oil sands are not allowed to meet the standard but conventional crude oil from the Middle East is allowed to meet consumer fuel demand.

House Speaker William O’Brien recently appeared on E&E TV’s series OnPoint hailing the passage of New Hampshire’s law, “An LCFS was clearly going to drive up the price of fuel, and that’s not where we need to go right now.” O’Brien suggested that reducing costs for consumers and businesses has been a key factor in bringing down the state’s unemployment rate, “Reducing energy rates and putting jobs and people ahead of an environmental agenda is why we’re able to realize the success of where we are today.”

http://knowledgecenter.csg.org/drupal/content/new-hampshire-law-limiting-participation-lcfs-goes-effect

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation gives non-utility electricity consumers the ability to buy power directly from renewable energy generators and it requires the Public Service Commission to approve contracts for electric service from renewable energy facilities.

Status: Became law in March 2012.

Comment: From a press release by the Center for Climate and Energy Solutions, an offshoot of the Pew Center, which urges legislative and policy action on climate change initiatives:

“S.B. 12 is the product of close collaboration among state government officials, utilities, renewable energy producers, consumer groups, and industrial stakeholders, such as eBay, which initiated the effort to introduce legislation.

S.B. 12 provides both opportunity and flexibility for consumers looking to purchase renewable energy. Previously, only utilities were legally able to purchase electricity from renewable generators, but utilities are frequently sensitive to customer rate increases that may accompany renewable purchases. Large consumers were prevented from buying renewable electricity even if they were willing to pay more for it or viewed renewable electricity as a good long-term investment to protect against fossil fuel price increases. S.B. 12 offers a solution where consumers can negotiate directly with renewable generators and purchase electricity according to their willingness to pay, while still allowing Utah’s utilities to play a role in transmitting and distributing electricity. To reach a consensus, eBay, along with its partner stakeholders, created a working group to craft legislation, which helped the resulting bill pass unanimously in both houses of the state legislature. State officials hope the legislation will convince other businesses looking to embrace sustainability to invest in the state and help Utah to meet its goal to generate 20 percent of its electricity from renewables by 2025.”

http://www.c2es.org/us-states-regions/news/2012/utah-passes-key-renewable-energy-law
*05-34A-02 Corrugated Stainless Steel Tubing (CSST) Flexible Gas Pipe  Oklahoma

Bill/Act: Senate Bill 1513

Summary: This bill adds direct-bonding and grounding of yellow corrugated stainless steel tubing (CSST) flexible gas pipe to the list of things that must be inspected by a licensed home inspector conducting a home inspection.

Status: Became law in 2012.

Comment: Though SB 1513 did not pass the legislature, the Oklahoma Committee of Home Inspector Examiners and the state Construction Industries Board proposed an emergency rule in lieu of Senate Bill 1513. The Governor signed the emergency rule, and it became effective. The new emergency rule, OAC 158:70-1-3(f), adds a requirement to a home inspection if the home inspector observes yellow Corrugated Stainless Steel Tubing, known as yellow “CSST.” CSST is a flexible gas piping used to convey natural gas or propane to household appliances, such as water heaters, furnaces, boilers, fireplaces, cook tops, and ranges. The new emergency rule directs all home inspectors to notify their client in writing that only a licensed electrical contractor can determine if the yellow CSST is properly bonded and grounded as required by the manufacturer’s installation instructions. Bonding is provided primarily to prevent a possible electric shock to people who come in contact with the gas piping and other metal objects connected to the grounding system. Nearby lightning strikes can result in a power surge that can damage certain gas tubing systems and ultimately cause a fire. Proper bonding and grounding significantly reduces the risk of damage and fire from a lightning strike.

The National Association of State Fire Marshals’ (NASFM) conducted a yellow CSST national safety campaign to raise home owner awareness of the issue and the United States Senate unanimously passed S.RES.483 commending that campaign. Below is a letter from the Administrator of the Oklahoma Construction Industries Board to electrical contractors:

RE: PROPER BONDING AND GROUNDING OF CSST REQUIRED

Dear Electrical Contractor:

The State of Oklahoma Construction Industries Board wishes to bring you additional information concerning a safety issue on which you may be receiving inquiries from homeowners, builders, and others regarding yellow Corrugated Stainless Steel Tubing (“CSST”). The Committee of Home Inspector Examiners and the Construction Industries Board proposed the emergency rule in lieu of Senate Bill 1513 continuing through the legislative process. The Governor has signed the emergency rule which is now effective.

This letter is to notify you that this new rule is effective immediately, and you may be called upon to perform electrical services as a result. You may be contacted regarding existing homes to determine if yellow CSST previously installed in the home was properly bonded per this technical bulletin; and, if not, to provide a quote for the service to do so.

The new emergency rule, at OAC 158:70-1-3(f), adds a requirement to a home inspection if the home inspector observes yellow Corrugated Stainless Steel Tubing, known as yellow “CSST.” The emergency rule directs all home inspectors to notify their client in writing that only a
licensed electrical contractor can determine if the yellow CSST is properly bonded and grounded as required by the manufacturer’s installation instructions. The manufacturers’ installation requirements of a flexible gas piping system known as yellow Corrugated Stainless Steel Tubing (“CSST”) have changed in recent years in order to provide additional safety to gas piping systems from lightning strikes to or near the structure. We are including the yellow CSST bonding installation instruction so that you are informed of the state’s requirement in this area, and so that you can perform the work correctly when requested to do so. Three attachments are provided for your information:

- 2009 National Fuel Gas Code, NFPA 54 Sec. 7.13.2 (This is identical to 2009 IFGC Sec. 310.1.1)
- Direct Bonding of Standard (Yellow) CSST Technical Bulletin

Additional information may also be found at www.CSSTSafety.com. Please familiarize yourself with this procedure to assist with increasing safety, especially since you may be called upon to perform work as a result of the state enforcing the new emergency rule for home inspectors.

Sincerely,
Janis Hubbard
Administrator

Disposition of Entry:

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

Comments/Note to staff:
05-34A-01 Student Athletes Heat Acclimatization Guidelines       Maryland
Bill/Act: **HB 1080**

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

Status: Became law in May 2012

**GO TO TABLE OF CONTENTS**

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


Disposition of Entry:

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

Comments/Note to staff:
Summary: Creates a catastrophe savings account for taxpayers, where deposits can be deducted from state income taxes, to cover insurance deductibles and other uninsured portions of risks of loss to owners of residential property owners from windstorm events. Total amounts that can be contributed to the account may not exceed the following:

- an individual whose qualified deductible is less than or equal to $1,000 to $2,000;
- an individual whose qualified deductible is greater than $1,000, the amount equal to the lesser of $15,000 or twice the amount of the taxpayer's qualified deductible; and,
- self-insured individual choosing not to obtain insurance on his or her legal residence, $250,000, but in no event may the amount contributed exceed the value of the individual taxpayer's legal residence.

Status: Became law in May 2012.

Comment: In a supportive press release by Governor Bentley in May 2012:

“The lack of affordable homeowners insurance is an important issue affecting many people in Alabama, especially those living along the Gulf Coast,” Governor Bentley said.

SB 227 allows homeowners to create a “catastrophe savings account” that could be used toward a deductible and other uninsured loss related to storm damage.

“Our goal is to make sure affordable insurance options are available to the people of this state,” Governor Bentley said. “I commend the Alabama Department of Insurance, legislators, insurance consumers, and the insurance industry for working together on this important series of bills.”


An opinions piece in the Mobile Press-Register praised the legislation by saying:

“Too often in Alabama, a homeowner who cannot afford the insurance premiums to adequately insure his property eventually settles for partial coverage or coverage that requires a high deductible.

This sets the stage for financial devastation when a storm hits, because the homeowner may not be able to come up with the cash needed to cover what insurance doesn’t.

Senate Bill 227, if enacted, could help relieve the pain by allowing homeowners to create ‘catastrophe savings accounts.’ Such accounts — allowed in some other states — can help homeowners and communities rebound more quickly after storms and floods.”
Disposition of Entry:

SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
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( ) Reject

Comments/Note to staff:
Summary: The purpose of the law is to ensure fair lending and borrowing practices for California homeowners. It is a cluster of laws designed to guarantee basic fairness and transparency for homeowners in the foreclosure process. The California Homeowner Bill of Rights marked the third step in Attorney General Harris’ response to the state’s foreclosure and mortgage crisis.

Status: Was signed into law in July 2012.

Comment: From a press release by Governor Brown at the bill’s official signing:

Governor Edmund G. Brown Jr. today signed the California Homeowner Bill of Rights to halt the “abusive tactics” of loan servicers and protect struggling homeowners who are trying, in good faith, to renegotiate their mortgages.

“Californians should not have to suffer the abusive tactics of those who would push foreclosure behind the back of an unsuspecting homeowner,” said Governor Brown. “These new rules make the foreclosure process more transparent so that loan servicers cannot promise one thing while doing the exact opposite.”

“The California Homeowner Bill of Rights will give struggling homeowners a fighting shot to keep their home,” said Attorney General Kamala D. Harris. "This legislation will make the mortgage and foreclosure process more fair and transparent, which will benefit homeowners, their community, and the housing market as a whole."

The Homeowner Bill of Rights has four major components:

- Prohibiting “dual track” foreclosures that occur when a servicer continues foreclosure while also reviewing a homeowner’s application for a loan modification;
- Creating a single point of contact for homeowners who are negotiating a loan modification;
- Expanding notice requirements that must be provided to a borrower before taking action on a loan modification application or pursuing foreclosure; and
- Allowing injunctions against foreclosure until violations are corrected and permitting civil penalties against servicers that file multiple, inaccurate mortgage documents or commit reckless or willful violations of law.

These new laws make California the first state in the nation to take provisions in the National Mortgage Settlement, which covered the nation’s five largest mortgage loan servicers, and apply those rules to all mortgage servicers.

http://gov.ca.gov/news.php?id=17627
Disposition of Entry:

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

Comments/Note to staff:
Bill/Act: AB 1672

Summary: This bill amends the existing program to direct the state Department of Housing and Community Development to provide grants to local entities based on the issuance of building permits for new housing units, or housing units substantially rehabilitated, acquired, or preserved with committed assistance from the city, county, or city and county, that are affordable to very low or low-income households.

Status: Became law in September 2012.

Comment: From a legislative analysis provided in August 2012 by the California Assembly Housing and Community Development Committee:

> “Grant awards are based on the number of affordable housing units that are started in community in a given year. The program is not competitive; grants are awarded to all local governments that apply that meet the program's requirements in a given year. Awards are calculated on a per-bedroom basis…

> Under current law, HRP (Housing Related Parks) awards are based on the number of housing starts in a community in a given year. To verify a housing start, the city or county must show a foundation inspection report. This has proven problematic under the first two HRP funding rounds, however. There is little consistency in documenting foundation inspections across jurisdictions and some types of construction do not even involve a foundation inspection, making it difficult for cities and counties to document eligibility for funding. This bill replaces "housing starts" with "building permits" as the way to document eligibility. All local governments issue and track building permits for housing projects and already report permits issued for affordable units to HCD on an annual basis. This change will simplify the application process and ensure that cities and counties receive awards for all affordable housing units that they approve.”

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

Disposition of Entry:

SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject
Comments/Note to staff:
Summary: The bill offers lawyers an annual subsidy to live and work in rural areas of the state in a similar fashion to, the national incentive program used for doctors, nurses and dentists.

Status: Was signed into law in March 2013.

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

Governor Dennis Daugaard signed HB 1096 into law today thereby making South Dakota the first state in the nation to have legislation designed specifically to assist the recruitment of attorneys into rural areas.

In response to the bill signing, the Chief Justice stated: “Today the State of South Dakota takes a giant step forward to reverse fifty years of decline in the ability of our citizens in rural areas to have reasonable access to legal services in their home area. I am hopeful that my prior observation that we were becoming a state with islands of justice provided in the larger cities while the rural areas become a sea of justice denied, will, because of this bill be reversed. This bill will hopefully help provide not only the citizens with access to an attorney, but will work toward ensuring that our local rural county governments, school boards, cities and towns have access to legal services in those underserved areas as well.”

HB 1096 creates a four-year pilot program for counties with a population or 10,000 or less that are determined eligible by the Unified Judicial System. Participating counties are required to pay thirty-five percent of an incentive payment, the State Bar Association contributes fifteen percent and the State of South Dakota will pay the remaining amounts. Any participating attorney will have to agree to practice law on a full-time basis in the eligible county for five years. The incentive payment is equal to ninety percent of the resident tuition for the University of South Dakota School of Law and is divided over the five-years the attorney is obligated to practice in the rural county.


Disposition of Entry:

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

Comments/Note to staff:
Summary: The Mississippi Health Care Industry Zone Act aims to expand access to high-quality medical care for its residents and increase the number of health care jobs in the state. The legislation creates a business incentive program, known as the Mississippi Health Care Industry Zone Incentive Program, to encourage health care-related businesses to locate or expand within a qualified Health Care Zone in the state. To qualify for assistance in this program, health care-related businesses must commit to create at least 25 full-time jobs and/or invest $10 million. Health care industry zones are defined as:

- Areas within a five-mile radius of a health care facility with a Certificate of Need for acute care hospital beds, in a region where there are three contiguous counties which have Certificates of Need for more than 375 acute care hospital beds; and/or
- Areas located within five miles of a hospital that will be constructed before July 1, 2017, and that involves a minimal capital investment of $250 million.

Status: Was signed into law in April 2012.

Comment: From a press release by Governor Phil Bryant:

“...I commend the members of Legislature, Speaker Gunn and Lt. Gov. Reeves for their leadership in passing the Health Care Industry Zone Act, a very important component of my Mississippi Works Agenda,” Gov. Phil Bryant said. “This bill will help foster a positive environment for development in the health care industry while making sure Mississippians have the proper access to cutting edge medical care. As I have said before, health care is an industry of necessity. Our population is aging, so we know that more Mississippians will have the need for increased health services. We also know that the health care industry creates good paying jobs that Mississippians need. I look forward to signing this monumental piece of legislation.”

The health care zone legislation provides incentives for health-care-related businesses to create new full time jobs in areas where hospitals exist.

Jim Barksdale, executive director of the Mississippi Development Authority, said, “The creation of Health Care Zones is a very significant step for all of Mississippi on two important levels. It helps us increase the quality of care available to both Mississippians and patients in other states who might come to Mississippi seeking cutting edge health services, and the expansion of the health care industry provides a strong, stable boost to the economy.”

Blake Wilson, president of the Mississippi Economic Council, believes the measure will greatly enhance Mississippi’s ability to expand its medical industry.

“...The health care zones legislation marks a first and important step down ‘Opportunity Road’ for Mississippi, beginning implementation of one of the nine priority goals of Blueprint Mississippi,” Wilson said. “...The legislation gives us a running start to put Mississippi in the place...
of greatest opportunity by building on our already solid medical foundations around the state and maximizing their potential for growth."

Mississippi State Medical Association president Dr. Thomas E. Joiner said, “House Bill 1537 is friendly to Mississippi patients on two levels; it seeks to increase access to care in the state and also seeks to increase economic development opportunities and jobs for our citizens. Mississippi physicians support the bill and appreciate the Legislature’s recognition that our industry is doubly advantageous to Mississippi by providing quality care and by creating jobs. We look forward to the establishment of productive and effective health care zones throughout the state, which will allow increased numbers of physicians to serve more Mississippians.”

Duane O’Neill, president of Greater Jackson Partnership, said, “Passage of the health care zones legislation is a major achievement for all Mississippians. By embracing health care as a leading industry sector, we will be in position to realize the benefits of improving our quality of life, as well as continuing to grow our economy.”

Joe Higgins Jr., CEO of Columbus Lowndes Development Link, said, “The passage of House Bill 1537 will better place Mississippi to compete for and win investments in the healthcare industry. For rural areas such as the Golden Triangle this is a huge step forward. For governor Bryant and all those that had the vision and leadership to get such a law passed, a big thank you.”

Dr. James Keeton, vice chancellor for Health Affairs and dean of the School of Medicine, at the University of Mississippi Medical Center said, “Governor Bryant’s medical zone legislation shows visionary thinking and action by our elected state leadership. This creative approach to economic development that focuses on health care as a target industry promises more high-paying jobs and more accessible health services for our state’s citizens. As Mississippi’s economy gets stronger, we believe health care will be among the industries leading the way.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: This bill requires the Nevada Gaming Commission to establish by regulation certain provisions authorizing the intrastate licensing and operation of Internet poker.

Status: Became law in June 2011.

Comment: From an April 2011 article in the *Las Vegas Review-Journal*:

“Assemblyman William Horne, D-Las Vegas, who leads the Judiciary Committee, introduced Assembly Bill 258 on March 10 that would allow online poker within Nevada and in foreign countries where it isn't banned.

If approved, the bill would require the Nevada Gaming Commission to adopt regulations allowing for Internet poker. Nevada gaming law allows casinos to operate games through hand-held or wireless devices using electronic money transfers.

Horne's bill, which is backed by Internet gaming company PokerStars, had one hearing March 24, but the committee hasn't voted. Horne was unavailable for comment on Monday.

In his letter, Sandoval recognized there was some disagreement about the scope of the ban, but said it was "vital that we not undermine the state's credibility as a ... regulator of gaming."

He urged Nevada to continue to "strive to be the leader in the emerging online poker industry" by creating an operating framework that ensures the state's regulatory structure was a model of "integrity and innovation."

"I would hope that any bill passes will not facilitate the legalization of online poker before the federal ban is lifted, or encourage any action that would hinder Congress's efforts towards lifting of the ban," Sandoval said…


Disposition of Entry:

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

Comments/Note to staff:
Summary: The law allows Atlantic City's casinos to run websites that take bets on games such as blackjack, slots and poker, however, it requires bettors to be physically present in the state.

Status: Became law in February 2013.

Comment: From a February 2013 article in the Wall Street Journal:

New Jersey on Tuesday became the biggest state yet to allow regulated online gambling, establishing a template that proponents hope other states will follow for a business that federal authorities long treated as a criminal enterprise.

The new law allows Atlantic City's casinos to run websites that take bets on games such as blackjack, slots and poker. It also could help legitimize online-gambling companies whose executives the U.S. Justice Department once targeted for offering the same kind of Internet wagers.

The law, passed by the legislature and signed Tuesday by Gov. Chris Christie, for now requires bettors to be physically present in the state, which industry executives and regulators believe can be verified with technology that tracks a user's location. But bets could conceivably be placed from any device with an Internet connection.

New Jersey's move marks a significant turning point in the debate over online gambling in the U.S., which has been raging for more than a decade. But while it could encourage similar measures in other states, big hurdles remain to widespread acceptance of such gambling. Until a year ago, the federal government considered such gambling illegal and targeted online-gambling companies and their partners with criminal and civil lawsuits. But in 2011 the Justice Department reversed itself, prompting many states to consider legalizing online gambling and lottery directors to start selling tickets online.

That process has picked up steam in statehouses and executives' offices this year since an effort stalled in Congress to pass a law allowing online poker. The first regulated online-gambling networks in the U.S. are expected to be up and running this year in Nevada and Delaware.

Among the businesses eyeing legal online gambling are casinos, Indian tribes, lottery-technology firms, social videogame companies and even foreign-based gambling operators that previously were charged by the Justice Department with illegally taking online bets in the U.S. Their road is likely to be a bumpy one, given the controversial nature of gambling and the variety of competing interests involved, say people involved in the process. In recent years states including California, Iowa and Mississippi have considered legalizing online poker or other forms of online gambling, but those efforts have been stalled by critics' concerns about an uptick in gambling addiction or other social ills, as well as infighting among gambling interests.
Though industry forecasts vary widely, H2 Gambling Capital, which tracks online-gambling markets, estimates that online gambling in New Jersey will generate revenue of $410 million the first year, growing to $590 million after a few years. Of the total, the state of New Jersey will collect a 15% tax.

The bigger opportunity could come from interstate gambling if more states legalize online wagering, but a variety of business and legal complications make that prospect hazy. The New Jersey law allows the state's gambling regulators to find other ways to expand the pool of potential bettors beyond state borders, such as agreements—known as compacts—with other states.

Such agreements, modeled after lottery compacts that create pooled drawings for games such as Powerball or Mega Millions, could be particularly useful for smaller states operating online poker by giving them access to more players.

Nevada and New Jersey may try to become regulatory hubs for other regions, officials and industry watchers say, allowing their licensed companies to have an advantage in other jurisdictions while sharing the revenues with other states.

Yet while simple in theory, creating interstate networks is likely to be tough since gambling is regulated state by state in varying ways, say people working on the issue. A state's gambling interests would be unlikely to want their state government to enter into deals that would put them at a disadvantage to interests in other states.

"Unless the states are willing to compromise and work together, you can see a lot of practical problems," Thomas Goldstein, an attorney who represents online-poker companies, said on a panel at an online-gambling conference last week.

The move to online gambling marks Gov. Christie's latest attempt to revitalize Atlantic City. But the onetime East Coast gambling monopoly, hit hard in recent years by competition in nearby states, has proven resistant to many of his efforts. While optimistic that online gambling will help increase revenues for casino operators in Atlantic City due to the extra source of cash, analysts have been mixed on how great the impact will be.

http://online.wsj.com/article/SB1000142412788732388430457832893465612224.html

Disposition of Entry:

SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
      ( ) next SSL mtg.
      ( ) next SSL cycle
( ) Reject
Comments/Note to staff:
Summary: Provides for the board of funeral and cemetery service to create a courtesy card for funeral directors licensed in states that border Indiana beginning January 1, 2013, authorizing the funeral directors to provide certain funeral services in Indiana.

Status: Became law in March 2012

Comment: According to a legislative session analysis published by the Indiana Funeral Directors Association:

“IFDA asked Sen. Ryan Mishler (R-Bremen) to file SB 370 to create a courtesy card granting funeral directors from states adjoining Indiana VERY limited powers. Guest directors could remove and transport, prepare and complete sections of the death certificate, and supervise or conduct funeral ceremonies in Indiana without the assistance of an Indiana Director. In the House the bill was sponsored by retiring Rep. Ralph Foley (R-Martinsville). After no negative votes in either Chamber, it must be signed or vetoed by Governor Mitch Daniels by March 18, 2012. The law would become effective July 1, 2012.”

Summary: Among its many provisions, the bill authorizes the Board of Embalmers and Funeral Directors to issue courtesy licenses to allow funeral directors in bordering states to conduct limited funeral-related activities in Ohio. It allows embalmers and funeral directors to place their licenses on inactive status; to clarify that, upon the sale of the funeral home; the home may remain operating based upon a submission of a new license application to the Board. The bill permits out of state funeral directors without a license to work with licensed funeral directors during a declared disaster or emergency. It eliminates the requirement that funeral homes be the guarantor of the identity of decedents and instead requires funeral homes to complete only visual identification of remains in addition.

Status: Became law in December 2012.

Comment: In a supportive release of the legislation by the Ohio Funeral Directors Association they noted the original bill language allowing the State Board to license and regulate alkaline hydrolysis facilities, which is a chemical disposition process choice in addition to burial or cremation, was removed after concerns raised by the Catholic Conference of Ohio.


Disposition of Entry:

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

Comments/Note to staff:
Summary: Allows the Department of Motor Vehicles to establish an electronic titling program for new motor vehicles. The DMV will refrain from issuing a certificate of title in paper form and, instead, shall create only the electronic record of such title to be retained by the Department in its existing electronic title record system with a notation that no certificate of title has been printed on paper. The owner of a vehicle will be deemed to have obtained and the Department will be deemed to have issued, a certificate of title when the electronic record has been created. An owner or lienholder listed on an electronic title record may at any time request and the Department shall provide a paper certificate of title for the vehicle. All transfers of vehicle ownership, with certain exceptions, are required to have a paper certificate of title.

Status: Became law in April 2012.

Comment:
Summary: The law requires a vessel owner, within 20 days of becoming an owner or within 20 days of when the vessel becomes used principally on the waters of the state, to apply for a certificate of title. However, no application is required for a federally documented vessel, a foreign documented vessel, a barge, a vessel under construction, or a vessel owned by a dealer. In general, the act covers all vessels at least 16 feet in length and all vessels propelled by an engine of at least 10 horsepower. Exceptions exist for seaplanes, amphibious vehicles for which a certificate of title is issued pursuant to a motor vehicle titling act, watercraft that operate only on a permanently fixed, manufactured course, certain houseboats, lifeboats used on another vessel, and watercraft owned by the United States, a state, or a foreign government.

Status: Became law in April 2013.

Comment: From analysis provided by the Uniform Law Commission:

“Currently, all states and territories have a certificate of title law for motor vehicles. These laws vary only slightly with respect to which motor vehicles are covered and all or almost all of the laws are based on where the vehicle is principally garaged. As a result, there is no significant overlap or duplication of coverage.

In contrast, only two-thirds of the states have a certificate of title law for boats and other vessels. Moreover, in two discrete ways these statutes vary widely in scope. First, they do not all cover the same types of vessels, each making its own distinctions based on size and propulsion. Second, the statutes vary in whether they are based on where the vessel is principally used, where it is principally moored, or where the owner resides. Consequently, significant gaps and some duplication in coverage exist. The gaps allow for extensive fraud: title to a stolen vessel can be washed by moving the vessel to a new jurisdiction that either has no titling law or has a statute that does not cover the type of vessel stolen.

Several other problems plague the existing titling laws for vessels. First, none were written after the revision of Article 9 of the Uniform Commercial Code, which all states have since enacted, and few of the laws seem to have been written with much attention to the UCC at all… Second, none of the existing laws have been approved by the U.S. Coast Guard. … Third, very few state title laws for vessels provide for the branding of the title of a damaged or salvaged vessel. This means that buyers may unwittingly purchase a vessel that has hidden structural damage and is therefore unseaworthy and unsafe.”

According to the ULC, “The Uniform Certificate of Title for Vessels Act (UCOTVA) addresses all of these problems” and it also includes a unique requirement similar to automobile titles to report or note any damage to the integrity of the boats hull. This could have significant implications on the secondary market on the East Coast form vessels damaged by Hurricane Sandy.
Disposition of Entry:

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

Comments/Note to staff:
Summary: Authorizes the creation of self-settled spendthrift trusts, which protect trust assets against the claims of a settlor who is also a trust beneficiary. This bill allows a settlor to transfer assets to an irrevocable trust to be held for the joint benefit of the settlor and at least one other beneficiary. Currently, a spendthrift clause is ineffective to shield the beneficiary from creditors when the beneficiary is also the settlor. Current state law allows the creation of trusts that are protected from the claims of creditors against trust beneficiaries, and this bill extends that policy to trusts of which the settlor is also a discretionary beneficiary.

Status: Became law in April 2012.

Comment: From a legal analysis performed in 2012 by the law firm Williams Mullen:

“Self-settled spendthrift trusts create immense planning opportunities for clients and their families, particularly when combined with the favorable wealth transfer tax window of opportunity in 2012. Quite simply, these trusts permit clients to “have their cake and eat it too” — not only can the trust serve as a vehicle to remove appreciating assets from a client’s estate, it can also permit the client to retain access to the trust assets through a discretionary beneficial interest. “


Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill would require eligible employers, as defined, to offer a payroll deposit retirement savings arrangement so that eligible employees, as defined, could contribute a portion of their salary or wages to a retirement savings program account in the California Secure Choice Retirement Savings Program. The bill would require eligible employees to participate in the program, unless the employee opts out of the program. The bill would specify risk management and investment policies that the board would be subject to regarding administration of the program. The bill would require a specified percentage of the annual salary or wages of an eligible employee participating in the program to be deposited in the California Secure Choice Retirement Savings Trust, which would be segregated into a program fund and an administrative fund, both of which would be continuously appropriated to the board for purposes of the act. The bill would also authorize the board to establish a Gain and Loss Reserve Account within the program fund.

Status: Was signed into law in September 2012.

Comment: From a supportive press release by Senator Kevin de Leon:

Millions of hard working Californians will be given the chance to have retirement security as Senator Kevin De León (D-Los Angeles) announced today that Governor Brown signed companion bills Senate Bill 1234 & Senate Bill 923 putting into statute the California Secure Choice Retirement Savings Trust – introduced by Senator De León and co-authored by California Senate President Pro Tempore Darrell Steinberg (D-Sacramento).

“This is a major step forward for retirement security in America,” said Senator De León. “I am grateful for Governor Brown’s acumen and with his leadership we are setting the path for middle class hard-working Americas to prepare for retirement so they won’t be forced into poverty. There is still much work to do ahead but this could serve as a national model for retirement savings.”

Called “a model for addressing a national problem” in a recent editorial by the New York Times, the California Secure Choice Retirement Savings Trust is aimed at the 6.3 million Californians, mostly lower and middle-income workers, who have no access to a retirement plan at work, by providing them a portable and reliable retirement plan that will serve as a modest supplement to Social Security. SB 1234 is modeled after ScholarShare, California's successful 529 College savings program.

Currently workers in small- and medium-sized firms are disadvantaged in their access to employer-sponsored retirement plans—in California, 84% of people working for employers with 25 or fewer workers do not participate in a retirement plan at work. Social Security is the foundation of retirement income for the vast majority of retirees in California, but these payments alone, averaging $1,181 per month, are not enough to sustain workers in retirement.
Implementing these bills will enable personal responsibility, ebbing the impending crisis of millions retiring into poverty which would put a further strain on our already scarce public resources.

Under the California Secure Choice Retirement Savings Program, voluntary contributions from employees would be deposited into a professionally-managed retirement fund that leverages economies of scale and longer investment horizons to provide every California worker the chance to enroll in a retirement savings program. Unlike employer-sponsored retirement plans such as 401(k)s, employers participating in the California Secure Choice Retirement Savings Program would not bear any fiduciary responsibility and would not be required to pay administrative fees or comply with federal quarterly-reporting mandates.

Once fully implemented, the program would be self-sustaining and extremely low-risk due to the modest rate of return (likely tied to the 30-year Treasury-bond rate) and long investment horizon. In setting the rate of return for the retirement savings program, zero-liability would be ensured to the state by requiring the Board to secure private underwriting and reinsurance to protect the returns earned by program participants.


Disposition of Entry:

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

Comments/Note to staff:
Summary: In July 2011, Connecticut became the first state to mandate that private employers provide sick leave to a certain segment of its employees. The law requires employers with 50 or more employees to provide up to 40 hours of paid sick leave to “service worker” employees. Connecticut's law applies to service workers in a number of broad occupational codes as defined by the federal Bureau of Labor Statistics Standard Occupational Classification system, but it exempts certain manufacturers and nationally chartered 501 (c)(3) organizations. These classified employees include healthcare workers; receptionists; administrative assistants; and certain other office employees, tellers, cashiers and food service employees, if they are paid an hourly wage and are not exempt from the Fair Labor Standard Act’s minimum wage and overtime compensation requirements. Temporary workers and day laborers are not covered by the Act.

Status: The law took effect on January 1, 2012.

Comment: From a June 2011 article in the *New York Times*:

After 11 hours of debate in Hartford, state legislators approved a bill on Saturday to make Connecticut the first state in the nation to mandate paid sick leave for hundreds of thousands of service workers.

At about 3 a.m., the House voted 76 to 65 on the bill, which had been approved by an 18-to-17 vote in the Senate on May 25. About a dozen fiscally conservative House Democrats voted with the Republicans against the measure, which, while watered down from earlier proposals, had been vigorously denounced by business interests.

Proponents hailed the vote as a landmark victory for workers’ rights and public health at a time that similar measures are pending or about to be introduced in Philadelphia and Seattle and are being pushed elsewhere. Only San Francisco and Washington, D.C., now require employers to give paid sick days to workers.

Gov. Dannel P. Malloy, a first-term Democrat who had named paid sick days as a campaign issue, said in a statement that the bill was measured and fair. But Republicans and business interests called it onerous and ill-timed at a period in which businesses are struggling and job growth is anemic.

The bill applies only to businesses with 50 or more employees. It exempts manufacturing companies and nationally chartered nonprofit organizations, day laborers, independent contractors and temporary workers.

The measure covers only service workers who receive an hourly wage, an estimated 200,000 to 400,000 of them, including waiters, cashiers, fast-food cooks, hair stylists, security guards and
nursing home aides. It allows each employee to earn one hour of paid sick time for every 40 hours worked, with the number of days capped at five per year.

Still, even in its limited form, it became a flashpoint at a time of widespread economic stress and pressure on workers.

Governor Malloy said, “This is good public policy and specifically, good public health.” He added: “Why would you want to eat food from a sick restaurant cook? Or have your children taken care of by a sick day care worker? The simple answer is — you wouldn’t. And now, you won’t have to.”

Before the vote, the House Republican leader, Larry Cafero, said that passing the bill was “the absolutely worst thing we could do, the worst signal we could send.” He added, “What we need in the state of Connecticut is jobs, jobs, jobs.”

But proponents said there was no evidence that the legislation put an unfair burden on business.

Debra L. Ness, president of the National Partnership for Women and Families, said that more than 40 million American workers do not have a single paid sick day.


Disposition of Entry:

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

Comments/Note to staff:
Summary: Section 226 was included in the sweeping changes made by the state with the objective to contain healthcare costs which prevent a hospital from requiring a nurse to work more than 12 hours in a 24-hour period unless there is an emergency situation. Should a hospital require a nurse to work more than 12 hours, the incident must be reported to the state department of public health and state the reason for the action.

Status: Signed into law in August 2012.

Comment: With the passage of the law, Massachusetts became the 17th state mandatory overtime bans through legislation or regulation. From a supportive article featured in NurseConnect:

“Nurses want to get up, prepare for their shift, take the best care of their patients, and then know there is relief at the end, that there is somebody to carry on the care of that patient to a successful outcome,” said staff nurse Donna Kelly-Williams, RN, president of the Massachusetts Nurses Association/National Nurses United (MNA/NNU).

The law prevents a hospital, except in the case of a declared emergency, from requiring a nurse to work beyond a scheduled shift or to work more than 12 hours in a 24-hour period. Nurses can refuse the extra hours without fear of retribution. Any hospital requiring nurses work more than that must report the incident to the Department of Public Health and state why the action was justified. The law takes effect in November 2012.

Members of MNA/NNU, who have pushed for passage of such legislation for the past 12 years, watched as the governor signed the new law protecting patients and nurses. Kelly-Williams said the nurses stayed focused on mandatory overtime, because the practice of requiring a nurse to stay at the bedside without relief had become even more prevalent.

Nurses from the association had worked with legislative leaders to include the overtime ban in a health care payment reform bill. Kelly-Williams explained that the law will create a cost savings. By forcing nurses to work excessive hours, it can endanger patients and errors and complications add to the cost of care.

Multiple studies back that up, and Kelly-Williams said that data was important in convincing legislators to pass the measure.

DeAnn McEwen, RN, MSN, president of the California Nurses Association/National Nurses Organizing Committee and vice president of National Nurses United in Oakland, called mandatory overtime legislation a “no-brainer, because of the evidence linking fatigue and long hours with errors and burnout.”
Keeping Patients Safe: Transforming the Work Environment of Nurses, a 2004 report from the Institute of Medicine, linked overtime and poor nurse staffing with thousands of patient deaths. It called for states to prohibit mandatory overtime and for nurses not to work more than 12 hours in a 24-hour period or 60 hours in a seven-day period.

In 2004, a University of Pennsylvania School of Nursing study, published in Health Affairs, showed that the risk of errors increased significantly when nurses worked more than 12 hours in a shift or 40 hours in a week or worked overtime.

A Robert Wood Johnson Foundation (RWJF)-funded study from 2011, published in Health Services Research, found that having more registered nurses working on a hospital unit and reducing the amount of RNs’ overtime hours correlated with fewer patients being readmitted or visiting the emergency department within the first 30 days after hospital discharge and also reduced costs. Lead author Marianne Weiss, DNSc, RN, associate professor and Wheaton-Franciscan Healthcare/Sister Rosalie Klein professor of women’s health at Marquette University College of Nursing, attributed that to patients not being properly prepared for discharge.

“This study shows us that investing in nursing care hours could potentially be offset by the savings that could be realized in reductions in readmission and emergency department use,” Weiss said in a written statement.

…

https://nurseconnect.com/Resources/ArticleProfile.aspx?Id=418258

# NOTE: The submission is on the overtime provision in S.2400, not the entire bill.

Disposition of Entry:

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

Comments/Note to staff:
Summary: The law requires all licensed health care facilities in the state to implement a safe patient-handling program. The program requires adopting a written safe patient-handling policy and establishing a safe patient-handling committee by July 1, 2008. The policy must establish a plan to minimize manual lifting of patients by Jan. 1, 2011, through the use of safe patient-handling equipment. The law authorizes the state commissioner of labor and industry to make grants of up to $40,000 per facility to a facility to acquire safe patient handling equipment and for training on safe patient handling and equipment. The grants must be matched dollar for dollar by a grantee.


Comment: From testimony provided in 2010 by the Minnesota Nurses Association to the US Senate HELP Committee urging the adoption of nationwide safe patient handling standards and programs:

…”

“Safe Patient Handling is a program based on the scientific work of Dr. William Marras, and was initially implemented at the Veterans Administration Hospital in Tampa, Florida. When the VA started using the new approach to lift, move, and transport patients two things happened: the frequency and severity of worker injury declined, and patient injuries related to falls and other injuries such as skin tears, dislocated shoulders, fractures, and pressure ulcers declined as well. That success has been replicated in numerous facilities across the country. This SPH program is public domain. It is free and walks an employer through the necessary steps to start and fully implement a SPH program.

In MN we even asked for grant money to assist employers with start up costs associated with implementing this change. It isn’t common to have a union ask for financial assistance for employers, but we believed it was in the best interest of patients, employers and workers and expedited the changes we needed.

We understand and believe that employers do not intentionally want to hurt their employees. Rather they rely on an industry practice that we now know is not effective in preventing injury and protecting patients. We are not here to place blame but rather to focus on what we can do together to ensure safe working conditions in an industry that faces an acute shortage of workers.”

…”

“In an average 8 hour shift a nurse on a Medical/Surgical Unit can care for 3-8 patients. These patients come in all sizes; from tiny babies to patients who weigh 700 pounds or more all with varying degrees of need for assistance. Sometimes there is staff to assist with turns and repositioning and, other times there is not. When there is not, you still have to care for the patients. We turn them, we lift them, we walk them, and we even catch them when they fall; we do whatever needs to be done.
We lift an average of 1.8 tons per 8 hour shift. That’s right, you heard me right, we lift an average of 1.8 tons per 8 hour shift. We don’t see that in other jobs; they use equipment. Yet nurses are expected to work like this every shift for 30 or more years relying on the hydraulics of their bodies.

In the 2004 MN Workplace Safety Report, issued by the MN Dept. of Labor and Industry, workers with the most frequent OSHA recordable injuries were identified. It was a small wonder of the 14 occupations listed, Nursing Assistants were second; RNs seventh and LPNs twelfth. Essentially the report said healthcare workers have higher rates of injury, and more severe injury than most other workers in this state. As an industry aggregate they are number 1.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: The law requires hospitals, ambulatory surgical centers, and home health care services operated by hospitals to implement strategies to protect health care employees from acts of violence in the workplace. Among many provisions, House Bill 2022 requires health care employers to:

- Conduct periodic security and safety assessments to identify existing or potential hazards for assaults committed against employees;
- Develop and implement an assault prevention and protection program for employees based on the assessments; and
- Provide assault prevention and protection training on a regular and ongoing basis for employees.

In addition, health care employers were required to maintain a record of assaults committed against employees on the premises of the health care employer or in the home of a patient receiving home health care services.


Comment: From a 2009 analysis conducted by the Oregon Occupational Safety and Health Division (Oregon OSHA) on the data submitted by health care providers in 2008:

... The House Bill 2022 requirement to track violence against health care employees expands the current Oregon OSHA recordkeeping and reporting requirements by including all incidents regardless of whether they required treatment. Currently employers are required only to record incidents of employee injury that require medical treatment beyond first aid. By requiring employers to record and track all incidents of employee injury caused by physical assault, the existing law allows employers and their workers to more effectively identify relatively high-risk areas and completing security assessments, and more proficient in developing assault prevention training programs. The value of such expanded recordkeeping as a risk identification measure is highlighted by the number or relatively minor incidents that were recorded in 2008.

The House Bill 2022 tracking requirement is limited in several respects. The statute ties the recordkeeping to the definition of assault, meaning that there must be assailant intent to harm, and an injury must occur for it to be tracked. Attempted violence that does not result in injury is not tracked. In addition, verbal threats are often a precursor to physical violence, and the current recording requirement does not include those types of incidents.

Although facilities are required to continue tracking incidents, annual reporting of the data appears unnecessary. It may be useful however, to take another “snapshot” of the data in three to five years to see if there have been any meaningful shifts. The law does not require future submissions. However, based on conversations with employers and the 100 percent compliance with this year’s required reporting, the department believes that employer cooperation with a request to submit data at some point in the future would be high.
Of the 1061 assaults recorded during the 2008 calendar year, 99 percent of those occurred in a hospital, and 50 percent were in the behavioral health/psychiatric unit. The medical/surgical unit followed with 13 percent, and the emergency room with 11 percent.

In almost all cases, the assailant was a patient. More specifically, 57 percent were behavioral health patients and 39 percent were general patients. The most commonly listed reason for the assault was that the person was a behavioral health patient (32 percent), had a history of violence (26 percent), or had emotional issues (19 percent).

The majority of victims were identified either as certified nursing assistants, orderlies, or aides (42 percent), or as registered nurses or licensed practical nurses (32 percent). Most assaults resulted in a minor injury, including mild soreness, small bruising, and scratches (80 percent), which would not be likely to be reported under other general injury recordkeeping requirements. Of the remainder, the vast majority involved major soreness, lacerations, and large bruises (18 percent). In 2 percent of all cases reported, the resulting injury was severe, defined as a bone fracture or head injury.


Disposition of Entry:

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

Comments/Note to staff:
Summary: This Act comprehensively reforms the state pension system by establishing a hybrid retirement structure providing retirement security from both a defined contribution account and a traditional defined benefit plan. The retirement structure is designed to provide retirement security to employees at sustainable costs to the tax payers by creating a hybrid retirement system by creating a mandatory defined contribution account that preserves all benefits accrued through the effective date for all state employees, teachers and general municipal workers. Employee contributions equal 5% of salary and employer contributions equal 1%. It amends the method of calculating cost-of-living adjustments (COLAs) so that the same formula is used to calculate COLAs for all present and former employees, active and retired members, and beneficiaries receiving any retirement or disability benefits and it ties COLAs to actual investment returns in the retirement system fund.

Status: Became law in 2011.

Comment: In November of 2011, the Rhode Island General Assembly found that “[t]he current condition of Rhode Island’s critically underfunded pension system, combined with the state’s continuing financial instability and existing onerous tax burden, threatens the base pensions of current and future public workers, hampers the ability of the state to provide its citizens with vital services necessary for the public’s health, safety and welfare, and places an unsustainable financial burden on all Rhode Island citizens and taxpayers.” It was clear that action was needed to address the state’s pension problems.

In May of 2011, the Rhode Island General Treasurer Gina M. Raimondo released a report entitled “Truth in Numbers which diagnosed the key drivers of the structural pension deficit and provided a framework for solutions. Following the release of “Truth in Numbers”, Treasurer Raimondo partnered with Governor Lincoln D. Chafee in order to craft a comprehensive solution for the state pension system. Stressing the importance of a transparent process, Treasurer Raimondo led by establishing a twelve member Pension Advisory Group formed to discuss possible solutions. The group consisted of public officials, local pension experts, business leaders and labor leaders who volunteered their time and expertise. The group met throughout the summer of 2011. These meetings were open to the public. In the fall of 2011, legislation was drafted by the Treasurer Raimondo with the support of the governor to ensure the sustainability of the state’s public retirement systems. The legislation was referred to as the Rhode Island Retirement Security Act (RIRSA).

Aware of the importance of the situation, the Rhode Island General Assembly reconvened for an extremely rare special session to introduce the bill. In November of 2011, the Rhode Island Senate Finance Committee and the Rhode Island House Finance Committee jointly held hearings to allow the public to provide testimony regarding RIRSA. Following the testimony, the general assembly made minor amendments to the original bill and it was passed in both the senate and
the house on November 17, 2011. On November 18, 2011, RIRSA was signed into law by the governor.

The Rhode Island Treasurer’s Office reports that on November 17, 2011, the Rhode Island Retirement Security Act of 2011 (RIRSA) passed in the Rhode Island House of Representatives 57-15 and in the Rhode Island Senate 35-2. On November 18, 2011, RIRSA was signed into law by the governor.

RIRSA provides a secure retirement for all 66,000 members of the state’s retirement system. This comprehensive law modernizes and ensures that the pension system is well-funded, while providing a similar level of retirement benefits for active employees as the old system, within a structure that shares the market risk more evenly between the taxpayer and employee.

The new design encompasses safeguards to prevent annual pension costs from spiking to unaffordable levels in the future. It also balances the current cost burdens, across all stakeholders – employees, retirees and taxpayers. In addition to stabilizing the state-administered pension system, it has self-correcting mechanisms in place which are designed to avoid the need for subsequent reforms.

RIRSA’s design components include cost-of-living adjustments tied to the funding level of the pension system, tying cost-of-living adjustments to actual investment returns, raising the retirement age to match the Social Security retirement age, with transition rules for those closer to retirement and creating a combined defined benefit pension and mandatory defined contribution program.

The passage of RIRSA represents what can happen when a thoughtful process and leaders come together for the people of Rhode Island. This bill is a great step forward as the state continues to work toward a secure path of growth and prosperity. RIRSA represents the culmination of eleven months of thoughtful, fact-based analysis and input from retirees, employees and taxpayers. It is affordable, sustainable and secure. The law provides retirement security to hard working public employees, saves Rhode Islanders approximately $4 billion over the next two decades, keeps costs steady and predictable for taxpayers for decades to come, while sharing the risk fairly among all groups. RIRSA immediately reduces the unfunded liability by about $3 billion and brings the funding status of the state system from 48 percent funded to over 60 percent funded. In addition, RIRSA’s design was rigorously stress-tested through actuarial and legal analyses, and discussed with a wide range of stakeholders across the state.

RIRSA is considered the most aggressive and comprehensive state pension reform and provides a template for other states to follow. Fitch Ratings stated in the November 18, 2011 edition of the Providence Journal, “[a]pproval of broad pension reform by the Rhode Island legislature increases financial stability for the state and may set a precedent for other states.” Several other states — including Kansas, New York and Virginia — have already enacted sweeping structural pension reforms in 2012 and California, Michigan, New Hampshire and Ohio have reforms under consideration.
In June of 2012, various labor unions and retirees brought actions in Providence Superior Court alleging that RIRSA violates the Contract Clause of the Rhode Island Constitution. The lawsuits are currently in the process of being decided. Interested readers can get more information about this Act at: http://www.treasury.ri.gov/secure-path-ri/index.php

Disposition of Entry:

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

Comments/Note to staff:
Summary: Repeals state law requiring the federal approval before allowing online gaming and allows the state to enter into an interstate compact exclusively for online poker, which the Governor believes is allowed under federal law as “interactive gaming.” The bill extends the existing operating licensing fee of $500,000 to online poker operations, but it allows the state’s Gaming Commission to increase the licensing fees to up to $1 million or lower them to $150,000. Under the bill, operating licenses for gaming establishments would only be available to a “resort hotel that holds a non-restricted license to operate games and gaming devices.” It also includes a 5 year operating license ban for companies that illegally participated in online gaming market from 2006-2011.

Status: Became law in February 2013.

Comment: From an article in the *Las Vegas Sun*:

The Nevada Legislature today fast tracked an online gaming bill, declaring it an emergency measure to get it to Gov. Brian Sandoval for a signature today.

After a 90-minute hearing before a joint meeting of the Assembly and Senate Judiciary committees, both houses of the Legislature voted unanimously to pass Assembly Bill 114, which would allow Nevada to move ahead with online poker in the absence of federal action and to join in interstate compacts that would expand the customer base for Nevada casinos. Sandoval signed the bill just before 4 p.m. today. The entire process took less than seven hours.

“We’re going to do it now,” said Assembly Majority Leader William Horne, D-Las Vegas.

“We’re going to beat New Jersey.”

In his State of the State speech, Sandoval declared online poker legislation to be his most immediate priority and called on lawmakers to pass it within the first 30 days of the session. That timetable sped up when New Jersey passed similar online gambling legislation earlier this month. Both states are in a race to become an online gambling hub, hoping to use existing gaming regulations to help new states enter the gaming market.

Shortly before the Senate's unanimous vote Thursday afternoon, Senate Minority Leader Michael Roberson had a few words for New Jersey. "To the great state of New Jersey, Nevada is still No. 1 in gaming and will continue to be," he said. New Jersey Gov. Chris Christie vetoed the first bill passed by the Legislature in his state, but he is expected to sign an amended bill as early as next week.

“This is good-natured competition,” said Pete Ernaut, lobbyist for the Nevada Resort Association, in reference to New Jersey. “If we get there first, fantastic. If we get there within 24 to 48 hours, it’s not a big deal.”
Ernaut said the competition is the “gaming version of the space race.”

“This is a historic day,” Sandoval said before signing the law in the old Assembly chambers, where Nevada first legalized gambling in 1931. “This is the day we usher Nevada into the next frontier of gaming.”

... The unanimous passage came after Sandoval and Horne reached a compromise on how much to charge for an online poker license. Horne had wanted to double the current license fee to $1 million. He backed down from that, agreeing to a compromise that would allow the Nevada Gaming Commission to increase the $500,000 fee in certain circumstances. The legislation would also allow the commission to lower the fee, as needed. That's the opposite of Christie's take. He wants New Jersey to increase its tax rate on Internet gambling revenue.

In an example of the bipartisan support, Sandoval and Horne sat side by side to testify in support of the compromise legislation.

"It makes me proud know we can get in a room and put our heads together and make this happen," Horne said after the bill passed both house.

Republican and Democratic support for the bill helped it sail through the Assembly and Senate to the governor’s desk, where Sandoval could be one of the first governors in the country to sign an online poker bill.

“It is important that we move quickly,” Sandoval said, arguing that Nevada must maintain its edge in being responsive to changes in gaming technology and culture. “Other states are on the verge of approving similar measures. It is vital that we move quickly.”

The online poker law will legalize online gambling for the first time in Nevada, allow Nevadans to play online poker with players in other states, and potentially net Nevada millions of dollars in licensing and other fees….

http://www.lasvegassun.com/news/2013/feb/21/online-poker-bill-moves-forward-nevada-legislature/#ixzz2U8wc3Hue

Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires the superintendent to base all employment related decisions, including dismissal of teachers and administrators, primarily on performance and effectiveness. Limits tenure eligibility to teachers that have been rated “highly effective” for 5 years within a 6-year period starting September 1, 2012. Requires tenure be revoked if a tenured teacher receives an “ineffective” performance rating starting in the beginning of the 2013-2014 school year. Prohibits a pay raise in the year following an “ineffective” performance rating received by a teacher or an administrator.

Status: Became law in April 2012.

Comment: From a press release by Governor Jindal in 2012: “If we want to preserve the American dream for our children, if we want them to do better than we did, it is important that they get a great education. We know that in a global economy they are going to be competing with kids not only from Texas, Georgia, and other states, but they’re going to be competing for jobs with kids in China and other countries around the world. That is why it is so important we give every child in Louisiana a great education.”

HB 974 by Rep. Carter empowers effective teachers, supports ineffective teachers who want to improve, and rethinks district management to prioritize kids not adults:

- Under this law, more specific performance targets that consider student achievement and recruiting and retaining effective teachers would be required in the contracts of superintendents in C, D, and F districts.
- The law also requires school boards to delegate to the superintendent and principals hiring, firing, and teacher placement power and authority to make reductions in force (RIFs) primarily based on effectiveness.
- Additionally, this law gives districts the ability to construct their own salary schedules for new employees based on what they need—such as math teachers, teachers to work at high poverty schools, and performance. Under this law, districts can start rewarding current teachers based on performance and demand.
- The law says layoffs and compensation will now be done based on merit rather than longevity alone.
- The law also makes clear that tenure should be earned and not given automatically. Under this law, teachers would earn tenure after five years of highly effective ratings.

http://gov.louisiana.gov/index.cfm?md=newsroom&tmp=detail&articleID=3377

Disposition of Entry:

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

Comments/Note to staff:
Summary: The goal of this legislation is to raise student achievement by improving instruction through the adoption of evaluations that provide specific feedback to educators, inform the provision of aligned professional development, and inform personnel decisions. The New Jersey Supreme Court has found that a multitude of factors play a vital role in the quality of a child’s education, including effectiveness in teaching methods and evaluations. Establishes a mentoring program to enhance teacher knowledge of, and strategies related to, the core curriculum content standards in order to facilitate student achievement and growth; identify exemplary teaching skills and educational practices necessary to acquire and maintain excellence in teaching.

Status: Became law in June 2012.

Comment: From the New Jersey Star-Ledger in August 2012:

Gov. Chris Christie today signed a contentious bill aimed at toughening the path to tenure for the state's public school teachers, hailing it as a rare sign of bipartisanship.

Christie acknowledged the crucial role the teachers' unions played in getting the bill passed, and he thanked them.

"The fact of that matter is nothing gets done without their input, support and their help," he said. "I know it's not everything they wanted to have happen, and it wasn't everything that I wanted to have happen."

Teachers will have to wait at least four years instead of three — and they will have to earn consistently good grades — to gain tenure. Conversely, they can face firing if they get poor evaluations. However, seniority still has its privileges under the law. New Jersey continues to be one of only 11 states with a last-in, first-out policy for teachers in the event of layoffs.

Christie wanted to eliminate those protections, but agreed to the compromise, which was embraced by the teachers' union.

"This is indeed a historic day," Christopher Cerf, the state education commissioner, said. "It proves education reform need not be a partisan issue. Cerf said that while the state should celebrate the law's passage, the work is not done, and that seniority is "morally indefensible."

"State law requires that we fire a demonstrably better teacher if they are one day less their junior of another," he said.


Disposition of Entry:
SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The bill provides the Georgia Department of Transportation further flexibility with regards to its Design Build program. The Design Build procurement method gives the private sector the ability to utilize innovation in both the design and construction phases of a transportation project. Under the law, the department will have more flexibility to take into account the long-term value of a particular project rather than merely the cheapest upfront cost.

Status: Enacted into law in April 2013

Comment: The lead Senate sponsor of the bill, Senator Steve Gooch, said in an interview with the Forsyth News:

“Gooch, who chairs the Senate Transportation Committee, said he was also pleased with the passage of SB 70, which would give the state’s transportation department the ability to change the types of projects eligible for design-build contracts.

“They would submit the proposal to the DOT and then the DOT could take the best project that is submitted, not necessarily the best price but the best value,” Gooch said.

“This opens up the opportunity for better projects that will be done cheaper and ultimately quicker because of the different technologies that would be implemented into the plan.”

http://www.forsythnews.com/section/1/article/17154/

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation allows pedestrians 18 years of age or older in cities with a population of 2 million people or less to use in-line speed skates on the outer edges of roads with a speed limit of 45 miles per hour or less. Pedestrians using in-line skates may not impede vehicles and must obey existing traffic rules. In addition, the legislation does not preclude in-line skate users from designated bike lanes.

Status: Became law in August 2012.

Comment: Supporters of the legislation say it creates parity for speed skate enthusiasts to use existing bike lanes and it helps improve public safety by removing skaters off sidewalks as their speeds can often top 25 miles per hour.

http://blogs.lawyers.com/2013/01/skaters-on-roads-in-illinois/

Disposition of Entry:

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

Comments/Note to staff:
Summary: Establishes the policy of the State on public-private partnerships (P3s); authorizing a reporting agency to establish a public-private partnership and execute an agreement in connection with specified functions, services, or assets; requiring a reporting agency to adopt regulations and establish processes for the development, solicitation, evaluation, award, and delivery of public-private partnerships.

Status: Enacted into law, April 2013.

Comment: In a February 2012 press release by the Maryland Chamber of Commerce, Lt. Governor Anthony Brown said:

“We think it’s a real opportunity for Maryland,” Lt. Governor Anthony Brown said. “We believe that we can finance six to 10 percent of our infrastructure needs through public private partnerships, if we have a statutory framework that will attract the private sector. Today we don’t.” Similar legislation failed last year. The Maryland Chamber has been a strong advocate for public private partnerships, but we opposed last year’s bill because we felt it didn’t provide an adequate appeals process. Brown said that the Administration worked during the interim with representatives of the business community, finance, developers, labor, local government and more to come up with a balanced plan. The result is this year’s bill, SB 538/HB 560.

… Brown said that changes in this year’s bill include:

- Ensuring that the Board of Public works identifies projects as P3s up front to ensure the business community has confidence that the project will follow P3 rules and expedited process.
- Retaining the same appeals process for P3 projects as traditional projects.
- Setting up a process for businesses to submit unsolicited proposals.
- Eliminating the “whereas clause” that referenced Project Labor Agreements.

http://www.chamberactionnetwork.com/2013/02/lt-governor-brown-discusses-public-private-partnerships/

Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires certain evaluation criteria before entering into a public-private partnership, including comments from users, local citizens and affected jurisdictions, and benefits to the public. Allows private partner to establish as well as collect tolls and other charges. Addresses toll evasion and enforcement.

Status: Enacted into law in April 2012

Comment: An April 2012 news article from the Arizona Republic said:

A toll road won't work if there's no way to make sure the money is collected, Arizona lawmakers decided Wednesday as they moved to plug a hole in Arizona's road-building laws. They sent the governor a measure that authorizes an enforcement mechanism for toll roads and toll lanes, even though the state has yet -- if ever -- to enter the toll world.

Rep. Karen Fann, R-Prescott, said House Bill 2491 would help Arizona build badly needed roads. "We do not have the money to keep up our infrastructure," she said. "If we need more money and we don't want to raise taxes, this is the way to do it."

Lawmakers three years ago approved a bill authorizing public-private partnerships to help build state infrastructure. Toll roads are one of the possible projects. But no one caught the fact the bill lacked a way to ensure tolls were collected. In fact, it included a provision that would have allowed refunds of tolls, particularly for truckers. The bill removes the refund provision and outlines a three-strikes process for collecting money from people who might ignore payment requests.

"A big, big problem with our law is there is no enforcement mechanism," said Kevin Biesty, who lobbies for the Arizona Department of Transportation. He said investors would balk at pouring millions or billions of dollars into a public-private partnership if there was no way to ensure the money was collected. Rep. Carl Seel, R-Phoenix, voted against the bill because he said he feared it would ensnare unwitting motorists. Seel said he wondered how the toll operator would distinguish vehicles, specifically if the state were to charge a toll on a high-occupancy-vehicle lane but still allow a legitimate carpool to use the lane."

Read more: http://www.azcentral.com/arizonarepublic/local/articles/20120404arizona-toll-road-measure-sent-brewer.html#ixzz2RViOHeqc

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation allows the Ohio Turnpike Commission to issue $1 billion in bonds this year and $500 million in five years, backed by tolls, to pay for highway and bridge construction. The final version of the bill also included provisions that would:

- Increase the state’s maximum speed limit to 70 mph on interstate freeways outside of urban areas. Additionally, it sets the maximum speed limit for interstate freeway outerbelts in urban areas at 65 mph and on interstate freeways in congested areas at 55 mph, as determined by the director of ODOT.
- Clarifies that license plates may be made from aluminum, plastic or other suitable materials, in addition to the standard steel.
- Freeze tolls for E-Z Pass trips for passenger cars of fewer than 30 miles at the current rate for the next 10 years.
- Creates the Turnpike Mitigation Program to help communities through which the Turnpike passes resolve issues created by its presence and it requires 90 percent of bond revenue to be used within 75 miles of the Turnpike.
- Enhances penalties for theft involving scrap metal and prohibit scrap dealers from buying from individuals identified as a thief or receiver of stolen property by law enforcement.

Status: Became law in April 2013.

Comment: From a March 2013 press release by the Ohio House of Representatives after the passage of the final conference report: “Substitute House Bill 51 addresses Ohio’s transportation-related needs by prioritizing items that are important to Ohioans,” said State Representative Ross McGregor (R-Springfield), who serves as chairman of the Transportation Subcommittee of the House Finance and Appropriations Committee. “Through the conference committee process, members of both the House and Senate crafted a transportation budget that will bolster one of our state’s most important economic resources—our strong infrastructure. I’m pleased that the House approved the conference report today and took a vital step toward keeping our economy moving.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill alters the distribution of motor fuel tax revenue. It requires that specified motor fuel tax rates be increased on July 1 of each year based on the percentage growth in the Consumer Price Index. HB 1515 limits the increase in specified motor fuel tax rates by a specified amount of the motor fuel tax rate effective in the previous year. Lastly, it requires a specified sales and use tax equivalent rate to be added to specified motor fuel tax rates and collected in the same manner as the motor fuel tax; etc.

The bill alters motor fuel taxes by:

- indexing motor fuel tax rates, except for aviation and turbine fuel, to inflation beginning in fiscal 2014;
- imposing a 1% sales and use tax equivalent rate on all motor fuel except for aviation and turbine fuel beginning in fiscal 2014, increasing to 2% beginning on January 1, 2015, and to 3% beginning in fiscal 2016;
- unless federal legislation on sales tax collection is enacted by December 1, 2015, the sales and use tax equivalent rate increases from 3% to 4% beginning January 1, 2016, and then increases to 5% beginning in fiscal 2017; and
- if federal legislation on sales tax collection is enacted and takes effect by December 1, 2015, the sales and use tax equivalent rate remains at 3% and the state comptroller is then required to distribute 4% of total state sales and use tax revenues to Transportation Trust Fund. This revenue may not be pledged to the payment of consolidated transportation bonds.

Status: Passed by the House of Delegates and Senate in March 2013; still awaiting Governor’s expected signature.

GO TO TABLE OF CONTENTS

Comment: In a March 27th article from the Capitol Gazette…

“O’Malley’s administration said the bill would generate $4.4 billion in transportation revenue by fiscal 2019 and would support 57,200 jobs.

The measure’s supporters say Maryland needs to keep its transportation system competitive with neighboring Virginia, which earlier this month approved a plan to put about $880 million annually into roads and transit.

Opponents attacked the bill’s “lockbox” provision as too weak.

Also, Republican senators voiced concern about the bill’s impact on their jurisdictions, saying that their constituents live far from the high-profile mass transit projects, like the planned Red and Purple (Metro) lines, that will reap most of the benefits from the bill.”…
“House Bill 1515 would hike the cost of gas by 4 cents per gallon in July. By 2017, drivers would be paying around 20 cents more per gallon than they’re paying today, according to an analysis by the Department of Legislative Services.

The plan ties the state’s 23.5-cent-per-gallon excise tax on gas to the inflation rate. It also creates a new sales tax on gas at the retail level, which would be rolled out at 1 percent on July 1. That rate would grow by 1 percent again in January 2015 and in July 2015.

If Congress fails to act on a bill that would allow Maryland to tax Internet sales, the new sales tax would rise to 4 percent in January 2016 and finally to 5 percent in July 2016.

Sen. Richard Colburn, R-Caroline, one of three Republicans on 13-member Senate Budget and Taxation Committee, said that with all the talk surrounding mass transit projects that benefit the west side of the Chesapeake Bay, he’s worried no revenue will come his constituents’ way.

Colburn said no one mentions money for roads on the Eastern Shore or to improve an “old, archaic bridge,” like the Dover Bridge on Route 331.

“If you were a rural legislator representing the Eastern Shore,” Colburn asked O’Malley’s Chief of Staff Matthew Gallagher, “Why would you vote to raise the gas tax?”…

“O’Malley’s bill would allow him to use the funds for non-transportation purposes if he had the support of a three-fifths majority vote in committee. That requirement can also be changed by additional legislation.”

http://m.capitalgazette.com/news/government/opponents-hope-for-small-change-as-senate-panel-hears-big/article_3f7fc589-17ab-59a1-a1e8-4559fbb4c66e.html

Disposition of Entry:

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

Comments/Note to staff:
14-34B-07 Elimination of Motor Fuels Tax/Changes for Transportation Revenues  Virginia
Bill/Act: HB 2313

Summary: The legislation eliminates the $0.175 per gallon tax on motor fuels and replaces it with a percentage-based tax of 3.5 percent for gasoline and 6 percent for diesel fuel. It also raises the state sales and use tax from 4 percent to 4.3 percent and designates the increased revenues for the Highway Maintenance and Operating Fund, Intercity Passenger Rail Operating and Capital Fund, and the Commonwealth Mass Transit Fund. In addition, it imposes a $64 annual registration fee on alternative fuel vehicles, among other provisions.

Status: Became law in April 2013.

Comment: In a recent April 2013 press release from Gov. McDonnell, he noted more than 60 local transportation and business groups supported the new funding plan by increasing sales taxes and wholesale fuel taxes on gasoline and diesel. He said, "At the beginning of the 2013 session, I proposed legislation for major reforms and new funding for transportation in the Commonwealth," Governor McDonnell said. "I asked the General Assembly not to leave without passing a plan to fix our transportation infrastructure. Working across party lines in both bodies of the General Assembly, the legislature reached a major agreement that will provide over $3.5 billion in additional funding statewide, as well as additional regional funding in heavily congested Hampton Roads and Northern Virginia."


The plan drew opposition from conservative groups have come out in strong opposition to the plan saying it will raise taxes by some $6 billion and that the gas tax funding would revert back to the old model should the Congress not pass an internet sales tax collection bill.


Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill makes several changes and additions to current school violence laws, while removing criminal or civil liability for school personnel that make a good faith effort to end altercations between students. It requires school boards to develop policy for personnel when intervening in disputes between students. New criminal misdemeanor penalties and fines were established for students that harass school personnel through cyber-bullying. Among many provisions, it makes it unlawful for students to:

- Create a fake social media profile or website about a teacher/school personnel.
- Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee.
- Post a real or doctored image of the school employee on the Internet.
- Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords.
- Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
- Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a school employee.

Status: Became law in July 2012.

Comment: The first of its kind bill was opposed by the ACLU on grounds they believed it would limit a student’s First Amendment free speech rights. From a December 2012 article in the Charlotte Observer:

“A new cyberbullying law with roots in Charlotte makes it a misdemeanor for students to commit various online offenses against school employees, such as creating false profiles, signing them up for Internet porn or posting personal images and private information.

The law, which took effect Dec. 1, breaks new ground nationally. The American Civil Liberties Union says it’s the first in the nation to impose criminal penalties on students for such actions.

Controversy is already churning over whether that’s a point of pride or shame.

Some teachers say it provides a weapon against online attacks that can be emotionally and professionally devastating. While belittling teachers is as old as the one-room schoolhouse, malicious material on the Web has a far greater reach than whispered nicknames, bathroom graffiti and caricatures scrawled on notepaper.

“The more access kids have to computers, we found that it was getting more pervasive,” said Judy Kidd, an Independence High teacher and head of the Charlotte-based Classroom Teachers Association.
She persuaded state Sen. Tommy Tucker, a Republican from Waxhaw, to introduce the bill. It passed with strong bipartisan support.

Tucker said teachers need protection from students who use the Internet to spread false accusations. “These children are bright and conniving,” he said.

The ACLU of North Carolina is gearing up to fight, urging students who are charged to call.

“Nobody else feels like it’s necessary to criminalize student speech online,” said ACLU policy director Sarah Preston. Students 16 and older could go to jail for up to 60 days, she noted – even for posting true statements.

“Essentially, what we’re teaching students is it’s not OK to criticize government officials,” Preston said.”

http://www.charlotteobserver.com/2012/12/01/3700359/nc-may-be-first-state-to-charge.html

Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation’s intent is to streamline the procedures for reviewing applications for the modification or collocation of wireless communications facilities and wireless support structures.

Status: Became law in October 2012.

Comment: From a press release of the bill sponsor, Senator Mike Folmer:

“Senator Mike Folmer's (R-48) Senate Bill 1345, which streamlines the collocation of cell phone towers onto existing facilities rather than installing them on new, freestanding structures, has passed the state Senate by a vote of 48-1. The bill now goes to the House.

Cell phone providers would be allowed to modify or replace cell phone equipment as long as the changes would not increase the height of cell phone facilities by more than 10 percent or 20 feet - whichever is greater. Municipalities would also be precluded from imposing (new) additional requirements when cell phone providers add to existing facilities, and when processing applications, municipalities would have 90 calendar days to make a decision on collocation requests.

The legislation is in response to a federal law which mandates collocation but allows states and local governments to establish standards for the safe and secure construction and location of wireless facilities.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: This bill requires the lieutenant governor (the executive branch official in charge of elections in Utah) to conduct a study regarding a registered voter signing a petition regulated on the Internet for ballot propositions.

Status: Became law in March 2012.

Comment: The bill was supported by several voter registration and advocacy groups as a way to allow more access and ease for citizens to get involved in government.
Summary: The purpose of the legislation, which was drafted and approved by the Uniform Law Commission (ULC) in 2010, is to provide the state with a law that will provide an effective remedy in the event a state presidential elector fails to vote in accordance with the voters of his or her state.

Status: Became law in April 2011.

Comment: From a press release by the ULC: “Montana has recently become the first state in the country to enact the Uniform Faithful Presidential Electors Act (UFPEA), an important new state law designed to address the rare but potentially harmful problem of presidential electors who do not vote faithfully for their parties’ candidate. UFPEA, introduced by Sen. John C. Brenden (R-Scobey) as SB 194, was signed into law by Montana Governor Brian Schweitzer on April 15…

The Act includes a state-administered pledge of faithfulness, with any attempt by an elector to submit a vote in violation of that pledge, effectively constituting resignation from the office of elector.

- The Act provides a mechanism for filling a vacancy created for that reason, or any other.
- The Act provides the voters of the state with the confidence that the votes they have cast will be honored when the Electoral College meets to decide the outcome of presidential elections.
- The Act prevents political parties and candidates from engaging in dishonest behavior in order to sway the outcome in favor of one candidate.

The Uniform Faithful Presidential Electors Act creates a relatively simple process by which electors commit to vote as the popular will and the parties they represent intend, and to prevent the potentially damaging consequences of rogue elector voting. Its provisions will ensure the orderly operation of states’ Electoral College voting, and protect the will of the people as expressed in the election.”


Disposition of Entry:

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

Comments/Note to staff:
*17-34A-01 Warrant to Use GPS Tracking Virginia
Bill/Act: H 1298 (Chapter 636)

Summary: This Act provides the authority and protocol for law-enforcement officers to use GPS devices to track people.

Status: Became law in 2012.

GO TO TABLE OF CONTENTS

Comment:

Disposition of Entry:

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

Comments/Note to staff:
Summary: Florida became the first state in the country to have a measure that limits how state police can use drones equipped with surveillance cameras and other monitoring equipment. The only situations where police will be allowed to use drones without a warrant is if there is an imminent risk to property or life or if the U.S. Department of Homeland Security declares a high risk of a terrorist attack.

Status: Was signed into law in April 2013.

Comment: From an April 2013 article in the *Tampa Tribune*:

The Florida Senate today unanimously passed a bill limiting law enforcement's use of the remotely controlled aircraft known as drones — not that anybody's using them yet.

Senate spokeswoman Katie Betta said the House will get Sen. Joe Negron's bill (SB 92) by the end of Thursday. And Gov. Rick Scott said in a statement he would sign the bill into law.

“I believe that privacy should be protected,” Scott said. “… This law will ensure that the rights of Florida families are protected from the unwarranted use of drones.”

But even if it becomes law, the bill won't have much of an immediate effect.

“It's an emerging technology,” said Negron, a Stuart Republican. But “there's going to be an explosion of drones.”

Drones are aircraft piloted remotely and known from their use by the U.S. against military targets and suspected terrorists overseas.

Three Florida agencies are on the Federal Aviation Administration's most recent drone license application list: Miami-Dade Police and the Orange and Polk counties sheriff's offices.

A legislative staff report said Polk County mothballed its drone earlier this year because of costs. A Miami-Dade police lieutenant last month said his agency hasn't used its drones, and reports show that Orange County also hasn't used them.

In any case, these aren't your Uncle Sam's drones.

For example, Miami-Dade has two Honeywell T-Hawks, described on the manufacturer's website as each “weighing under 20 pounds and fitting in a backpack.”

In contrast, the Predator drones flying over Afghanistan have a roughly 50-foot wingspan, weigh up to 2,300 pounds and can carry Hellfire missiles.
Police generally want drones for surveillance. They're small, quick, quiet and can carry microphones, and regular and heat-sensitive cameras.

Negron's bill restricts using drones to the prevention of imminent danger to life — a kidnapping or a missing child — or serious damage to property. It also makes police get search warrants before using drones to collect evidence. An exception would be a “credible threat” of terrorist attack.

The Senate bill was approved 39-0, and had passed through all its committees unanimously.

Negron said he was concerned about protecting the rights of law-abiding residents. He mentioned that surveillance drones were already being used by animal-rights groups to monitor hunters in other countries.

“We don't want to have hundreds of drones hovering in the sky monitoring the lawful activities of Florida citizens,” he said. “That's not something that's consistent with the American experience.”

Ron Bilbao, lobbyist for the American Civil Liberties Union of Florida, said he's comfortable with the legislation but still worries about what happens with all the information the drones will accumulate and how long it is kept.

For now, “we're happy with it,” he said.


Disposition of Entry:

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

Comments/Note to staff:
76-34B-02 Police Warrants for Aerial Surveillance

Idaho

Bill/Act: Senate Bill 1134

Summary: Upon bill passage, Idaho became the first state to require police to obtain warrants before using surveillance drones over homes, businesses or farm fields.

Status: Was signed into law in April 2013.

GO TO TABLE OF CONTENTS

Comment: From an April 2013 Reuters article:

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.

http://www.reuters.com/article/2013/04/12/us-usa-drones-idaho-idUSBRE93B03S20130412

Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill enacted a two-year moratorium on drone use by police and regulatory agencies, however, exceptions were included for disaster response efforts, missing-person searches/Amber alerts, and National Guard training exercises.

Status: Was signed into law in April 2013.

Comment: Virginia became the first state in the nation to pass legislation banning the use of aerial drones. From a February 2013 article in US News and World Reports:

The Virginia General Assembly passed a bill Tuesday that will put a two-year moratorium on the use of drones by state and local law enforcement. If signed by Gov. Bob McDonnell, Virginia will become the first state in the U.S. to enact drone regulations.

Virginia House Bill 2012 easily passed Monday by a vote of 83-16 and its companion, Senate Bill 1331, passed Tuesday by a vote of 36-2.

The measures require that no state or local law enforcement agency "shall utilize an unmanned aircraft system before July 1, 2015." In cases where there is a "major disaster" or Amber Alert, a search and rescue operation using police drones may be used when "necessary to protect life, health, or property."

Both bills are largely pared down from earlier drafts, which would have required law enforcement to obtain government permission to purchase a drone and a warrant in order to operate the unmanned aerial vehicles.

Claire Gastanaga, director of the Virginia branch of the American Civil Liberties Union, says law enforcement and privacy groups couldn't agree on the more extensive drafts.

"We folded it into the moratorium bill because we just couldn't come to consensus with all the stakeholders. Frankly, the law enforcement folks were saying they didn't want to go beyond the bare privacy protections the fourth amendment allows," says Gastanaga, who helped write the bill. "This preserves the status quo, and allows us to go slow, and gives us the time to show everyone why we'd want to require a warrant to use this technology. The idea with the moratorium is we'll get everyone to the table to agree on regulations, then we'll come back next session."

Charlottesville, Va., became the first city in the United States to pass anti-drone legislation, passing a resolution banning drone use on Monday. That resolution included language that "endorses the proposal for a two-year moratorium on drones in the state of Virginia."
One potential hang-up is McDonnell, who said last summer that use of drones by law enforcement agencies would be "great" and "absolutely the right thing to do." Gastanaga says her group's work has stemmed from those comments.

"With such as strong bipartisan vote, I'm hoping he will sign the legislation," Gastanaga says.


Disposition of Entry:

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

Comments/Note to staff:
Bill/Act: **SB 431**

Summary: Senate Bill 431 makes it a Class C misdemeanor to use fraudulent military records to obtain benefits intended for those who have actually served in the military.

Status: Became law in June 2011.

Comment: The bill seeks to correct what supporters say was a deficiency in the original federal Stolen Valor Act, which made it a crime to lie about military service awards or distinctions like receiving a Purple Heart. That bill was ultimately struck down as unconstitutional because it was ruled such a law violated free speech rights. The 9th U.S. Circuit Court of Appeals reaffirmed that ruling in 2011. Instead of prosecuting the embellishment of a military service record, the Texas law makes it a crime to use a fraudulent military record to gain priority services or unmerited benefits. From a 2011 *San Antonio Express-News* story:

> U.S. Army veteran George McEntyre figured out something that eluded Congress when lawmakers drafted and passed the Stolen Valor Act: how to make such a law stick. He's been the driving force behind a Texas Senate bill that would make it a crime to lie about serving in the military in order to make a material gain….  

> “There's nothing out there” preventing braggarts from embellishing their service records or otherwise lying about military duty, he told me Friday. “There's not even a threat.” He drafted a proposal that Houston-area Republican Sen. Mike Jackson shaped into Senate Bill 431. The legislation makes it a crime to use a fictitious or fraudulent military record to gain priority in services or other material benefit. The bill, which passed the full Senate earlier this week, makes the offense a Class C misdemeanor….  

> “People think this is a victimless crime,” McEntyre said. “But (the liars) are victimizing all of us in our good nature, our willingness to help other service members.”


Disposition of Entry:

SSL Committee Meeting: (B)

( ) Include in Volume

( ) Defer consideration:

( ) next SSL mtg.

( ) next SSL cycle

( ) Reject

Comments/Note to staff:
Summary: Provides that any federal laws, rules, executive orders and other specified federal authority restricting ownership of and otherwise regulating firearms and firearm accessories which remain exclusively within this state shall be unenforceable within the borders of this state as specified.

Status: Became law in April 2012.

Comment: From a February 2013 New York Times article regarding state responses to new executive orders on gun control and proposed federal gun control legislation:

In Wyoming, home to some of the country’s least restrictive gun regulations, a bill to exempt the state from any new gun-control laws sailed through the Republican-controlled House by a vote of 46 to 13 and is now headed to the State Senate.

The measure, called the Firearm Protection Act, declares that any new gun-control laws or executive orders that ban semiautomatic weapons or limit ammunition clip sizes are “unenforceable” in Wyoming. Any federal agent who tries to enforce gun-control measures would be guilty of a felony punishable by five years in prison and a $5,000 fine. It also allows the state’s attorney general to defend Wyoming residents prosecuted for violating federal gun laws.

“I don’t want to see federal agents arrested. That’s not the goal,” said Representative Mark Baker, a Republican from southwest Wyoming. “It gives us a way to challenge them.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: Touted by proponents as the nation’s toughest gun laws in response to the tragic shooting at Sandy Hook Elementary, the legislation puts new sweeping restrictions on the sale of weapons, ammunition and ammunition magazines in the state. The legislation would require universal background checks for purchasers of all firearms, and would immediately expand the state's existing ban on “assault weapons.” Large capacity magazines would be prohibited and existing magazines would have to be registered with the state by Jan. 1, 2014. Beginning Oct. 1, all purchases of ammunition and long guns would require an eligibility certificate. To obtain certification to buy ammunition, purchasers would have to pass a federal criminal background check. The legislation also includes a dangerous weapons offender registry.

Status: Was signed into law in April 2013.

Comment: From an April 2013 article in USA Today:

Connecticut Gov. Dannel Malloy signed the nation's most far-reaching gun control bill Thursday, the ceremony in Hartford concluding several emotional weeks of debate and compromise since the state was rocked and the world stunned by the mass murder of children in Newtown.

"This is a profoundly emotional day for everyone in this room," Malloy, a Democrat, said moments before signing the bill. He added that he hoped the state's bipartisan effort would provide an example for Congress.

"When 92% of Americans agree that every gun sale should be subject to a background check, there is no excuse" not to make it federal law, Malloy said.

The Connecticut law adds more than 100 weapons to the state's ban on assault weapons, limits the capacity of ammo magazines and requires background checks for all weapon sales, including at gun shows.

It also establishes the nation's first statewide registry for people convicted of crimes involving dangerous weapons. Access to the registry would be available only to law enforcement.

Nicole Hockley's 6-year-old, Dylan, was among the 20 children who died when Adam Lanza began shooting inside Sandy Hook Elementary on Dec. 14. He also killed six adult staff before killing himself. Hockley said she appreciated the bipartisan political effort that led to the law.

"While I am grateful for the progress being made, I wish more than anything that I was just back at home waiting for both Dylan and Jake to come home from school," she said.
Hockley said her effort to press the law forward was one way to honor her son's life. "We want Newtown to be known not for tragedy, but for transformation," Hockley said.

The state House voted early Thursday in favor of the 139-page bill crafted by leaders from both major parties. The bill passed the Senate in a 26-10 vote Wednesday. Both bodies are Democrat-controlled.

The bill drew angry protests at the Capitol this week, with some gun rights supporters booing leading advocates of the bill. But in Newtown the bill and the bipartisan effort involved in its passage were warmly received.

Lt. Gov. Nancy Wyman on Thursday thanked the families of all the victims for their leadership in the effort. "I've been amazed at the strength of the families since that day at Newtown," said Wyman, a Democrat. "Today won't make up for all that went on that day. But I have gained so much strength from these families, and I thank you."

Newtown First Selectman Pat Llodra, the town's chief executive officer and a Republican, said she is "pleased for the most part" with the legislation.

"It includes action on some of the most critical elements in gun control and certainly signifies to the rest of the country — and maybe the world — that significant, meaningful change can come about through the political process," Llodra said.

The bill was drawn up by a bipartisan task force assembled after the Dec. 14 Newtown massacre.

"The tragedy in Newtown demands a powerful response, demands a response that transcends politics," said Senate President Donald Williams.

While Republican state Sen. John Kissel of Enfield acknowledged that "you just can't have a heart at all if you don't feel for the families and friends and neighbors of the victims of that Newtown massacre," he expressed concern that the law is ultimately harmful to lawful gun owners.

"When it comes to further regulations on guns and ammunition in one of the states that's touted as having, right now, some of the most tough gun laws in the United States of America, I think it goes one step too far," said Kissel, who opposed the bill.

But Wyman said the intent was not to take away anyone's rights. "The intent is simply to keep guns out of the hands of people who should not have them," she said.

Among the law's provisions are a requirement of eligibility certificates for the purchase of any rifle, shotgun or ammunition. Penalties for illegal possession and firearms trafficking would also be significantly increased.
In addition to the controls on guns and ammunition, the law sets safety standards for school buildings, allow mental health training for teachers and expand mental health research in the state.

The law does not ban large-capacity magazines outright, but grandfathers them in from Jan. 1, 2014. The magazines can be loaded only with 10 or fewer rounds, except in the owner's home or at a shooting range. Owners must register the magazines by year's end.

Thursday would have been the 7th birthday of Ana Marquez-Greene, who died at Sandy Hook. In an op-ed column appearing Thursday in USA TODAY, her parents, Jimmy Greene and Nelba Marquez-Greene, write:

"We don't need new laws to begin strengthening the bonds of family and community. We can be more giving, loving parents, friends and neighbors. We can offer love to those who are outcasts or alone. We can look to God and form an eternal relationship built from nothing but love.

"But we must do more. Today (Thursday), the governor of our home state of Connecticut will sign historic bipartisan legislation designed by legislators to make our communities safer. Their cooperative spirit should be a model for Congress, when the Senate considers legislation next week to reduce gun violence."


The Coalition of Connecticut Sportsmen recently filed a lawsuit in U.S. District Court against the bill on the grounds that it violates their Second Amendment rights.

http://www.reuters.com/article/2013/05/23/us-usa-guns-connecticut-idUSBRE94M15D20130523

Disposition of Entry:

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

Comments/Note to staff:
Summary: The expansive law bans semiautomatic rifles that have more than one of the so-called military-style features, including: pistol grip, folding stock, flash suppressor, thumbhole stock, bayonet mount and a second hand grip that can be held by the non-trigger hand. The law also includes bans on several types of semiautomatic shotguns and pistols and places new restrictions on the capacity limits of magazines from 10 to seven bullets. Any 10 round clip owned before the law went into effect can be kept, but all future ammunition purchases require a background check from a licensed gun dealer. Private gun sales are allowed but background checks must be done by a licensed dealer. No weapons that were legal before the ban was signed into law will be confiscated, but they must be registered with the state police within 12 months. The bill includes several mental health provisions including one that requires professionals to report the names of patients who are “likely to engage in conduct that would result in serious harm to self or others.” When a report is made, the state can suspend a suspected individual’s firearms license as well as remove their weapons. It also expands the treatment and assessment protocols for Kendra’s Law which allows state courts to order certain individuals with serious mental illness and a history of violence or multiple hospitalizations to stay in treatment while living in the community.

The SAFE Act was recently amended. The amendments include the following changes to the law:

- Suspending the requirement that only magazines that can contain 7 rounds or less can be purchased. Going forward, magazines can be purchased that can contain up to 10 rounds. Magazines may only contain up to 7 rounds regardless of their capacity, unless an individual is at an incorporated firing range or competition.
- Clarifying that active law enforcement continues to be exempt from the prohibitions on the possession of high capacity magazines, assault weapons, and magazines containing more than 7 rounds, as well as the law prohibiting weapons on school grounds.
- Ensuring that local safe storage laws are not preempted by the SAFE Act.

Status: Was signed into law in January 2013.

Comment: From an article by CNN last January after the Governor signed the legislation:

Gov. Andrew Cuomo beefed up New York's gun-control laws on Tuesday by signing into law a new package of firearm and mental health regulations that mark the nation's first since last month's massacre in Newtown, Connecticut.

Cuomo, a self-described gun owner, said the December 14 tragedy spurred lawmakers to action and called it a "common sense" measure before enacting what are widely seen as America's toughest gun laws.

"You can overpower the extremists with intelligence and common sense," he said before inking the deal in Albany.
The laws fortify New York's existing assault weapons ban, limit the number of bullets allowed in magazines and strengthen rules that govern the mentally ill, which includes a requirement to report potentially harmful behavior.

Both the GOP-controlled Senate and Democrat-dominated Assembly approved the measure by overwhelming margins just one week after Cuomo spelled out the proposals in his annual State of the State address.

The first-term Democratic governor had called for a tightening of the assault weapons ban, background checks for people who purchase guns privately and more restrictions on high-capacity magazines.

But the new measures drew ire from the nation's largest gun lobby over the speed with which the bill was passed in the new legislative session.

The National Rifle Association accused Cuomo and other state lawmakers of orchestrating "a secretive end-run around the legislative and democratic process."

After two days of voting in the state Legislature, Cuomo signed the deal around 5 p.m. before telling reporters that speed had been essential so as not to create a rush on the gun market.

"There has been all sorts of reports that even the contemplation of this law caused an increase in (gun) sales," he said. "That would have been the exact opposite of what we were trying to achieve."

The new laws include a statewide gun registry and a uniform licensing standard, altering the current system in which each county or municipality sets its own standard.

Residents are now restricted to purchasing ammunition magazines that carry seven bullets, rather than 10.

It remains unclear what effect the measures will have on New York's already stringent approach to gun control.

"The changes in New York are largely cosmetic," said CNN legal analyst Paul Callan, who described existing regulations as "the toughest gun laws in the United States."

"The one change that arguably will have the greatest impact is the amendment to Kendra's Law, which will permit closer monitoring of the mentally ill."

That 1999 law grants New York judges the authority to require residents to undergo psychiatric treatment if they meet certain criteria.

The new measures will extend Kendra's Law through 2017, expand outpatient treatment from six months to a year and require reviews before such treatment is allowed to expire.
New York's mental health professionals will be governed by a new and controversial set of rules that require them to report their patients to the state should those patients exhibit behavior suggesting that they could be harmful to themselves or others.

"We're opening up an unprecedented window into what goes on in the therapy room," said Dr. Paul S. Appelbaum, director of the Division of Law, Ethics, and Psychiatry at the Columbia University College of Physicians and Surgeons.

"It would effect a major change in the usual presumptions of confidentiality."

The bill creates mandatory life sentences for anyone who murders certain first responders, a provision that comes after two firefighters were killed in an ambush as they battled a blaze in upstate New York.

The vote coincides with a series of recommendations put together by Vice President Joe Biden meant to address the nation's gun violence.

Lawmakers in at least 10 other states are reviewing some form of new gun regulations in the new year.


Disposition of Entry:

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

Comments/Note to staff:
Summary: The Safe 2 Tell Program, first created in 2004, is a 501c3 not-for-profit organization based on the Colorado Prevention Initiative for School Safety with initial funding from The Colorado Trust. The goal of the program is to provide students a venue to anonymously report any threatening behaviors or activities endangering them or someone they know. The legislation amends the organic statute for the program by clarifying that all students may report information in various forms including text messaging, emails, web forms, etc. and that the information is protected from being publicly released. Further, only certain circumstances will allow the information to be subpoenaed in legal proceedings.

Status: Became law in March 2012.

Comment: From a May 2012 press release by a Colorado community group, School Safety Summit:

“Prompted by the Columbine High School tragedy in 1999, a study conducted by the U.S. Secret Service and Department of Education found that in 81% of dangerous or violent incidents in schools, someone other than the attacker knew the incident was going to happen but did not report or act on that knowledge.

Calls from students to Safe2Tell have helped prevent 28 planned school attacks in Colorado over the past 8 years.

Many other tragedies have been prevented as well. Since its inception in 2004, Safe2Tell has received over 9,800 calls, of which 1,257 were reports of bullying and 641 were reports of suicidal behavior or suicide threats.”

http://schoolsafetysummit.org/2012/02/17/colorado-senate-passes-safe2tell-school-safety-bill/

Disposition of Entry:

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

Comments/Note to staff:
Summary: This legislation outlaws and establishes criminal penalties for the creation, manufacture, and possession of homemade tire deflation devices used to evade arrest.

Status: Became law in June 2011.

Comment: The bill’s sponsor, Senator Juan Hinojosa, issued the following press release after Senate passage in 2011:

"The intent of this legislation is to hand down proper punishment to those who put innocent motorists and law enforcement officers in harm's way. This issue needed a solution, and I am glad to have the unanimous support of my fellow Senators.

"Criminals are endangering the lives of our law enforcement agents and creating a hazardous condition for other motorists with these homemade caltrops. With today's vote, we are one-step closer to outlawing these weapons in Texas.

"This effort has the support of our local law enforcement, and in working together with my colleagues, we are able to address the security issues affecting South Texas by increasing our border security and law enforcement efforts.

"Let's continue our fight to secure our border and give law enforcement the tools they need to protect the public."

http://www.hinojosa.senate.state.tx.us/pr11/p041111a.htm
Summary: The law seeks to create uniformity and in efficiency in the just resolution of custody issues when an a member of the armed service is deployed by trying to balance of interests and protecting the rights of the service member, the other parent, and above all the best interest of the children involved. The bill is organized into five articles with the first containing definitions and provisions that apply generally to custody matters of service members. It also includes a notice provision requiring parents to communicate about custody and visitation issues as soon as possible after a servicemember learns of deployment. Article 2 sets out a simplified procedure for parents who agree to a custody arrangement during deployment to resolve these issues by an out-of-court agreement. In the absence of an agreement, Article 3 provides for an expedited resolution of a custody arrangement in court. Article 3 also declares that no permanent custody order can be entered before or during deployment without the servicemember’s consent. The fourth article governs termination of the temporary custody arrangement following the servicemember’s return from deployment, and the last article contains provisions on effective date, transition, and other language common to all uniform acts.

Status: Became law in March 2013.

Comment: North Dakota was the first state to pass the uniform act developed by the Uniform Law Commission (ULC). The ULC has noted the Department of Defense has expressed concern with the detrimental impacts disparate custody statutes can have on their personnel who are single parents and face multiple overseas deployments.

According a memo provided to the ULC,

“Currently, in the absence of an explicit statutory directive, there is considerable variation in how courts approach custody issues on a parent’s deployment. Many courts will grant custody to the other natural parent for the duration of the deployment, even over the wishes of the deploying parent; some courts, however, will grant custody to the person that the service member wishes to designate as custodian, such as a grandparent. In cases in which the other parent has been granted custody, on the service member’s return, some courts are loath to overturn a custody arrangement that is relatively stable – even one originally deemed only “temporary” – unless the child is shown to be significantly worse off living with the non-deployed natural parent. The result is a system in which there is considerable variability among courts when it comes to the treatment of deploying parents, and in which deploying parents are sometimes penalized for their service without clear gains for their children.”


The ULC believes that North Dakota’s approach will help military service throughout the states surrounding deployment, child custody, and visitation issues.
Disposition of Entry:
SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Summary: The legislation establishes a voluntary surveillance access database. Under the bill, homeowners and business owners could participate in a program that permits private security cameras or other electronic video surveillance systems to be made available to law enforcement agencies to help solve crimes and apprehend criminals.

Status: Became law in August 2012.

Comment: From a joint press release by Senator Martin Golden and Assemblyman Michael DenDekker:

Under the new initiative, homeowners, business owners, and other parties will be given the opportunity to provide the state registry with the camera’s geographical location, as well as contact information for the camera owner. Because law enforcement and crime prevention activities are time sensitive, so is the new registry. Before the database was established, police officers and other law enforcement professionals had to go door-to-door, requesting the location of the cameras (and their contents) from employees, superintendents, landlords, and home owners. This innovative program provides law enforcement with easier access to this vital information.

“Following the horrific events in Boston last month, and the brutal murder of young Leiby Kletzky in 2011, making video surveillance more readily available to police and homeland security is a no-brainer,” said State Senator Martin J. Golden. With this legislation, we give businesses and home owners the opportunity to take part in directly protecting their communities. I applaud Governor Cuomo for signing this bill into law. I want to thank Assemblyman DenDekker for taking the lead on this in the Assembly, and I am proud to have sponsored it in the Senate.”


Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill amends state insurance law to allow the Department Superintendent to issue certificates to a charitable bail organization to deposit money as bail under certain circumstances.

Status: Became law in July 2012.

Comment: From a press release issued by Senator Gustavo Rivera after the bill became law:

The bill will allow charitable organizations to post bail for individuals who cannot afford to do so themselves. This legislation was carried in the Assembly by Assembly Member Jeff Aubry (D-Queens).

"I want to thank Governor Cuomo for working with Assembly Member Jeff Aubry and me to make the justice system fairer for working class people by making it legal for charitable organizations to post bail for those who cannot afford to do so themselves" said Senator Gustavo Rivera "Both in the Bronx and throughout New York, working people plead guilty to misdemeanors, despite their innocence, because they can't afford bail and are trying to avoid the devastating consequences that come with jail time while awaiting trial such as job loss, child custody issues or eviction. The alternative is just as bad or worse - an unwarranted conviction on their record. This law takes an important step toward leveling the playing field for working people and creating a more just bail system."….

S7752/A 10640-B was based on a pilot project in the Bronx where a fund called the Bronx Freedom Fund was created and functioned for three years posting small amount of bail for individuals who could not afford it. The result was that 95% of people bailed out returned to every court date, and 50% of clients had their cases dismissed or had cases not result in criminal convictions.


Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires the state to fund only certain home visiting programs for improving parent and child outcomes laid out in the state budget, and it mandates that at least 75 percent of state funding for home visiting programs be made available to evidence–based programs. Home visiting programs would be required to submit regular reports and the Governor’s Office for Children would be directed to develop reporting and monitoring procedures. The agency and the Governor’s Children’s Cabinet must issue a report to the General Assembly on the implementation and outcomes of such home visiting programs.

Status: Became law in May 2012

Comment: From a May 2012 press release by the Pew Charitable Trusts:

“In April, Maryland lawmakers unanimously approved legislation that creates one of the best systems in the nation for investing home visiting dollars effectively.

The new law strengthens the state’s ability to get the full, cost-saving benefits of home visiting, such as fewer low-birthweight babies, lower rates of child abuse and neglect, improved school achievement and more self-sufficient families. Through these reforms, Maryland’s home visiting investment should deliver results for participating families and solid returns for taxpayers.

The Home Visiting Accountability Act requires that at least 75 percent of funds go to programs with a record of achieving one or more meaningful family outcomes laid out in the Act. The remainder of the state’s investment may support programs that show promise but are still undergoing evaluation. Since no single home visiting model has been proven effective with all at-risk families and across all outcomes, encouraging innovation through promising programs is vital.

The Act also improves the state’s oversight by requiring that all programs report on the state funds spent, the number and characteristics of families served and child and parent outcomes produced. These data allow the state to track the performance of home visiting programs and refine its funding strategy from year to year. …

Maryland’s reforms are based on a policy framework developed by the Pew Home Visiting Campaign. Pew’s nationwide survey of states’ home visiting programs found that most lacked policies that link funding to program effectiveness and that few adequately monitored family outcomes.

The Act is supported by a broad coalition including policy makers, state agency staff, advocates, home visiting providers, and leaders in the health care and business communities. … The governor also restored $2.24 million in home visiting funds that had been part of cuts proposed earlier in the 2012 session.”

Disposition of Entry:

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

Comments/Note to staff:
Bill/Act: **SB 149**

Summary: The law requires drug tests whenever state officials have a reasonable suspicion that someone receiving or applying for welfare or unemployment benefits is using drugs. Suspicion could be raised during addiction screening by the Department for Children and Families or by missed meetings or criminal records. Recipients of state benefits would not receive assistance until they complete a drug treatment program and a job skills training.

Status: Was signed into law in April 2013.

Comment: From an article published by the Kansas Health Institute news service:

Senate Bill 149, which passed the House and Senate by large majorities, would allow officials to order the screening if they have a "reasonable suspicion" that an applicant or recipient of the benefits is using a "controlled substance." Commonly used recreational drugs such as marijuana would fall in that category, but not alcohol.

Those who test positive would be required to complete job training and substance abuse programs. Failure to complete the programs would make the person ineligible for benefits. Those who refuse to be tested also would be ineligible.

Currently, about 23,000 people are collecting Kansas unemployment benefits through the Kansas Department of Labor. About another 23,000 people are receiving so-called "cash assistance" through the Temporary Assistance for Needy Families program, which is federally funded but administered here by the Kansas Department of Children and Families.

"Drug addiction is a scourge in Kansas," the governor said at the bill signing ceremony. "It's a horrific thing that hits so many people. What this effort is about is an attempt to get ahead of it — instead of ignoring the problem, start treating the problem."

Brownback and other officials said details of how the law would be implemented won't be known until rules and regulations for it have been approved. The new policy is scheduled to be in place no later than Jan. 1, 2014.

Kansas is following a recent trend.

Missouri officials passed a similar measure in 2011. That year, more than three dozen states considered new drug screening laws tied to public benefits and three states passed them, according to the National Council of State Legislatures.

Sen. Jeff King, the Independence Republican who was SB 149's chief sponsor, said the Kansas law would be a bit different than those elsewhere because of its emphasis on treatment and job training.
"This is the most treatment-friendly drug testing bill in the country," King said, flanking the governor at the Statehouse press conference.

A bill that called for random testing of welfare beneficiaries was considered by the 2010 Kansas Legislature but did not pass. It was promoted by Rep. Kasha Kelley, an Arkansas City Republican.

Laws that call for random or so-called "suspicionless" testing are ripe for court challenges, according to civil liberties experts. In February, a federal appeals court upheld a Florida judge's halt to that state's 2011 law on grounds it was discriminatory and unconstitutional.

When the new Kansas law was being considered by the Legislature, spokespersons for the Kansas Association of Addiction Professionals and the Kansas Chapter of the National Association of Social Workers said it had shortcomings but stopped short of opposing it.


Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires the Superintendent of Public Instruction to develop an Academic Performance Index (API) that measures the performance of schools and the academic performance of pupils. Require the Superintendent to annually provide to local educational agencies and the public an explanation of the individual components of the API and their relative values, as specified, and would prohibit an additional element from being incorporated into the API until at least one full school year after the state board’s decision to include the element into the API. The Superintendent will be required to annually determine the accuracy of graduation rate data, and would delete the requirement that the Superintendent report annually to the Legislature on graduation and dropout rates.

Status: Became law in September 2012.

Comment: From an article published in the Los Angeles Times in September 2012:

California's key measure of public school quality will be redefined to lessen the impact of standardized test scores under a bill signed into law Wednesday by Gov. Jerry Brown.

The law, by Senate President Pro Tem Darrell Steinberg (D-Sacramento), will broaden how the Academic Performance Index is calculated by limiting test scores to 60% for high schools and including graduation rates and other factors.

The 1,000-point index, which is currently based entirely on student test scores, has been criticized as an inaccurate gauge of campus quality even as it is widely used by parents to choose schools and real estate agents to sell homes.

"For years, 'teaching to the test' has become more than a worn cliché because 100% of the API relied on bubble tests scores in limited subject areas," Steinberg said in a statement. "But life is not a bubble test and that system has failed our kids."

Test scores must count for at least 60% of the API for elementary and middle schools, where alternative data are less developed.

Under the new law, the state Board of Education will work with the state superintendent of public instruction to incorporate other factors into the index, such as student readiness for college and technical training. The law specifies an increased emphasis on science and social science, which carry little weight in the current API.

The bill, SB 1458, was supported by dozens of business, education and parent groups, including the Los Angeles Unified School District.

http://articles.latimes.com/2012/sep/27/local/la-me-brown-bills-20120927
Disposition of Entry:

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

Comments/Note to staff:
Summary: Provides for Academically Challenging Curriculum to Enhance Learning (ACCEL) options to provide eligible public school students educational options that provide academically challenging curriculum or accelerated instruction. The bill requires school districts to adopt policies for early graduation upon the completion of 24 credit hours, the creation of career-themed training courses, and it revises provisions relating to articulated acceleration mechanisms and dual enrollment programs. The legislation requires a comprehensive student progression plan to include information on accelerated educational options. HB 7059 also eliminates an exemption from the Florida College System institution admission requirements for secondary students who are not participating in dual enrollment. These are students who are enrolled in college level instruction creditable toward an associate degree, but not towards a high school diploma.

Status: Became law in April 2012.

Comment: The bill’s sponsor said in the Lakeland Ledger, “For highly functioning students, who says they have to go to school for 180 days a year or take courses only during the school day?”

The program would allow students to skip grades or receive mid-year promotions. It would also allow eligible students to skip certain subjects if they passed an exam, similar to CLEP tests that can be taken for college credit.

She went on to say the bill would not only benefit students who plan on going to college, but it would provide middle school students the opportunity to enroll in vocational classes and acquire skills. http://www.theledger.com/article/20120306/POLITICS/120309558?template=printart

According to an April 2013 article in the Tampa Bay Times, the law is potentially causing some confusion in school districts where students are dual enrolled in both high school and community college classes:

“A new state law that makes it possible for students to graduate from high school early will force some Hernando County students who are dual enrolled to bear the brunt of their community college costs.

The law is causing a good bit of confusion. But one thing it does not do is force students to graduate after they reach 24 high school credits.

Students are not being told they must graduate, and the district has never denied students access to certain classes or told them they cannot come back to school if they hit the 24-credit mark, superintendent Bryan Blavatt said.
"The situation is that once you meet the 24 credits, if you've met the right classes, you are determined to be a graduate. (Students) can come to school in their senior year and take classes. I sure don't want them to come here and waste their time."

Last session, the Florida Legislature passed House Bill 7059, and the bill took effect July 1. The bill provides a student the option to graduate from high school early once the student has completed at least 24 credits and met standard graduation requirements, according to a staff analysis of the bill.

It eliminated the requirement that a student must attend high school for four years, Blavatt said….Once a student hits 24 credits, the student will have to pay tuition costs at the community college.

"They can no longer take the courses there without being considered a (high school) graduate," Blavatt said. "It's making it more difficult for these students."

In response, Nature Coast Technical High School has moved from a seven-course day to a six-course day, which should slow the process of students reaching 24 credits.

Blavatt said students will not be getting less education.

"It's still the same educational day," he said, noting that the courses will be longer.

Blavatt said the move will primarily affect seniors, who haven't had much time to tweak their schedules."


Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires the State Board of Education to promulgate rules and regulations relating to innovative school systems and provide a $3,500 income tax credit to any parent who transfers a student enrolled in or assigned to attend a “failing” public K-12 school to a “non-failing” public school or nonpublic school of the parent's choice.

Status: Became law in February 2013.

Comment: The legislature recently voted in May 2013 to reject a proposal by Governor Bentley to delay the implementation of the student tax credit by two years. The Governor stated that more time was needed for failing schools to improve and that funds budgeted for the program would be better used to repay money borrowed from the rainy day trust fund.

From an NPR story in March 2013:

Alabama's Gov. Robert Bentley has signed a sweeping education bill that gives tax credits to parents who want to transfer their children from a failing public school to another public or private school. The bill became law one day after the Alabama Supreme Court ruled that a lawsuit against it was premature.

The controversial Alabama Accountability Act was adopted by the Republican-controlled Legislature in a loud and contentious vote on Feb. 28. Democrats and teachers' groups say the bill underwent massive changes during a late visit to a conference committee, transforming it from a measure allowing flexibility to school districts into a school-choice bill.

After announcing on Twitter that he had signed the bill, Bentley tweeted his support for it, saying, "For the first time ever, we're giving all public schools the flexibility they need to better serve their students."

The bill more than doubled in size when it emerged from the committee for a final vote, leading education leaders to withdraw their support and spurring Democrats to accuse their colleagues of underhanded tricks.

After the Alabama Education Association sued on the grounds that the bill's passage had violated the Open Meetings law, a circuit judge in Montgomery issued a temporary order last week that blocked the bill from going to the governor, hours before he intended to sign it into law.

In its ruling Wednesday, the state's high court essentially said that the lawsuit was premature, as "the underlying dispute is not ripe for adjudication at this time," and that the bill can proceed to the governor's office, where it was delivered Thursday morning, AL.com reports.
After the high court issued its ruling, "Democratic legislators expressed disappointment while Republican leaders praised the action," reports WBHM's Andrew Yeager from Birmingham. "A teachers association lawyer says the court indicated the suit should be filed after the governor signs the bill, and that's what the group intends to do."

As it has come under closer inspection, the Alabama Accountability Act has also irked Republican legislators, who say the wording of the adopted bill is different from what they thought they were voting on.

"This creates a whole new legal wrinkle in this fight," Birmingham News political reporter Kyle Whitmire tells WBHM. "Did the Republicans accidentally pull a switcheroo on themselves, when they were trying to pull a switcheroo on the Democrats?"

A main difference between the bills, Whitmire says, is a portion that allows schools to choose which students they will accept, which Rep. Paul DeMarco, a Republican, says he thought was included in the final version. It is not.

"This is very important to very successful school systems," Whitmire says, "especially systems around Birmingham, that don't necessarily want to see a flood of students pouring over their borders and into their school system."

http://www.npr.org/blogs/thetwo-way/2013/03/14/174297267/alabamas-governor-signs-education-bill-allowing-school-choice

Disposition of Entry:

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

Comments/Note to staff:
Bill/Act: H 165

Summary: Relating to public 9-12 education; to provide all students and teachers, where available, approved textbooks and instructional materials in electronic format and, where feasible, to provide a pen-enabled: tablet, mobile computer, or similar wireless electronic device for storing, reading, accessing, exploring, and interacting with digital textbooks and other instructional materials. Authorizes the Alabama Public School and College Authority to sell and issue up to $100,000,000 in aggregate principal amount of additional bonds for the support of public education and purchase of computer equipment.

Status: Became law in May 2012.

Comment: From a January 2012 news article by the Talladega Daily Home:

A proposal expected to be discussed during the 2012 Alabama legislative session is one that, if passed, would put 21st century technology in the hands of all high school students in Alabama. Sen. Gerald Dial (R-Lineville) and Rep. Jim McClendon (R-Springville) announced in December their plan to propose the “Alabama Ahead Act” in the legislative session, which convenes Feb. 7. The proposal suggests purchasing pen-enabled electronic tablets for each student in grades 9-12. The tablets would allow students to use digital copies of textbooks instead of the traditional printed copies.

“With our recent investments in statewide broadband services, we have a unique opportunity to include digital-based education options in our schools,” Dial said. “We have delayed purchasing new textbooks for years. The books we expect our children to use are in shameful condition, and some students cannot even bring their books home because multiple classrooms share them. The Alabama Ahead Act will fix that.” The legislators suggest paying for the tablets by selling up to $100 million in bonds.


Disposition of Entry:

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

Comments/Note to staff:
Summary: Establishes a classroom innovation grant program to provide funding for classroom innovation allowing classroom teachers to utilize technology in creative and innovative ways to enhance the learning and achievement of their students. The program is competitive and applications may be submitted by public K-12 teachers, public school districts, and education service agencies with a maximum award of $25,000.

Status: Became law in March 2013.

Comment: From a February 2013 article covering the bill’s committee hearing, *Capital Journal*:

A bill that would establish a classroom innovation grant program passed the House Education Committee unanimously on Monday morning.

The proposed grant program would provide teachers with funding to use technology in creative and innovative ways in their classrooms and enhance the learning and achievement of their students.

Rep. David Lust, R-Rapid City, is the prime sponsor of HB1164, and said that the bill is meant to empower teachers and encourage them to creatively incorporate technology into their curriculum.

Lust said that in his opinion, the issue isn’t how prevalent technology is in classrooms, but how it’s being used.

“Do you just digitize the way we’ve always done things, or do you use technology as a driver of innovation to get better results for our students?” Lust asked the committee. “By creating a fund to allow teachers to tap into technology and utilize it, we empower each teacher in each classroom to become an incubator for innovation.”

An example given of current innovation was classroom flipping – where class content is available online and learned outside of class, and then students work on their homework in the classroom with their teacher. Lust said that this type of inventive method takes pressure off of parents who might struggle with some of the new learning methods, and it allows students to learn at their own pace.

“I taught my last year in a flipped classroom,” said Rep. Paula Hawks, D-Hartford. “I found that the results were very promising, and I wouldn’t have been able to do that without some technology allowances. I think this concept really pushes forward what we’re trying to do in education right now.”
When asked for other examples of what he envisions, Lust replied that the grant will be funding the teachers’ concepts, allowing them to pursue their own ideas related to innovation and technology. If their inventive method is successful, then it could potentially proliferate from a single classroom to an entire school or district.

“Arm teachers with the ability to [utilize] technology as they see fit rather than have some sort of top down imposition of what I would like to see or what others would like to see,” Lust said. “I think the best and the most effective route is to let them develop that from a grassroots level.”

Funding for the program would be a one-time infusion of the amount appropriated, which is currently stated as $1 in the bill.

“My notion is at end of session when we’re looking at prioritizing the surplus, this would be one of those areas that we would put money into,” Lust said.

“I think if you go to any classroom or any school, you will find that there are so many teachers that are using their personal funds to do this very thing,” said Rep. Kathy Tyler, D-Big Stone City. “If this would help those teachers to not have to spend $500 or $600 of their own personal funds, I would definitely support it.”


Disposition of Entry:
SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
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( ) Reject

Comments/Note to staff:
Summary: Each school administrative unit must develop and implement a performance evaluation and professional growth system for educators. As under prior law, the school board determines the “method” of evaluation and the superintendent is responsible for implementing the school-board-adopted evaluation method. The evaluation and growth system must include multiple measures of effectiveness, including student learning and growth as well as other factors.

Status: Became law in April 2012.

Comment: From a September 2012 press release by the Maine Department of Education:

Maine is one two states and 33 school systems or non-profits to be approved for this new round of TIF (Teacher Incentive Fund) grants, out of more than 120 applicants. The work is closely aligned to the requirements of Governor LePage’s educator effectiveness bill, LD 1858, An Act To Ensure Effective Teaching and School Leadership, which passed in April 2012, and which requires school districts to develop or adopt high quality teacher and leader evaluation systems. These systems are based on clear standards, incorporate multiple measures of effectiveness, including student achievement and growth, and are to be used to provide feedback for professional development.

“Systemic changes to standards, curricula, instructional practices and assessment will achieve little if efforts are not made to ensure that every learner has access to highly effective teachers and school leaders,” said Education Commissioner Stephen Bowen. “Indeed, as the governor has said repeatedly, no other school-based factor is more important to learner outcomes than the effectiveness of teachers and school leaders. That’s why this work is so important, and why it’s so important that we get it right.” Participating districts will build performance pay compensation models utilizing the frameworks implemented under the existing Maine Schools for Excellence program. However, districts will have some flexibility in terms of specific incentive amounts and criteria for payouts.

http://mainedoenews.net/2012/09/29/grant-teacher-leader-evaluation-systems/

Disposition of Entry:

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

Comments/Note to staff:
Summary: Develops a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The Board shall develop guidelines for the establishment of High School to Work Partnerships between public high schools and local businesses to create opportunities for students who may not seek further education after high school to participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or tour local businesses and meet with owners and employees.

Status: Became law in March 2013.

Comment: From a press release by the bill’s sponsor Delegate David Ramadan:

Dulles, VA | March 19, 2013 —Governor Bob McDonnell signed two bills introduced by Delegate David I. Ramadan during the 2013 Virginia General Assembly Session. House Bill 2101 directs the Board of Education to develop guidelines for the establishment at each public high school a program for students to become engaged with business communities through internships and job-shadow programs. This training will enable students to explore their long-term career options…

“I am pleased that Governor McDonnell signed two more of my bills,” said Delegate Ramadan on Tuesday morning. “HB2101 will help open up new opportunities for high school students in Loudoun and Prince William. And everyone benefits from easy and secure access to voter registration.”

http://www.davidramadan.com/2013/03/19/governor-signs-legislation-authored-by-del-ramadan-2/

Disposition of Entry:

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

Comments/Note to staff:
Summary: Defines "district of innovation" and related terms. Authorizes the Kentucky Board of Education to approve districts of innovation and directs the board to publish administrative regulations

Status: Became law in April 2012.

Comment: From a May 2012 press release from Governor Beshear:

VERSAILLES, Ky.– Governor Steve Beshear joined lawmakers and school children today at the Woodford County Early Childhood Center to sign two bills related to education innovation and strategies. House Bill 37, sponsored by Rep. Carl Rollins, allows school districts to apply to become a “District of Innovation.” This designation will allow the districts more flexibility in curriculum, instructional models, funding and school scheduling.

“Both of these bills will help our educators and administrators to tailor the school experience to enhance learning for our students,” said Gov. Beshear. “I appreciate the efforts of both Rep. Rollins and Rep. Belcher. They understand that innovative schools, where teachers and students are engaged in learning, build strong citizens and leaders.”

“The objective of House Bill 37 is to allow our public school teachers and administrators to try new and innovative approaches to improve instruction that will result in improved academic achievement,” said Rep. Rollins, of Midway. “The bill requires the Kentucky Department of Education to create a rigorous application system for districts. Those districts approved to be districts of innovation will be able to implement ideas that current statutes and regulations deny. The ultimate benefit of the legislation will be to encourage other districts to duplicate successful strategies tested in the districts of innovation.”

http://migration.kentucky.gov/Newsroom/governor/20120529educationbillsinginginversailles.htm

Disposition of Entry:

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

Comments/Note to staff:
Summary: Senate Bill 1 is a significant piece of education legislation that revises the assessment and accountability system for K-12 education in Kentucky. It calls for a revision of standards to be based on national and international benchmarks in order to increase the rigor and focus the content of K-12 education. The bill called upon the Kentucky Department of Education, in collaboration with the Kentucky Council on Postsecondary Education, to plan and implement a comprehensive process for revising the academic content standards.

Status: Became law in March 2009.

Comment: From an overview of the state accountability model produced by the Kentucky Association of Professional Educators:

Senate Bill 1 passed in 2009 by the Kentucky General Assembly requires Kentucky to begin a new assessment and accountability system in the 2011-2012 school year. The proposed assessment and accountability model is a balanced approach that incorporates all aspects of school and district work and is organized around the Kentucky Board of Education's four strategic priorities:

- Next-generation learners
- Next-generation professionals
- Next-generation support systems
- Next-generation schools/districts.

Achievement in reading, mathematics, science, social studies, writing and Program Reviews in arts/humanities, practical living/career studies and writing are the heart of the model.

... http://www.kentuckyteachers.org/index.php?option=com_content&view=article&id=57&Itemid=70

Disposition of Entry:

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

Comments/Note to staff:
Summary: Requires the department of education to waive accreditation standards for an accredited nonpublic alternative high school that contracts with a school corporation to provide alternative education services for students who:

- have dropped out of high school
- have been expelled
- have been sent to the nonpublic alternative school due to the students' lack of success in the public school environment to accommodate the nonpublic alternative school’s program and student population

Status: Became law in March 2012

Comment: The practical effect of the legislation will be to allow private schools to pay state-supported tuition in exchange for the opportunity to teach troubled students. Further, the bill supporters believe that relaxing accreditation standards for private alternative high schools provides ways to reach troubled young people that may eventually earn a high school diploma.

From an article in the *Indiana Daily Student*:

> SB 283, authored by Rep. Dennis Kruse, R-Auburn, will allow private schools to pay state-supported tuition in exchange for the opportunity to teach troubled students.

> “Many of them have been in jail. Many of them have been on drugs and alcohol,” Kruse said. “They’re thieves, they commit crimes, they hang out on the streets, they’re delinquents, and they cause a lot of trouble.”… It’s a special mission, a special cause, and I think it takes the right kind of person to want to do this and the right kind of teachers to want to deal with these kinds of kids, too,” Kruse said.


Disposition of Entry:

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

Comments/Note to staff:
20-34B-11 Postsecondary College and Career Readiness Arkansas
Bill/Act: HB 1838

Summary: Aims at enhancing college and career readiness and postsecondary completion by establishing the Council on Postsecondary Education and Career Readiness. Establishes the Council’s duties and organizational structure as well as identifies school responsibilities to students.

Status: Became law in April 2013.

GO TO TABLE OF CONTENTS

Comment:

Disposition of Entry:

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

Comments/Note to staff:
Summary: Recognition that an education system, spanning from early childhood development through college and workforce training is a necessity. It sets aspirations that all high school graduates must be prepared for college, career, citizenship, and life. The bill seeks to incorporate students, parents, and teachers to achieve maximized results in the education system by focusing on utilization, collection, and analysis of data to identify outcomes.

Status: Became law in May 2012.

Comment: From a January 2012 press release by Senator Justin Alfond:

Senator Justin Alfond (D-Cumberland County) today applauded the Education and Cultural Affairs Committee for its unanimous vote to pass LD 1422, “An Act to Prepare Maine People for the Future Economy.” The bill sets out a timeline requiring schools to use clearly defined standards to ensure that Maine students meet and exceed proficiency in their classwork before moving to the next grade level.

…

“This bill will turn our schools into true centers of student learning,” Alfond added. “Maine students by 2017 will have to demonstrate proficiency against clearly stated standards in a variety of ways including projects, portfolios and standardized tests.”

…

Former Commissioner of the Maine Department of Education Duke Albanese, now a Senior Policy Advisor for the Great School Partnership, was also pleased with the result. “Senator Alfond helped lead the bi-partisan support of this legislation,” Albanese stated. “Standard Based Education will move Maine schools in the right direction.”

…

http://www.mainesenate.org/blog/2012/01/24/senator-alfond-praises-endorsement-of-education-bill/

Disposition of Entry:

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

Comments/Note to staff:
Summary: Authorizes the State Board of Education to select a county school system to serve as a school system collaborative innovation zone. Allows a designated school system to submit requests for exceptions from county and state board rules, policies and interpretations; permitting exceptions from statutes subject to legislative approval; allows revision and resubmission of approved plans and requires annual performance reviews and reports; permits the posting of certain teaching vacancies.

Status: Became law in March 2012, when 2009 bill was reauthorized.

Comment: From a January 2012 news article in the Gazette-Mail:

Schools in Kanawha and Putnam counties were awarded nearly $600,000 in "innovation zone" funding Thursday, which will help expand project-based learning and technology in Buffalo and pilot a three-year dropout-prevention program for Kanawha County elementary students with behavioral problems.

Under Kanawha's pilot program, 12 to 16 at-risk elementary school children in the county who have been expelled from school or have significant behavioral problems will be placed in an eight-week "intensive therapy" program, said Bob Calhoun, director of elementary education for Kanawha County Schools.

"The theory behind it is: If you can fix these problems when kids are in elementary school, there won't be issues in middle and high school," Calhoun said.

Students in the turnaround program would work on math and reading two days a week in a classroom setting and maintain contact with their home school by logging into their original classes by computer.

http://www.wvgazette.com/News/Putnam/201201120201

Disposition of Entry:

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

Comments/Note to staff:
Summary: This bill creates a three-year pilot project to develop and implement whole-school technology deployment in public schools. It provides for the establishment of an independent evaluating committee to advise the Board of Business and Economic Development on issuing a request for proposals when selecting an education technology provider.

Status: Became law in March 2012

Comment: From a release by the Washington D.C. - based Smart School Technology Association:

Utah's State Legislature passed the country's first Smart School Technology Program (SSTP) and Governor Gary Herbert signed the bill into law on March 19, 2012, creating a three-year pilot program to develop and implement whole-school technology deployments in publicly funded schools. The Act authorizes up to $3 million from the State's Industrial Assistance Fund (IAF) to be used over three-years to incubate technology solutions tied to economic and workforce development.

The Act creates an Independent Evaluating Committee comprised of members of the State Board of Education, representatives of the Governor's Office of Economic Development (GOED), the State's Chief Information Officer, and the Governor's Education Director. The Independent Evaluating Committee will work with the GOED board and the State Board of Education to issue two RFPs. One will specifying the procedures and criteria to be used for selecting schools to participate in the program; the other will discuss the requirements for a single education technology provider who will ultimately develop and implement a plan for whole-school technology deployments within the chosen schools….

http://smartschoolstech.org/Resources

Disposition of Entry:

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

Comments/Note to staff:
Summary: Provide and expand career pathway options for high school students to ensure their career and college readiness. It authorizes the establishment of a soft skills certification by the Governor's Office of Workforce Development and provides for collaboration with the Department of Education to enable high school students to attain soft skills certification.

Status: Became law in May 2011.

Comment: From a September 2011 article in the Gainesville Times:

It's been 10 years since the No Child Left Behind Act went into effect.

Georgia officials, however, are ready for a change. Their solution? A performance index, basically a report card for schools, that focuses on how prepared students are for the "real world" rather than for standardized tests.

"(The index) moves us in the right direction for 21st century accountability," Gov. Nathan Deal said in a news release from the Georgia Department of Education. "Rather than focusing on one test given on one school day, (the index) takes a comprehensive look at the things that go into making successful elementary, middle and high schools."

Georgia's proposed College and Career Ready Performance Index will measure the extent to which a school is making progress on a list of specific criteria, according to a letter Georgia Department of Education officials sent Sept. 20 to U.S. Secretary of Education Arne Duncan.

No Child Left Behind was designed to ensure all children, especially ethnic and economic minorities, received quality education. Schools were evaluated annually with an Adequate Yearly Progress model that looked at attendance, graduation rates and standardized test scores.

The index, however, is like a report card for schools. But instead of math, English and science, schools are graded on an assortment of criteria.

The new index adds career and college preparation to that list and focuses less heavily on standardized test scores.

The index comes on the heels of two different pieces of legislation, House Bills 400 and 186. HB 400, which started during the 2010 school year, implemented career exploration for middle school students that will be carried on to high school. HB 186 focuses on taking the career exploration a step further and helping high school students become ready for college, the military or the workforce.

Aspects from each bill affect how all schools are evaluated on the new index.
"Probably the main thing would be, as far as the bills go, to just take a look at elementary, middle and high school and decide what are some additional things we can do to enhance what we're already doing," said Rhonda Samples, Career, Technology and Agricultural Education director for Hall County Schools.

Jamey Moore, director of curriculum and instruction for Gainesville City Schools, said he's a fan of the new index.

"The majority of the items on it are things we're already tracking, already longitudinally aware of, and not a big change as far as our awareness of what's going on in schools," Moore said. "What it does do is change what we get measured on. It's more of a balanced assessment approach. In the past, they just looked at the achievement data. They've broadened from the achievement data to multiple other items that sort of give the bigger picture of how we're doing."

Whatever happens this year at schools will set the baseline data for the following school year.

"I hope as they choose their components that they are thinking about the impact that each component will have because every piece of this impact every other piece of what we're doing," Moore said.

"The (graduation test) wasn't much of a measure of anything in terms of you passing those five areas having anything to do with real life. So the move to EOCTs was a positive move, but again, it's limited," Schofield said.

What could help alleviate this limitation is the provision in HB 186 calling for a soft skills, work ready assessment. Soft skills are things like professional dress, punctuality and politeness.

"Employers tell us over and over again, ‘We can train the specific skills but when you send us young adults who can't show up, who aren't honest, who don't believe in a day's work for a day's pay, you're not giving us much to work with,’" Schofield said. "Soft skills I think are paramount."


Disposition of Entry:

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

Comments/Note to staff:
Summary: Beginning in the 2013-14 school year, the Department of Education must require two hours of training in youth suicide awareness and prevention as a requirement for the renewal of credentials of individuals employed in a middle school or high school in the state. The bill requires the department to develop training guidelines and materials to be used in local school districts.

Status: Became law in May 2012.

Comment: From a February 2012 news article by the South Carolina Radio Network:

A bill could be passed by the South Carolina House as soon as this week that would require middle and high school teachers in South Carolina to get suicide prevention training as part of the 120 credit hours they have to take every five years. The bill is called the “Jason Flatt Act” after a Tennessee teen who took his own life in 1997….

Spurred on by friends and family, Flatt started the Jason Foundation in his home state later that year. He said he was moved to action when he realized how few awareness programs actually existed…..

The Jason Foundation began offering the programs and educational materials in late 1997. It then branched out from parents’ groups to include teachers, students, and other professionals. The group eventually got the Tennessee state legislature to require the awareness training for teachers in 2007. The foundation successfully lobbied five more states (Arkansas, California, Illinois, Louisiana, and Mississippi) to pass similar laws over the next four years. Flatt said they targeted South Carolina this year after a recent youth risk behavioral survey found 22.4 percent of middle-school students had “seriously considered suicide.” That was well above the national average, Flatt said.


Disposition of Entry:

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

Comments/Note to staff:
Summary: The legislation repeals provisions requiring a background check of certain individuals who provide direct patient care in certain health care facilities and other settings and for certain other individuals residing in a residential setting where care is provided. It creates a new background check system called "Clearance for Direct Patient Access," in the Health Care Facility Licensing and Inspection Act that will be paid for by on-going costs from the Utah general fund.

Status: Became law in March 2012.
Summary: In May 2009, the Minnesota legislature became the first in the nation to approve the licensing of a new oral health practitioner called a dental therapist—the dental equivalent of a nurse practitioner. To become a licensed dental therapist, an individual must receive a bachelor's degree in dental therapy and work with an in-state, licensed dentist(s) to provide preventive dental services, restoration of primary and permanent teeth, extraction of primary teeth and select other dental treatments. Advanced dental therapists that receive 2,000 hours of training, obtain a graduate degree, and pass a board exam may practice off-site without a dentist present—including restorative or surgical procedures.

Status: Was signed into law in May 2009.

Comment: According to a 2010 legislative report by the Pew Charitable Trusts, “Although dental therapists are not well-known in the lower 48 states, they have been employed by Alaska Native tribes since 2004, and in Great Britain, Canada, New Zealand and many other countries for decades. In these nations and Alaska, such providers flourish and enjoy widespread support and patient acceptance.”

The objective of promoting dental therapy by its proponents is to improve access for low-income, under-served populations that may lack insurance. From A March 2013 article in the Minneapolis Star-Tribune:

…”

These midlevel professionals span the divide between the hygienist and the dentist, much like a nurse practitioner or physician assistant, both of whom met equally vocal pushback from the medical establishment. “Minnesota is definitely a pioneer and constantly referenced in other states,” said Julie Stitzel, campaign manager for the Pew Children’s Dental Campaign, whose mission is to increase dental access to low-income children.

“We can actually use data from Minnesota,” she said, “instead of theoretical models suggesting what we think will happen. Now we can say, ‘This is what we know will happen.’…”

Disposition of Entry:

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

Comments/Note to staff:
Summary: The law aims to control health care cost growth through a number of mechanisms, including the creation of new commissions and agencies to monitor and enforce the health care cost growth benchmark, wide adoption of alternative payment methodologies, increased price transparency, investments in wellness and prevention, an expanded primary care workforce, a focus on health resource planning, and further support for health information technology, among others. The law requires Medicaid by July 2015 to cover 80 percent of enrollees using “alternative payment methods,” or programs that generally shift from paying for each test or treatment to paying for a patient’s overall care, to encourage doctors and other providers to coordinate more with each other and to focus on preventive care.

The focus of the submission is on Section 15 of the bill which establishes the Independent Health Policy Commission with its 11 member board and provider based Advisory Council to set health care cost growth benchmarks. Under the legislation, healthcare costs benchmarks are specifically tied the potential growth in the state’s gross state product. Cost growth benchmarks for calendar years 2013-2017 equal to potential gross state product. The bill projected its potential gross state product to be 3.6%. For calendar years 2018-2022, cost benchmarks will equal the potential gross state product minus 0.5%. The Board can modify these cost containment benchmarks starting in 2018.

Status: Was signed into law in August 2012.

Comment: From a press release by Governor Deval Patrick:

On August 6, 2012 Governor Patrick launched the next phase of health care reform, signing legislation that builds on the Commonwealth's nation-leading access to care through landmark measures that will lower costs and make quality, affordable care a reality for all Massachusetts residents. Chapter 224 of the Acts of 2012, set to become effective on November 5, 2012, is projected to result in savings of nearly $200 billion over 15 years - savings that will be passed along to government, businesses and families. That is why “cracking the code” on health care costs is essential for the long-term economic competitiveness of Massachusetts and why the successful implementation of this law is a top priority for the Patrick-Murray Administration.

This website includes information on the law, notice of upcoming events and a single portal for connecting with other health care related state agencies, authorities and commissions. In the coming weeks additional resources will be added to this site describing timelines of when specific provisions go into effect and how these efforts will benefit Massachusetts businesses, consumers and health care providers. Stakeholder groups are encouraged to share this website with their constituents as a valuable resource to understand health care cost containment and the implementation process in Massachusetts.

http://www.mass.gov/governor/agenda/healthcare/cost-containment/
From a March 2013 article in the *St.Louis Post-Dispatch* regarding healthcare reform in Massachusetts:

…

Still, the governor and others emphasize that “cost containment” is the next goal in Massachusetts’ ongoing health reform initiative. In August, Patrick signed a health care cost control bill whose aim is to slow the state’s rapid growth of health spending.

Massachusetts state government, which is required by law to pass a balanced budget, has experienced cuts in most other spheres of activity. But health care costs continue to grow exponentially — squeezing other parts of the state budget and outstripping new tax revenue.

The Boston Globe reported in September that medical debt remains virtually unchanged since 2006. About 17.5 percent of Massachusetts residents said they had difficulty paying medical bills in 2010.

“Health care cost containment is much more complex than wrestling with the access issue,” said David Seltz, executive director of the Health Policy Commission, a state body established by the new law to track cost-containment issues from a consumer perspective. The commission is governed by an 11-person board that has “one of the strongest conflict of interest protections in state government,” he said.

Among other concerns, the commission’s primary functions include examining changes in health care management; conducting a cost and marketing review of health care prices from a consumer’s perspective; and taking steps to ensure that consumers know how much a specific medical procedure will cost.

The Affordable Care Act focuses primarily on efforts to ensure access for all U.S. citizens to health care, rather than ways to achieve cost controls. However, it also established a 15-member Independent Payment Advisory Board, which has the task of recommending savings in Medicare that do not affect coverage or quality.

Massachusetts’ new cost-containment law doesn’t set a specific budget for health care. But the state’s health industry leaders have agreed to establish a goal that medical spending not exceed the overall growth rate of the state budget in 2014, or about 3.6 percent. The commission plans in 2015 to begin identifying those Massachusetts health systems and hospitals whose cost growth doesn’t meet the state’s goals. Still, the law does not appear to have enough regulatory teeth to take significant action against any offenders.

Seltz emphasized that the commission is not an enforcement agency; it’s a monitoring agency.

“Let’s try to do this together — with government, payers and insurers,” he said. “There’s a sense that we’re in this together.”

Blue Cross’ Dreyfus agreed that health systems, hospitals and insurers must work together to “improve quality and lower cost. … We still have quality, safety and reliability issues.”
Still, hospital administrators and patient advocates in Massachusetts and elsewhere worry that attempts to drive down health costs will result in more costly and intrusive regulations.

“What we get with this is a lot of regulation,” said Dr. Tim Ferris, vice president for population health at Partners Healthcare system in Massachusetts. “So there’s no question this is having a profound effect on every provider.

“It’s different this time. It’s not just insurers and providers, it’s government,” he said. “Is the state entering the private doctor-patient relationship?”

Some doctors fear an erosion of their autonomy in medical decision-making. Consumer advocates worry that patients may be left with fewer choices.

Innovation that will help achieve cost savings, Ferris said, is most likely to happen through “physicians who persuade other physicians. … Cutting leaves the status quo in place with all of its flaws — or you can change the payment system.”


NOTE: This submission only covers the cost containment portion tied to state gross domestic product (Section 9), not the entire 349 page bill.

Disposition of Entry:

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

Comments/Note to staff:
Summary: Establishes the Virginia All-Payer Claims Database system, in order to facilitate data-driven, evidence-based improvements in access, quality, and cost of health care and to improve the public health through understanding of health care expenditure patterns and operation and performance of the health care system. Entities that choose to submit claims data to the database shall do so pursuant to data use and submission agreements executed with the nonprofit organization that contracts with the Commissioner of Health for public health data needs. The bill also directs the Commissioner to develop a work group to study continuing health information needs in the Commonwealth.

Status: Became law in April 2012.

Comment: A business group called the Virginia Business Coalition on Health believes the All-Payer Claims Database system is superior to the current system where publicly available healthcare claims information is very limited. In a December 2012 presentation, they state the database improves current information collection methodologies by:

- Improving data collection on Medicare/Medicaid claims
- Providing claims data about health care delivery in the primary care setting
- Compiling claims across all payers leads to better determination of health care provider quality
- Health care expenditure patterns and utilization within a local market can be known and care can be more effectively addressed
- Adding a Behavioral Risk Factor Surveillance System for individual-level data; today, only data for survey items is collected.


Disposition of Entry:

SSL Committee Meeting: 2014 B
( ) Include in Volume
( ) Defer consideration:
    ( ) next SSL mtg.
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Comments/Note to staff:
21-34B-05 Medicaid Payments for Induced Labor Texas
Bill/Act: HB 1983

Summary: The bill would prevent payments to doctors and hospitals for Medicaid patients who choose to have an induced delivery before 39 weeks of gestation without a medical purpose. It authorizes the Health and Human Services Commission (HHSC) to develop quality initiatives and implement cost-cutting measures to reduce the number of elective induced deliveries or cesarean sections performed before the 39th week of gestation under the Medicaid program. The Commission must coordinate with doctors, hospitals, managed care organizations, and the Medicaid billing contractor to develop a process for collecting information about the number of preterm elective induced deliveries and C-sections within the program. Under the bill, a hospital that provided obstetrical services would be required to collaborate with the physicians to develop strategies in this area.

Status: Was signed into law in May 2011.

GO TO TABLE OF CONTENTS

Comment: From a release by the American Congress of Obstetricians and Gynecologists:

Governor Perry recently signed into law House Bill 1983, which directs Texas HHSC (Medicaid) to enact cost-cutting measures to reduce non-medically indicated Medicaid deliveries less than 39 weeks, and for hospitals and doctors to work together to develop quality initiatives to reduce these early non-medically indicated deliveries (inductions and ceseareans). The bill goes into effect on Sept 1, 2011.

Texas Medicaid recently announced it will require providers and hospitals to bill using one of three modifiers (U1/medically necessary delivery prior to 39 weeks of gestation, U2/delivery at 39 weeks of gestation or later or U3/non-medically necessary delivery prior to 39 weeks of gestation). Claims for deliveries that are submitted without one of the required modifiers will be denied. The program can perform retrospective reviews and ask for reimbursement for those deliveries that are less than 39 weeks without a valid medical indication. There is no time limit stated.

The ramifications for all obstetrical providers and hospitals are vast. In order to avoid reimbursement problems, every hospital should develop its guidelines and protocols for:

1. Valid medical reasons for delivery less than 39 weeks
2. Scheduling protocol
3. Documentation standards


Disposition of Entry:

SSL Committee Meeting: 2014 B
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( ) Defer consideration:
   ( ) next SSL mtg.
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Comments/Note to staff:
Summary: Clarifies the definition of "compounding" and adds a requirement for a current inspection report for registration or renewal of a registration for a nonresident pharmacy. The bill also requires every pharmacist-in-charge or owner of a permitted pharmacy or a non-resident pharmacy engaging in sterile compounding to notify the Board of Pharmacy of its intention to dispense or deliver a sterile compounded drug product into the Commonwealth of Virginia.

Status: Became law in April 2013.

Comment: The Virginia bill was one of the first passed in the nation in response to an October 2012 outbreak of meningitis that first originated from contaminated medication made by a “compounding pharmacy” in Massachusetts which contained a fungus in a steroid injection eventually spread to several other states and sickened 700 people. In Virginia, 53 cases of meningitis were reported.

In an October 2012 opinion’s piece by the Washington Post editorial board arguing for more federal oversight in addition to state regulation:

“The Food and Drug Administration (FDA), which imposes strict standards on drugmakers, has long worried about compounding pharmacies. The businesses do not have to register with the FDA. In 2006, an FDA survey found problems with one-third of the drugs it sampled nationwide from compounding pharmacies. An FDA consumer flier in 2007 warned that “poor practices on the part of drug compounders can result in contamination or in products that don’t possess the strength, quality and purity required.” However, several court decisions over the past decade have limited the agency’s enforcement powers over compounding pharmacies, which fall largely under state law, where regulation and enforcement are uneven.”

http://articles.washingtonpost.com/2012-10-09/opinions/35501514_1_meningitis-outbreak-pharmacies-fda-power

Disposition of Entry:

SSL Committee Meeting: 2014 B
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( ) Defer consideration:
   ( ) next SSL mtg.
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( ) Reject

Comments/Note to staff:
22-34B-01 Fine Art Secured Lending License Connecticut
Bill/Act: HB 5328

Summary: HB 5328 prohibits an individual from engaging in the business of loaning money upon deposits or pledges of fine art unless they receive a license from a local governing authority in a community. The bill allows cities and towns the authority to charge a $50 dollars licensing fee to fine art secured lenders and $25 dollars for a license renewal. The funds collected by the newly authorized licensing authority will go to local police departments, or in the absence of organized local law enforcement, the funds will be disbursed to the state Commissioner of Emergency Services and Public Protection.

Status: Became law in June 2012.

GO TO TABLE OF CONTENTS

Comment: The legislation lays a series of requirements and steps a fine arts lender must meet to obtain and keep a license as well as quarterly sales and reporting requirements. According to an analysis by the Connecticut Office of Legislative Research:

“The bill does not apply to loans made on stock, bonds, notes, or other written or printed evidence of fine art ownership or on indebtedness to the holder or owner of such securities. It also does not apply to banks or their affiliates.

Under the bill, anyone who willfully engages in the business of fine art secured lending without a license or after notice that his or her license has been suspended or revoked is guilty of a class D felony, which is punishable by one to five years imprisonment, a fine of up to $5,000, or both and violates any fine art secured lending provision for which there is no other penalty is guilty of a class A misdemeanor, which is punishable by up to one year imprisonment, a $2,000 fine, or both.”


Disposition of Entry:

SSL Committee Meeting: 2014 B
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( ) Defer consideration:
  ( ) next SSL mtg.
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( ) Reject

Comments/Note to staff:
Summary: This legislation amends existing protections for farm animal research work to include provisions relating to crop operations. "Crop operation" includes a vehicle, building, structure, or premises where a crop is raised, maintained, tested, handled, housed, exhibited, or offered for sale and includes a research facility where research on or testing of crops is conducted. Among other things, the legislation prohibits disrupting and damaging crop operations. However, the legislation does not prohibit appropriate actions taken by government officials or persons holding certain legal interests in the crop operation or property. With regards to animal facilities, the legislation includes provisions to limit the liability of licensed veterinarians practicing veterinary medicine according to customary standards of care or persons holding legal interest in an animal facility.

Status: Became law in June 2012.

Comment Although the legislation passed unanimously, some animal rights group expressed concern with shielding veterinarians from informational disclosure requests outside of an animal safety or illness situation.

Disposition of Entry:

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

Comments/Note to staff:
Summary: The bill expands upon existing consumer protections for seniors regarding deceptive/misleading business practices, statements, or price reductions to also cover advertising or promotional activities at any event, presentation, seminar, workshop, or other public gathering regarding veterans’ benefits or entitlements that does not include a statement that the person disseminating the statement is not authorized to file an initial application for veterans’ benefits or that the event is not sponsored by or affiliated with specified veterans’ organizations, including the United States Department of Veterans Affairs. This bill would make it unlawful for an insurance agent who is not licensed as an attorney to deliver to a person who is 65 or older, or for an insurance agent who is licensed as an attorney to deliver to a person who is 65 or older, a living trust or other legal document, other than an insurance contract or other insurance product document, except as specified. Additional notice must be given for agents for meetings with seniors and it changes the definition of “advertisement” to include worksheets, questionnaires, or other materials designed to collect personal or financial information about a prospective insured or annuitant.

Status: Became law in September 2012.

GO TO TABLE OF CONTENTS

Comment: An analysis performed by the Insurance Committee of the California State Assembly in August 2012 stated:

“According to the author, despite certain consumer protections for veterans in connection with various veterans' benefits, insurance agents have been targeting higher wealth veterans with misleading and abusive marketing strategies that have less to do with legitimate financial management and more to do with selling these veterans insurance products. In addition, the bill is aimed at preventing inappropriate charges for "assisting" veterans in the application for, or appeal of the denial of, veterans' benefits.”

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

Disposition of Entry:

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

Comments/Note to staff:
25-34B-02 Penalties for Financial Exploitation of Vulnerable Adults  Minnesota

Bill/Act:  HB 90

Summary: The bill allows prosecutors to aggregate offenses over a six month period for the financial exploitation of a vulnerable adult, and it provides expanded prosecution venues to try perpetrators. A crime under this section is sentenced under the state’s general theft statute and is based on the value of property or services stolen. Penalties range from a misdemeanor to a 20-year felony.

Status: Was signed into law in March 2013.

GO TO TABLE OF CONTENTS

Comment: From an advocacy piece produced by an organization made up of prosecutors, state/local regulators, and ombudsmen, called the Vulnerable Adult Justice Project, who brought the bill forward: “Since the 2009 Minnesota Legislative Session, the Vulnerable Adult Justice Project has taken the lead to make Minnesota’s laws to prosecute financial exploitation models for the nation. This year’s proposal, H.F. 90, S.F. 187 amends the Minnesota Criminal Code to allow offenses for financial exploitation to be aggregated over a six-month period and expands venue options for prosecuting cases of financial exploitation of a vulnerable adult.

1. **Aggregation**

   Financial exploitation is a crime that characteristically occurs in a series of acts such as repeated misuse of a vulnerable adult’s credit card. Therefore, aggregation of these sums is an important tool for demonstrating the extent of the crime and achieving justice. The current aggregation law should be clarified, because it is ambiguous and subject to differing interpretations. This proposed change ratifies best practice in prosecuting financial abuse.

2. **Venue**

   Traditional jurisdictional venue can create barriers to prosecution in vulnerable adult cases, because the vulnerable adult may be moved during the course of the maltreatment and because bank accounts and other key factors may be spread across multiple locations. Social and regulatory investigations focus on the location of the vulnerable adult. Law enforcement focuses on where the act took place. The proposal for change would not change respective duties (i.e. doesn’t change who must investigate), but it does establish broader venue options for prosecution.”


Disposition of Entry:

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

Comments/Note to staff: