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 docket and in SSL volumes are usually compiled from bill digests and legislative staff analysis.

CSG COMMITTEE ON
SUGGESTED STATE LEGISLATION

2008 CYCLE
DOCKET BOOK B
Final Version

This docket and referenced legislation can be downloaded from www.csg.org.
CSG AND TRENDS

State officials face unprecedented, turbulent times in which to govern. Recent megatrends and trends that are beginning to affect the states, such as an aging population, generate issues that will profoundly impact states in the future.

A **megatrend** is a large, social, economic, political, environmental or technological change that is slow to form. Once in place, megatrends influence a wide range of activities, processes and perceptions, both in government and in society, possibly for decades. These are the underlying forces that drive trends. (e.g., aging population).

A **trend** is an emerging pattern of change likely to impact state government and require a response. (e.g., adult children taking care of parents). Discerning trends and state responses to trends affecting states involves these questions:

- Does the megatrend/trend impact the states?
- Is it significant? Is it broad-based? Is it national or regional in scope?
- Is it short-term or long-term?
- Is it measurable/trackable/observable?
- Is it actionable? Is there an innovative response to address new circumstances?

An **issue** is a controversial, debatable or “hot” topic or an innovative state action. (e.g., changes to Medicare).
TRENDS AND SUGGESTED STATE LEGISLATION

CSG's national trends mission helps state officials address the near- and long-term by providing the critical foresight capabilities they need to make proactive policy decisions about issues that arise from trends. Accordingly, CSG's Suggested State Legislation Program (SSL) seeks to identify recent, innovative state bills which address issues arising from:

1. **Demographic Shifts** - Demographic shifts refer to changes in various aspects of population statistics, such as size, racial and ethnic makeup, birth and mortality rates, geographic distribution, age and income.
   - **Megatrend**: Aging population
     - **Trends**: buying habits, elder care, health care, workforce gaps when baby boomers retire
   - **Megatrend**: Immigration/diversity
     - **Trends**: government service provision, capacity to fill gaps in workforce
   - **Megatrend**: Population growth
     - **Trends**: demands and effects on land, climate, water, government resources, schools
   - **Megatrend**: Suburbanization/sprawl
     - **Trends**: demands and effects on land, climate, water supply, small business, entrepreneurship, government resources

2. **Changes in Political Conditions** - Changes in political conditions refer to dynamics related to the process of electing officials as well as process of formulating and implementing public policy and programs.
   - **Megatrend**: Election issues
     - **Trends**: campaign finance reform, redistricting, term limits
   - **Megatrend**: Federalism
     - **Trends**: distribution of authority from one presidency and Congress to another, impact of federal policies on state governments (including international trade agreements)
   - **Megatrend**: Participatory democracy
     - **Trends**: voting systems (including e-voting), lobbying, initiatives, referendums
   - **Megatrend**: Privatization/outsourcing
     - **Trends**: private companies providing public services, sending jobs overseas

3. **Science and Technology Developments** - Science and technology developments are advancements in both scientific research and applications of that research.
   - **Megatrend**: Bioengineering
     - **Trends**: DNA, stem cell research, cloning, genetic engineering
   - **Megatrend**: Energy sources
     - **Trends**: development of alternative energy sources
   - **Megatrend**: Privacy and security issues
     - **Trends**: wireless tracking, identity theft, cyberterrorism
• **Megatrend**: Electronic delivery of goods/services  
  *Trends*: e-commerce, e-government

4. **Economic Dynamics** - Economic dynamics are changes in the production and exchange of goods and services both within and between nations as well as movements in the overall economy such as prices, output, unemployment, banking, capital and wealth.

  • **Megatrend**: Globalization of trade  
    *Trends*: outsourcing, offshoring, free trade agreements, prescription drug reimportation
  • **Megatrend**: Energy supply  
    *Trends*: price increases, availability
  • **Megatrend**: Intellectual property  
    *Trends*: standardization of local, state, national and international regulations
  • **Megatrend**: Retirement issues  
    *Trends*: move away from defined benefit plans, pension shortfall, Social Security

5. **Social and Cultural Shifts** - Social and cultural shifts are changes in core values, beliefs, ethics and moral standards that direct peoples’ behavior and can influence their participation in the formulation of public policy.

  • **Megatrend**: Government involvement in social policy  
    *Trends*: gay marriage, abortion, separation of church and state issues
  • **Megatrend**: Redefinition of family and role of family  
    *Trends*: single-headed households, unmarried couples, home schooling
  • **Megatrend**: Redefinition of morality  
    *Trends*: re-evaluating definition of indecency, censorship issues
  • **Megatrend**: Spirituality  
    *Trends*: homeopathic medicine, spiritual beliefs may be different than religious beliefs
  • **Megatrend**: Assimilation  
    *Trends*: shift from acculturation to maintaining ethnic identities
MEGATRENDS AND CHANGE DRIVERS

Megatrends are caused by or a reflection of slow-forming, large social, economic, political, environmental or technological driving forces. Once in place, these “change drivers” influence a wide range of activities, processes and perceptions, both in government and in society, possibly for decades. Knowledge of what they are, how they interact, and what potential impacts they may produce, is one of the most important tools policy-makers have to recognize. The understanding of these change drivers allows for identifying trends and issues that are cutting across traditional policy areas, and therefore determining all potential impacts and implications for public policy. As such, the Committee on Suggested State Legislation seeks innovative legislation that addresses the following important and far-reaching changes that will affect states and shape state policies for years to come.

1. Aging of the Population

The U.S. population is rapidly getting older. While the population age 65 and older is projected to more than double to nearly 82 million by 2050, the 85 and older population is projected to quadruple within the same timeframe.

An aging population and increasing number of retirees will be hard on all economic sectors, especially those that are already having trouble attracting younger workers, such as agriculture, education and government. The nursing shortage will be particularly hard to deal with as the demand for health care will also increase as the population gets older.

As the population ages, state tax collections will be affected. The older population tends to spend money in non-taxed areas such as health care services. In addition, while many elderly will continue to work, the majority of their income will likely come from sources, such as pensions and Social Security that are not taxed as heavily as salaries and wages. And state government pensions will be hit hard by the wave of retiring baby boomers.

There may also be intergenerational conflicts among different groups. Older and younger voters may want different things from government. Younger voters, for instance, may be willing to pay higher taxes to finance public schools while older citizens may vote against any tax increase.

The aging of the population will also encourage smart growth. As baby boomers get older, there will be an increased demand for communities that are more pedestrian-friendly with residential and commercial areas in closer proximity to one another in order to decrease the need for driving.

With a growing number of seniors on the horizon, state policy-makers will undoubtedly focus more attention on work force shortages and health care. More specifically, planning for replacing retiring workers, training and retaining an existing work force, as well as helping the elderly pay for prescription drugs and dealing with long-term care will be the issues on most policy-makers’ radar screens.

2. Immigration

During the last decade, the foreign-born population grew by almost 60 percent as compared with a 9.3 percent increase in the native population. This growth can primarily be attributed to
immigration from Latin America and Asia. By 2030 one-quarter of all Americans will be either Hispanic or Asian. And the Hispanic and Asian populations are expected to triple by 2050.

Immigrants provide skilled and unskilled labor needed to keep the U.S. economy going. Immigrants account for 14 percent of the total workforce and 20 percent of the low-wage workforce. Immigrants are especially important in certain sectors, such as health care. Because of immigration restrictions since Sept. 11, some areas of the United States are experiencing doctor shortages, especially many rural areas that rely heavily on foreign-born care workers.

Immigration is the driving force behind increases in elementary and high school enrollment. There are gaps, however, in educational achievement between natives and immigrants at the elementary and secondary levels that need to be addressed. Children with limited English skills are more expensive to educate.

The nation’s health care system must adapt to a number of changing conditions because of the impact of immigration. Racial and ethnic health disparities may influence health care research and costs. Cultural competency and health literacy can affect the quality of health care. Many immigrants are uninsured.

Immigration will also impact public safety and justice. U.S. laws and the American legal system, and language barriers can intensify the problems. States are grappling with issue of drivers’ licenses and identification cards for illegal immigrants. And state facilities house inmates awaiting deportation with little or no reimbursement from the federal government.

States are already experiencing a need for bilingual teachers, law enforcement officers and public health workers. The need for bilingual government employees will only grow in the coming years. Finding the best way to educate immigrants and their children will also grow in importance, especially as immigrants move to states that are not traditional immigrant magnets, and therefore less equipped to respond to the demands and needs of the growing immigrant population.

3. Population Growth Patterns

The population of the South and West are growing. A major factor in the accelerated growth in these two regions is domestic migration, but they are also hot spots for immigration as well. In addition to these regional shifts, the United States is becoming more and more a suburban nation. The percentage of the population living in metropolitan areas is expected to increase over the next two decades, leaving fewer than 18 percent of the population in non-metropolitan areas by 2020.

Regional shifts in population will accentuate water shortage problems in these areas. Growing regions will also have to address the increasing demand for infrastructure and government services. Because of population increases, the South and West will gain in political power at the national level. The influx of people into these areas may also change the political makeup of these areas, depending on the demographics of the new arrivals.

Bedroom communities are thriving, but more remote rural areas and urban centers are losing population. This will lead to shifts in political power to the suburbs, so the needs of the rest of the population may not be addressed. This growing suburbanization leads to urban sprawl, with its
related loss of farmland, environmental concerns, infrastructure demands and quality of life issues.

Regional population shifts and suburbanization will increase the attention to urban sprawl issues. As development occurs farther and farther away from city cores, state and local governments may need to address the efficiency of land use patterns and make sure that people are receiving the government services they need and demand.

4. Globalization

While capitalism is the driving force behind globalization, the end result is that people, businesses and governments around the world are more interrelated than ever before. It’s difficult to talk about economics without talking about politics, technology and culture. What happens in China may be as important as what happens in Washington, D.C. in a few years. All these factors have a profound impact on the states.

International trade agreements are an important element of globalization. These agreements, which are decided at the federal level, may limit states’ ability to exercise regulatory and legislative powers. States may be inadvertently violating trade agreements that were passed without their input.

State officials also have to deal with the impacts of offshoring jobs to other countries. Potential job losses can affect state economies profoundly. When jobs are lost states may need to pay for retraining workers, especially an issue now that higher-skilled jobs are being offshored. There is a potential downward pressure on U.S. wages to compete with workers in other countries, on the one hand, but offshoring also opens new markets for U.S. products by increasing wages and standards of living for people in other parts of the world.

Education about our global society is an unmet need that policy-makers should be aware of. Our current and future work forces may not have the knowledge of globalization that is needed to understand what is happening both economically and politically. In addition, policy-makers will need to realize what their state’s strengths are so their work forces can more effectively compete in the global economy.

5. New Economy

At the same time that globalization has occurred, the U.S. economy has evolved from a manufacturing-based economy centered on natural resources and standardized products to a service-based economy focused on knowledge and ideas. The skills needed to succeed in the New Economy are vastly different than those needed in the Old Economy. Today, people need to have critical thinking skills, be able to convert information into knowledge, and use and understand emerging technologies.

Because states’ sales taxes are mostly levied on durable goods rather than services, the sales tax base is eroding over time. As evidence of this, sales taxes currently account for a smaller portion of state revenues than they did in the 1970s. Services account for more than half of personal consumption, so it is a substantial potential revenue source.
E-commerce has been growing rapidly in the last few years. States and local communities are losing $16.4 billion a year in sales and use tax revenue because of online and catalog sales. According to some economists, this number could rise to $45 billion in 2006 and $66 billion in 2011. Because of a federal moratorium, however, states currently cannot collect taxes on electronic transactions.

Entrepreneurship is extremely important in the New Economy. Rapidly growing new firms are a major source of job creation, so entrepreneurs are one of the driving forces for the economy. Because of its economic importance, policy-makers need to do what they can to foster an entrepreneurial culture in their states. At the same time, the focus of many state officials’ activities will be on modernizing the tax structure, to better reflect a new nature of economy.

6. Information Dissemination

Information now flows at a dizzying pace. You can have instant access to almost any type of information you need or want. Today, businesses rely on this instant information to compete in the global economy, but there are some less positive impacts of almost unlimited access to information as well.

With cell phones and Blackberries, people are rarely unreachable. Somewhat ironically, however, the technological advances that make us constantly available can also be very isolating. Some people are choosing this technological interaction over face-to-face communications, which can affect social skills. A constant pressure of being reachable and available can also be very stressful. It may potentially disrupt daily routines and affect family life of technologically advanced workers.

Another interesting concept in information dissemination is the ability for people to only hear what they want to hear. Because there are so many sources of information available today, people do not have to rely on their local newspapers or the evening news. They can go to Web sites, participate in blogs and chat rooms, and only get information that they want to get. They do not have to listen to the other side of the story.

With all these changes in information dissemination, politicians and other state officials will have to change the way they communicate with their constituents if they want to get their messages across. In addition, this ability to filter information that you don’t want to hear increases the importance of good education. The education system should emphasize critical thinking skills, so that students will have the ability to process information responsibly and intelligently.

7. Privacy and Security

As the amount of readily available information increases so do concerns about individual and governmental privacy and security. The more information that is available, the more potential there is for misuse of this information.

One growing concern is identity theft. Criminals can use a variety of methods, ranging from rummaging through your trash to find pre-approved credit offers to hacking into your company’s computer system to find Social Security numbers, to obtain personal information to commit fraud.
or theft. Identity theft is on the rise and will continue to be a major issue because of the relatively easy access to information.

Nanotechnology is an emerging tool to change the molecular structure of products that are cleaner, stronger, lighter, and more precise. While this technology has many potential positive uses, it does bring up privacy issues as well. With the ability to make common devices such as cameras smaller and smaller, there is also the ability to invade people’s privacy.

Security issues have come to the forefront since Sept. 11 and continue to be in the minds of citizens and state officials alike. State and federal officials will continue to look at ways to regulate access to certain places in order to protect public security. Biometrics is an emerging technology that can be used to increase security but raises privacy concerns as well. Biometrics refers to the automated methods of recognizing a person based on physiological or behavioral characteristics. Biometric technologies are becoming the foundation of an extensive array of highly secure identification and personal verification solutions. A person’s face, fingerprints, hand geometry, handwriting, iris and voice can all be measured. The convergence of information technologies, scientific know-how, financial benefit and identified security need make the development and mainstream use of biometrics and biometric identifiers a potential reality.

State officials, while supporting the development of these very promising technologies and implementation of rules and regulations, will also have to carefully evaluate their impact on privacy and security, and therefore public perception and reaction.

8. Natural Resource Use and Protection

The growing population in this country and around the world will increase the demands on the environment. The responsible use of natural resources and the protection of environmental quality will continue to drive many social, political and economic decisions.

The growing trend of urban sprawl can put stress on our natural resources. Urban sprawl increases driving time and the use of petroleum fuels. In some cases, ecologically valuable wetlands are being developed, and prime farmland is being converted to residential and commercial use.

Experts project that the world could reach its peak oil production capacity within the next 10 to 40 years. After that, the supply of oil may not keep up with demand. With this in mind, some states are leading the way in promoting energy efficiency and conservation. California, for instance, has built a “green” government building, and New York renovated one of its government office buildings to be more environmentally friendly. And many states have incentive programs aimed at encouraging the purchase of alternative fuel vehicles, the conversion of vehicles to run on biofuels and the installation and operation of fueling facilities to serve these vehicles.

Policy-makers will have to focus on longer-term policies, programs and commitments in order to ensure balanced approaches to the use of natural resources and development of “greener” and “cleaner” technologies. Air quality as well as water quality and availability will remain on the agendas of many state officials.
9. Polarization of Society

The United States is starting to realize a growing polarization of society. Some experts argue that the driving forces behind this phenomenon are increasingly polarized elected officials. This political polarization is, according to some experts, the result of gerrymandering to create “safe” districts. Because these districts are safely Republican or safely Democratic, there is an opportunity for Democrats who are more liberal than the average American and Republicans more conservative than the average to win office. This leads to increased difficulty in finding political compromises among elected officials.

Some experts, however, argue that it’s not just politicians who are becoming polarized. It is the American public. These experts believe that issues such as gay marriage and abortion have created rifts among the general public that make compromise on these and other issues difficult if not impossible. This polarization is reinforced by trends in information dissemination that allow people to only hear the viewpoints they want to hear.

There is growing economic polarization as well. According to the U.S. Census Bureau, the country has experience a long-term trend of a widening income gap. In other words, there is increasing income inequality between the “haves” and the “have nots.” This trend many create more pressures on government services on one hand, and impact taxation policies on the other.

The growing economic, cultural and political differences in this country are leading to a call for more civility among citizens and among their elected officials. There is an increased need for statesmanship and respect for differences in opinion, beliefs and economic status so that state leaders can do their jobs effectively.

10. Role of Government

The role of government in American society has shifted many times during our country’s history. The pendulum swings between strongly centralized and decentralized relationships between the federal government and states. Government’s assertiveness has ranged from reacting to certain events to implementing proactive policies to influence other events. The level of government involved in certain areas has changed over time. The social contract between government and citizens has shifted as well. Trust in government has declined over the years, and the public’s willingness to pay for government services has decreased as evidenced by a growing anti-tax sentiment.

The changing level of government involvement is illustrated by changes in state economic development policy over the years. A few decades ago, states were almost totally reliant on industrial recruitment as an economic strategy. Some states then developed services for entrepreneurs and small businesses. This evolved into states serving as a broker between entrepreneurs and the private and nonprofit sources of business assistance they need.

Several states have experienced the conflict between what the public wants and what they’re willing to pay. Citizen ballot initiatives have, in certain instances, created costly programs without providing revenue sources for them. When combined with a growing anti-tax sentiment, states will be hard pressed to adequately fund programs, which may lead them to carefully examine what they want to focus on.
Federalism issues have been and will always be a major impact on state government. As state policy-makers and administrators know, state budgets are greatly affected by federal mandates, as well as state and federal court decisions. Because of the relative inflexibility of federal programs and policies, states have to reorganize their priorities to adhere to mandates. The same is true for court decisions. This reprioritization adds uncertainty to budget forecasting, making it more difficult to predict future expenditures.

The voice of state government must be heard in this dynamic political environment. State leaders should be active in state membership organizations. This is one avenue for leaders to express their concerns and to learn from other states that may have dealt with those same concerns. State leaders must also build good relationships with their congressional delegations to make sure that federal decision-makers understand the needs of the states and how federal policy can affect the performance of state government.

**ONGOING FORCES OF CHANGE – 2007 AND BEYOND**

**Demographics**

The United States population, now at 300 million, is experiencing profound demographic shifts due to increased longevity, smaller family size, and the influx of immigrants with higher fertility rates than native-born residents. These changes, along with dramatic variations in regional growth, will have major impacts on state economies, the demand for public services, the use and management of natural resources, and voting patterns.

**Chasing the American Dream**

The income gap between the rich and the poor in the United States is now greater than in any other advanced nation, with the middle class confronting increased financial pressures. Widening social and economic disparities will affect states’ ability to finance and facilitate access to public services, employment opportunities, technology, health care and affordable housing. State officials also will be challenged to address the differing needs and perspectives of culturally diverse populations and demographic differences in levels of civic participation and awareness.

**Environmental Gluttony**

A growing population, increased pollution, and global climate change are threatening our natural environment, economy, and way of living. As water supplies dwindle, states will face tough management, stewardship, and water rights decisions. The Energy Information Administration expects an upward price trend for energy to continue indefinitely. Thus, states will have to find creative ways to promote renewable energy and conserve energy resources. The environmental consequences of energy choices also will need to be addressed.

**Health Care: Paying More, Getting Less**

U.S. health care costs are skyrocketing, with the cost of health insurance projected to rise 6.4% per year over the next decade. Although U.S. health spending is significantly higher than the average rate of other industrialized countries, we have higher rates of infant mortality, shorter
“healthy life” expectancies, and more premature and preventable deaths. Growing numbers of elderly citizens and uninsured individuals will create tremendous pressures on public health insurance programs, fragmented health care delivery systems, and health workforces.

**Tech Revolution**

Technology is upgrading so rapidly that, for every computer put on the market, one existing computer will become obsolete. Although increasing numbers of states are providing fully executable services online, the digital divide continues to widen along economic, racial, and generational lines. With the volume of e-waste increasing by 3% - 5% each year, states will be challenged to find hazard-free recycling and disposal options.

**Economic Transformation**

Now that the shift from a manufacturing-based economy to a service-based, global economy is well underway, many economic transformation issues are emerging. At their current pace, India and China are set to economically surpass Japan and the United States in the next 30 years. The emergence of new economic powers, along with increasing economic, social and political interdependence among countries, will have significant impacts on state economies, labor migration patterns, knowledge and product development, and the ownership and distribution of natural resources. A fundamental challenge for state policymakers will be to balance public issues and private sector concerns with the need to remain globally competitive.

**Educating for Outcomes**

The need to maintain a competitive edge in a global economy has accentuated concerns about the lower academic performance of U.S. students relative to other industrialized nations and persisting racial/ethnic and income-based disparities in academic achievement. Issues of access, instructional quality, learning outcomes, and preparedness for the “new economy” workforce will have important implications for states’ economic and social wellbeing.

**Critical Infrastructure: Cracks in the Foundation**

Critical infrastructure is becoming increasingly outmoded, as evidenced by the nation’s crumbling water distribution systems, transportation systems, and an overextended power grid. The need to address these problems and to keep pace with rapid changes in telecommunications and other infrastructure technology will have significant financial and regulatory implications for states.

**Balance of Power**

New technologies and globalization are intensifying pressures to centralize rather than share federal power with state and local governments. Over the past three years, Congress has shifted an estimated $75 billion in costs to the states. Unfunded mandates, along with federal preemption of state and local laws and restrictions on state taxation, will have a major impact on future federal-state-local relationships.
**America the Safe and Secure?**

The United States faces myriad threats to public safety, domestic security, and immigration enforcement. After a two-decade drop, violent crimes are on the rise. National Guard troops are increasingly being used as quasi-active duty units – both within and outside the United States. States also are expected to play an increasing role in arresting and detaining illegal immigrants – duties that they historically have not performed. A major challenge will be to find ways of addressing diverse domestic and international threats while protecting personal privacy.

**Disposable Society**

A 2006 report published by the Center for Environment and Population characterizes the United States as a “super-size” nation, with lifestyles reflected in super-sized appetites for food, houses, land and resource consumption. The marketing and consumption of fast foods and disposable products, coupled with a growing population, will strain states’ waste management capacity and place citizens at increased risk for poor physical and financial health.

**Changing Global Climate**

What was once scientific conjecture is now scientific certainty: human activity—especially the combustion of fossil fuels—directly contributes to global climate change. Major shifts in climate patterns are likely to have significant agricultural, economic, health and environmental impacts on states.
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.
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 taskforce(s) and committee(s).]

CSG policy task force recommendations to The Committee on Suggested State Legislation:
(A)(B)
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action (The task force did not make a recommendation about this item.)

Comments/Note to staff:

SSL Committee Meeting: (A)(B)(C)
( ) Include in Volume
( ) Defer consideration:
( ) next task force mtg.
( ) 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., TITLE OF ITEM UNDER CONSIDERATION</th>
<th>SOURCE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>(01) CONSERVATION AND THE ENVIRONMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-28B-01 Greenhouse Gas Emission Labeling for Motor Vehicles</td>
<td>CT</td>
<td></td>
</tr>
<tr>
<td>01-28B-02 Chesapeake Bay Watershed Nutrient Credit Exchange</td>
<td>VA</td>
<td></td>
</tr>
<tr>
<td>01-28B-03 Decentralized Emission Inspection Program That Utilizes On-Board Diagnostic Testing On Certain Motor Vehicles Statement</td>
<td>MO</td>
<td></td>
</tr>
<tr>
<td>01-28B-04 Air Quality Compliance: Costs</td>
<td>OH</td>
<td></td>
</tr>
<tr>
<td>(02) HAZARDOUS MATERIALS/WASTE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02-28B-01 E-Recycling</td>
<td>WA</td>
<td></td>
</tr>
<tr>
<td>(03) ENERGY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>03-28B-01 Alternative Fuel Sales</td>
<td>NY</td>
<td></td>
</tr>
<tr>
<td>03-28B-02 Solar Energy Systems</td>
<td>CA</td>
<td></td>
</tr>
<tr>
<td>03-28B-03 State Energy Plan</td>
<td>VA</td>
<td></td>
</tr>
<tr>
<td>03-28B-04 Renewable Fuels Production Accountability</td>
<td>LA</td>
<td></td>
</tr>
<tr>
<td>03-28B-05 Governmental Aggregation of Retail Electric Loads</td>
<td>OH</td>
<td></td>
</tr>
<tr>
<td>03-28B-06 Energy Conservation</td>
<td>KS</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>*05-28A-03 Notice to Health Care Facilities about Housing Offenders</td>
<td>UT</td>
<td></td>
</tr>
<tr>
<td>DEFER TF PUB SAFETY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-28B-01 Seaport Security</td>
<td>FL</td>
<td></td>
</tr>
<tr>
<td>05-28B-02 Prescription Drug Retail Price Registry</td>
<td>NJ</td>
<td></td>
</tr>
<tr>
<td>05-28B-03A Fire-Safe Cigarettes</td>
<td>MODEL</td>
<td></td>
</tr>
<tr>
<td>05-28B-03B Fire-Safe Cigarettes</td>
<td>CA</td>
<td></td>
</tr>
<tr>
<td>05-28B-03C Fire Safe Cigarettes</td>
<td>IL</td>
<td></td>
</tr>
<tr>
<td>05-28B-03D Fire-Safe Cigarettes</td>
<td>VT</td>
<td></td>
</tr>
<tr>
<td>(06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>06-28B-01 Foreclosure Protection</td>
<td>CO</td>
<td></td>
</tr>
<tr>
<td>06-28B-02 Mortgage Fraud</td>
<td>CO</td>
<td></td>
</tr>
<tr>
<td>06-28B-03 Access to Home Program</td>
<td>NY</td>
<td></td>
</tr>
<tr>
<td>06-28B-04 Emergency Deployment of Construction Code Officials and Inspectors to Assist Local Construction Code Officials in the Case of a Disaster or Other Emergency</td>
<td>NJ</td>
<td></td>
</tr>
</tbody>
</table>
06-28B-05 Procedures for the Evaluation and Assessment of the Interior of Buildings to be Used for Child Care  
06-28B-06 Retail Facilities Revitalization  
06-28B-07 Eminent Domain  

(07) GROWTH MANAGEMENT  

(08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/DEVELOPMENT  
08-28B-01 Economic Crisis Strike Force  

(09) BUSINESS REGULATION AND COMMERCIAL LAW  
09-28B-01 Mediation of Emergency or Disaster-Related Insurance Claims  
09-28B-02 Residential Electronic Protection Licensing  
09-28B-03 Mortgage Foreclosure Consultant  
09-28B-04 Genetic Counseling  
09-28B-05 Public Adjusters  

(10) PUBLIC FINANCE AND TAXATION  
10-28B-01 Independence, Dignity and Choice in Long-Term Care  

(11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT  
11-28B-01 Work-at-Home Solicitations  
11-28B-02 Concerning Employer Communications to Employees about Religious and Political Matters  
11-28B-03 Sales Representative Commission Payment  

(12) PUBLIC UTILITIES AND PUBLIC WORKS  
12-28B-01 Distribution Electric Substations  

(13) STATE AND LOCAL GOVERNMENT/INTERSTATE COOPERATION AND LEGAL DEVELOPMENT  
13-28B-01 Management and Archiving Electronic Records  
13-28B-02 Office of Advocacy For Honest and Appropriate Government Spending  
13-28B-03 Immigration - Denial of State and Local Benefits - Professional and Commercial Licenses  
13-28B-04 Requiring Proof of Lawful Presence to Receive Public Benefits  
13-28B-05 State Trademarks  
13-28B-06 Government Accountability  

(14) TRANSPORTATION
<table>
<thead>
<tr>
<th>Code</th>
<th>Title</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-28B-01</td>
<td>Vehicles: Key Information Access</td>
<td>CA</td>
</tr>
<tr>
<td>15-28B-01</td>
<td>Hands-Free Telephones in Motor Vehicles</td>
<td>CA</td>
</tr>
<tr>
<td>15-28B-02</td>
<td>Broadband Business Certainty</td>
<td>TN</td>
</tr>
<tr>
<td>15-28B-03</td>
<td>Competitive Emerging Communications Technologies</td>
<td>GA</td>
</tr>
<tr>
<td>16-28B-01</td>
<td>Disclosing Candidate-Specific Qualifications</td>
<td>NC</td>
</tr>
<tr>
<td>16-28B-02</td>
<td>Challenging Candidate Qualifications</td>
<td>NC</td>
</tr>
<tr>
<td>16-28B-03</td>
<td>Voter Registration Records and Non-Citizens</td>
<td>VA</td>
</tr>
<tr>
<td>17-28B-01</td>
<td>Seizing Assets Used to Commit an Offense Against A Minor</td>
<td>TN</td>
</tr>
<tr>
<td>17-28B-02</td>
<td>Innocence Inquiry Commission</td>
<td>NC</td>
</tr>
<tr>
<td>17-28B-03</td>
<td>Notice to Health Care Facilities about Discharged Criminal Offenders</td>
<td>UT</td>
</tr>
<tr>
<td>17-28B-04</td>
<td>Concerning Local Government Cooperation with Federal Officials Regarding the Immigration Status of People in this State</td>
<td>CO</td>
</tr>
<tr>
<td>17-28B-05</td>
<td>Sexual Predator Apprehension Team</td>
<td>LA</td>
</tr>
<tr>
<td>17-28B-06</td>
<td>Harboring or Concealing a Sexual Offender, Sexually Violent Predator, or Child Predator</td>
<td>LA</td>
</tr>
<tr>
<td>17-28B-07</td>
<td>Civil Commitment Statement</td>
<td>NY</td>
</tr>
<tr>
<td>17-28B-08</td>
<td>Executive Clemency</td>
<td>AK</td>
</tr>
<tr>
<td>17-28B-09</td>
<td>Victim’s Rights; Failure to Comply</td>
<td>AZ</td>
</tr>
<tr>
<td>18-28B-01</td>
<td>Family Caregiver Assistance Program</td>
<td>MD</td>
</tr>
<tr>
<td>18-28B-02</td>
<td>Greater Civil Relief Protection for Members of the Military</td>
<td>ME</td>
</tr>
<tr>
<td>19-28A-01</td>
<td>Security and Immigration Compliance</td>
<td>GA</td>
</tr>
<tr>
<td>19-28B-01</td>
<td>Clarifying Parentage of Children Resulting from Embryo Donation</td>
<td>OH</td>
</tr>
<tr>
<td>20</td>
<td>EDUCATION</td>
<td></td>
</tr>
</tbody>
</table>
20-28B-01 School District Fiscal Accountability  NJ
20-28B-02 Fast Track to College  IN
20-28B-03 Office of Learning Technology  VA
20-28B-04 Parental Choice in Education  UT
20-28B-05 Schoolchildrens’ Health  NC
20-28B-06 Longitudinal Analysis of Student Assessments  CO
20-28B-07 Restrictions Concerning Foods and Beverages Sold, Served or Given Away to Pupils at Public and Certain Nonpublic Schools  NJ
20-28B-08 Discounted Computers and Internet Access for Students  FL
20-28B-09 Educational Regional Service System  OH

(21) HEALTH CARE
21-28B-01 State Health Technology Program  WA
21-28B-02 Hospital Discharge Planning for the Homeless  CA
21-28B-03 Health Insurance Balance Billing  CO
21-28B-04 Health Care Workforces Resources  OK
21-28B-05 Allowing Unused or Unaccepted Drugs Donated to the Prescription Drug Repository Program to be Distributed to Out-Of-State Charitable Repositories  MO
21-28B-06 Cosmetics: Chronic Health Effects  CA
21-28B-07 Malpractice Liability During Pandemics  UT
21-28B-08 Prescription Confidentiality  NH
21-28B-09 Medical Home  CO
21-28B-10 PCA Quality Home Care Workforce Council  MA
21-28B-11 Biomedical Research  FL
21-28B-12A Cervical Cancer Prevention  UT
21-28B-12B Human Papillomavirus Vaccine  VA
21-28B-13 Center for Diabetes Prevention Statement  TN
21-28B-14 Dementia-Specific Training  MO
21-28B-15 Disclosure of Special Care Status  MN

(22) CULTURE, THE ARTS AND RECREATION
22-28B-01 Criminal Trespass on a Place of Public Amusement  OH

(23) PRIVACY
23-28B-01 Pretexting  IL
23-28B-02 Anti-Phishing  TN

(24) AGRICULTURE
24-28B-01 Solar Evaporator  CA
24-28B-02 Motor Carrier Harvest Permit  OK

(25) CONSUMER PROTECTION
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>25-28B-01</td>
<td>Electronic Mail Fraud</td>
<td>RI</td>
</tr>
<tr>
<td>25-28B-02</td>
<td>Wireless Network Security for Homes and Small</td>
<td>CA</td>
</tr>
<tr>
<td></td>
<td>Businesses</td>
<td></td>
</tr>
<tr>
<td>25-28B-03</td>
<td>Uniform Debt Services</td>
<td>CO</td>
</tr>
</tbody>
</table>

(26) MISCELLANEOUS
This Act requires the state Department of Environmental Protection (DEP) commissioner, in consultation with the Department of Motor Vehicles (DMV) commissioner, to establish a greenhouse gas (GHG) labeling program for new motor vehicles sold or leased in Connecticut beginning with the 2009 model year and to educate the public about the labeling program and GHGs. It funds these programs through a $5 fee the DMV must impose on new car registrations, starting January 1, 2007, and bars the sale or lease of a 2009 or later model year motor vehicle without the required GHG label. The Act applies to vehicles with a gross vehicle weight rating of 10,000 pounds or less.

The bill requires the DEP, in consultation with a Governor's Steering Committee on Climate Change, to determine by October 1, 2006, (the date on which this provision takes effect) the amount of motor vehicle GHG emission reductions needed to meet the state's GHG goals. The DEP must submit its findings, together with any recommended legislation, in its 2007 annual climate change report to the Environment Committee.

This legislation defines “hybrid passenger car” for the purposes of a sales tax exemption for new vehicles purchased between October 1, 2004 and September 30, 2008.
The Environmental Protection Agency rates cars on a scale of zero to 10, where a score of 10 represents the lowest amount of greenhouse gases (GHG) emitted. The score is determined by the vehicle’s estimated fuel economy and its fuel type.

Many chemical compounds found in the Earth’s atmosphere act as “greenhouse gases.” These gases allow sunlight to enter the atmosphere freely. When sunlight strikes the Earth’s surface, some of it is reflected back toward space as infrared radiation (heat). Greenhouse gases absorb this infrared radiation and trap the heat in the atmosphere. In the U.S., greenhouse gas emissions come mostly from energy use. These are driven largely by economic growth, fuel used for electricity generation, and weather patterns affecting heating and cooling needs. Energy-related carbon dioxide emissions, resulting from petroleum and natural gas, represent 82 percent of total U.S. human-made greenhouse gas emissions.

The labeling program will be funded through a $5 fee on new car registrations beginning January 1. The Department of Motor Vehicles will deposit these fees into the federal Clean Air Act account, which will provide ongoing funding for the GHG labeling and public education programs.

This law bars the sale or lease of a 2009 or later model year motor vehicle without the required GHG label. It also applies to vehicles with a gross vehicle weight rating of 10,000 pounds or less.

“We are currently making steady progress in the areas of energy conservation and environmental protection,” Governor Rell continued. “Recently, Connecticut along with six other states supported a Regional Greenhouse Gas Initiative, and adopted regulations to implement the second phase of the California Low Emission Vehicle program.

“We are also bringing cleaner and more fuel efficient cars to the State of Connecticut. We recently purchased 575 alternative fuel and hybrid vehicles for our Fleet Operations. Some of these new cars will get up to 60 miles to the gallon and help us protect our environment.”

Governor Rell is also committed to making sure that everyone in Connecticut knows what GHG means. Under this law, the Department of Environmental Protection and Department of Motor Vehicles will create an education program that includes information about the environmental impact of motor vehicle GHG emissions and the impact of vehicle choice on such emissions.

The bill is Senate Bill 660, An Act Concerning Clean Cars.

Disposition:

- CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
- ( ) Include in Volume
- ( ) Defer consideration to next task force meeting
- ( ) Reject
- ( ) No action

SSL Committee Meeting: 2008B
- ( ) Include in Volume
- ( ) Defer consideration to next SSL mtg.
- ( ) Reject

Comments/Note to staff:
This Act establishes a nutrient exchange or trading program to allow point source dischargers to achieve and maintain compliance with the waste load cap allocations for nitrogen and phosphorus delivered to the Chesapeake Bay and its tidal tributaries. It requires the State Water Control Board to issue a general permit under the state Pollutant Discharge Elimination System to eligible point source dischargers of nitrogen and phosphorus. The facilities that obtain such a permit, and which are interested in participating in the trading program, must be identified with their individual load cap allocations and trading ratios.

The trading association authorized by the bill provides the mechanism by which those permittees under the general permit are matched with nutrient trading partners. Within nine months of the issuance of the general permit, the permittees either individually or through the trading association must submit compliance plans to DEQ. The compliance plans must include any capital projects and the implementation schedules needed to achieve the nitrogen and phosphorous reductions needed to comply with the waste load allocations for all the permittees in a particular tributary.

Submitted as:
Virginia
Chapter 710 of 2005
Status: Enacted into law in 2005.

Comment:
Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act revises the state emissions inspection program. The Act creates a decentralized emissions inspection program whereby motor vehicle safety inspection stations and other entities will conduct emissions inspection if certified by the air conservation commission. The decentralized system will not go into effect until September 1, 2007. Prior to that date, the commission shall develop a decentralized emissions inspection program that allows official emissions inspection stations to conduct on-board diagnostic testing on 1996 and newer vehicles. The Act provides that motor vehicle safety inspection stations and other entities may apply to the commission to become official emissions inspection stations. Before issuing a certificate of authorization to a prospective station, the commission must determine if the applicant will be properly equipped, has qualified emission inspectors, and meets other requirements set forth by the commission.

The Act provides that the Director of Revenue may verify a successful safety and emissions inspection result electronically. If a motor vehicle is inspected and approved prior to sale or transfer, it is not subject to another emissions inspection for 90 days after the date of sale or transfer of the vehicle.

The Act specifically exempts motor vehicles manufactured prior to 1996 from the emission inspection process. Motor vehicles manufactured prior to that date will be subject to a gas cap pressure test as part of the motor vehicle safety inspection test. This requirement will be implemented by rules. The Act exempts heavy-duty diesel-powered vehicles with a gross vehicle weight rating in excess of 8,500 pounds. The Act also exempts new motor vehicles which have not been previously titled and registered, for the four-year period following their model year of manufacture provided the odometer reading for such motor vehicles are less than 40,000 miles at their first required biennial safety inspection; otherwise such motor vehicles shall be subject to the emissions inspection. Motor vehicles driven less than 12,000 miles between biennial safety inspections are exempt from the emissions inspection.

The Act sets forth the procedures that one must follow in order to become an official emissions inspection station. The Act also provides that the commission may suspend a station's certificate of authority to conduct emissions inspections provided the station is given due process as outlined in the Act.

The Act provides that the commission shall establish a waiver amount which shall be no greater than $450. The Act provides that the waiver amount for repairs conducted by an owner shall be $400 provided the owner expends at least $400 on emissions parts. Labor costs do not count toward the waiver amount for owner repairs. The subsection requires the commission to create a waiver form and requires owners to submit all original receipts for parts. Under the Act, the commission may establish, by rule, a waiver amount which may be lower for owners who provide reasonable and reliable proof to the commission that the owner is financially dependant solely on state and federal disability benefits and other public assistance programs. Such proof shall be submitted to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed.

The Act requires certified repair technicians to obtain and possess valid A6, A8, and L1 certifications from the National Institute for Automotive Service Excellence.
The Act requires the Department of Natural Resources and the Highway Patrol to provide oversight for the emissions inspection program, including oversight of the repair services by recognized repair technicians. Both agencies shall submit an annual report to the legislature detailing the oversight measures implemented for the program and the data collected regarding compliance and incidents of fraud. The Act also requires the Department of Natural Resources to submit annual reports to the General Assembly describing the overall effectiveness of the new decentralized emissions inspection program. Beginning September 1 2007, the inspection fee shall not exceed $24.

The Act requires the Department of Natural Resources to promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all people residing in an affected nonattainment area reside farther than five miles from the nearest inspection station.

Submitted as:
Missouri
SB 583
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
According to an Ohio legislative staff report:

The federal Clean Air Act was initially enacted by Congress in 1970 and received major updates in 1977 and 1990. The Act mandates certain air pollution control requirements and establishes national ambient air quality standards and measures that must be used by the states to achieve those standards. Ohio has responded to the federal Clean Air Act by enacting the Air Pollution Control Law. The Ohio Environmental Protection Agency (OEPA) is charged with implementing that Law. The Agency must develop programs for the prevention, control, and abatement of air pollution. Many of the programs established by the OEPA under the state Air Pollution Control Law are derived from federal requirements. This Act makes changes to certain aspects of the Air Pollution Control Law governing permits to install for sources of pollution, air pollution monitoring devices, and best available technology.

Continuing law requires the Director of Environmental Protection to adopt rules for the prevention, control, and abatement of air pollution, including rules prescribing for the state as a whole or for various areas of the state emission standards for air contaminants and other necessary rules for the purpose of achieving and maintaining compliance with ambient air quality standards established by the federal Clean Air Act. In adopting the rules, the Director, to the extent consistent with the federal Clean Air Act, must hear and give consideration to certain evidentiary factors. One such factor is evidence relating to conditions calculated to result from compliance with the rules and their relation to benefits to the people of the state to be derived from that compliance. This Act also requires the Director to consider the overall cost within Ohio of compliance with the rules.

Continuing law requires the Director to adopt rules requiring the issuance of a permit to install prior to the location, installation, construction, or modification of any air contaminant source or any machine, equipment, device, apparatus, or physical facility intended primarily to prevent or control the emission of air contaminants. Applications for permits to install must be accompanied by plans, specifications, construction schedules, and other pertinent information and data. Further, the Director is required to specify in each permit applicable emission standards.

This Act requires the Director, not later than two years after the act's effective date, to adopt a rule in accordance with the Administrative Procedure Act specifying that a permit to install is required only for new or modified air contaminant sources that emit any of the following air contaminants:

1. An air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act;
2. An air contaminant for which the air contaminant source is regulated under the federal Clean Air Act; or
3. An air contaminant that presents, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects, including, but not limited to, substances that are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, or neurotoxic, that cause reproductive dysfunction, or that are acutely or chronically toxic, or a threat of adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, and that is identified in the rule by chemical name and Chemical Abstract Service number.
With respect to air contaminants identified because of their threat of adverse effects on human health or the environment (see item (3), above), the act authorizes the Director to modify the rule establishing the list of air contaminants for the purpose of adding or deleting air contaminants. For each air contaminant that is contained in or deleted from the rule, the Director must include in a notice accompanying any proposed or final rule an explanation of the Director's determination that the air contaminant meets the criteria established by the Act and should be added to, or no longer meets the criteria and should be deleted from, the list of air contaminants. The explanation must include an identification of the scientific evidence on which the Director relied in making the determination. Until adoption of the new rule specified in item (3), above, the act declares that nothing will affect the Director's authority to issue, deny, modify, or revoke permits to install under the Air Pollution Control Law.

This Act requires an application for a permit to install a new or modified air contaminant source to contain sufficient information regarding air contaminants for which the Director may require a permit to install to determine conformity with the OEPA's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986 (air toxics guidance document), which the act requires the Director to use to evaluate toxic emissions from new or modified air contaminant sources. The Director must make copies of the document available to the public upon request at no cost and post the document on the OEPA's web site. Any inconsistency between the document and the Act must be resolved in favor of the Act. (Sec. 3704.03(F)(4)(a).)

The Act requires the maximum acceptable ground level concentration of an air contaminant to be calculated in accordance with the air toxics guidance document. In addition, modeling must be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling must be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The Director must determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making that determination, the Director must give consideration to the modeling conducted under the act and other relevant information submitted by the applicant.

If the modeling conducted with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be greater than or equal to 80%, but less than 100% of the maximum acceptable ground level concentration for an air contaminant, the Director may establish terms and conditions in the permit to install for the air contaminant source that will require the owner or operator of the air contaminant source to maintain emissions of that air contaminant commensurate with the modeled level, which must be expressed as allowable emissions per day. In order to calculate the allowable emissions per day, the Director must multiply the hourly emission rate modeled to determine the ground level concentration by the operating schedule that has been identified in the application. The Act specifies that such terms and conditions are not federally enforceable requirements and, if included in a Title V permit, must be placed in the portion of the permit that is only enforceable by the state.
If the modeling conducted with respect to an application for a permit to install demonstrates that the maximum ground level concentration from a new or modified source will be less than 80% of the maximum acceptable ground level concentration, the Act requires the owner or operator of the source annually to report to the Director, on a form prescribed by the Director, whether operations of the source are consistent with the information regarding the operations that was used to conduct the modeling with regard to the application. The annual report is in lieu of an emission limit or other permit terms and conditions imposed pursuant to the act. The Director may consider any significant departure from the operations of the source described in the application that results in greater emissions than the emissions rate modeled to determine the ground level concentration as a modification and require the owner or operator to submit a permit to install application for the increased emissions. The Act specifies that the above provisions are not federally enforceable requirements and, if included in a Title V permit, must be placed in the portion of the permit that is only enforceable by the state.

This Act specifies that its air toxics provisions and the air toxics guidance document cannot be included in the state implementation plan under the federal Clean Air Act and do not apply to an air contaminant source that is subject to a maximum achievable control technology standard or residual risk standard under specified provisions of the federal Clean Air Act, to a particular air contaminant identified under specified federal regulations for which the Director has determined that the owner or operator of the source is required to install best available control technology for that particular air contaminant, or to a particular air contaminant for which the Director has determined that the source is required to meet the lowest achievable emission rate as defined in specified federal regulations for that particular air contaminant.

The Act states that its air toxics provisions and the air toxics guidance document do not apply to parking lots, storage piles, storage tanks, transfer operations, grain silos, grain dryers, emergency generators, gasoline dispensing operations, air contaminant sources that emit air contaminants solely from the combustion of fossil fuels, or the emission of wood dust, sand, glass dust, coal dust, silica, and grain dust. However, the Director may require an individual air contaminant source that is within one of those source categories to submit information in an application for a permit to install a new or modified source in order to determine the source's conformity to the document if the Director has information to conclude that the particular new or modified source will potentially cause an increase in ground level concentration beyond the facility's boundary that exceeds the maximum acceptable ground level concentration as set forth in the document. The Director may adopt rules in accordance with the Administrative Procedure Act that are consistent with the purposes of the Air Pollution Control Law and that add to or delete from the source category exemptions established under the Act.

This Act requires the Director, not later than one year after the act's effective date, to adopt rules in accordance with the Administrative Procedure Act specifying activities that do not, by themselves, constitute beginning actual construction activities related to the installation or modification of an air contaminant source for which a permit to install is required such as the grading and clearing of land, on-site storage of portable parts and equipment, and the construction of foundations or buildings that do not themselves emit air contaminants. The rules also must allow specified initial activities that are part of the installation or modification of an air contaminant source, such as the installation of electrical and other utilities for the source, prior to issuance of a permit to install, provided that the owner or operator of the source has filed a complete application for a permit to install, the Director or the Director's designee has determined that the application is complete, and the owner or operator of the source has notified the Director
that this activity will be undertaken prior to the issuance of a permit to install. The Act declares that any activity that is undertaken by the source under those rules is at the risk of the owner or operator. Further, the Act specifies that the rules do not apply to activities that are precluded prior to permit issuance under specified provisions of the federal Clean Air Act. (Sec. 3704.03(F)(5).)

Under law revised in part by the act, the Director may require the person responsible for any air contaminant source to install, employ, maintain, and operate emissions, ambient air quality, meteorological, or other monitoring devices or methods that the Director prescribes. The Act requires the owner or operator of an air contaminant source, rather than the person responsible for any air contaminant source, to conduct such activities. Further, under continuing law, the Director may require the person (owner or operator under the Act) to sample emissions at such locations, at such intervals, and in such manner as the Director prescribes and to maintain records and file periodic reports with the Director containing information as to location, size, and height of emission outlets, rate, duration, and composition of emissions and any other pertinent information the Director prescribes. In requiring monitoring devices, records, and reports, the Director, to the extent consistent with the federal Clean Air Act, must give consideration to technical feasibility and economic reasonableness and allow reasonable time for compliance. (Sec. 3704.03(I).)

The Act adds provisions that state that for sources where a specific monitoring, record-keeping, or reporting requirement is specified for a particular air contaminant from a particular air contaminant source in an applicable regulation adopted by the United States Environmental Protection Agency under the federal Clean Air Act or in an applicable rule adopted by the Director, the Director cannot impose an additional requirement in a permit that is a different monitoring, record-keeping, or reporting requirement other than the requirement specified in that applicable regulation or rule for that air contaminant except as otherwise agreed to by the owner or operator of an air contaminant source and the Director. If two or more regulations or rules impose different monitoring, record-keeping, or reporting requirements for the same air contaminant from the same air contaminant source, the Director may impose permit terms and conditions that consolidate or streamline the monitoring, record-keeping, or reporting requirements in a manner that conforms with each applicable requirement. Further, the Act specifies that to the extent consistent with the federal Clean Air Act and except as otherwise agreed to by the owner or operator of an air contaminant source and the Director, the Director cannot require an operating restriction that has the practical effect of increasing the stringency of an existing applicable emission limitation or standard. (Sec. 3704.03(I).)

This Act authorizes the Director to require new or modified air contaminant sources to install best available technology, but only in accordance with the Act's provisions. With respect to permits to install issued beginning three years after the Act's effective date, best available technology for air contaminant sources and air contaminants emitted by those sources that are subject to standards adopted under specified provisions of the federal Clean Air Act must be equivalent to and no more stringent than those standards. For an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act, best available technology must only be required to the extent required by rules adopted under the Administrative Procedure Act for permit to install applications filed three or more years after the Act's effective date. Best available technology requirements established in rules adopted under the Act must be expressed only in one of the following ways that is most appropriate for the applicable source or source categories:
(1) Work practices;
(2) Source design characteristics or design efficiency of applicable air contaminant control devices;
(3) Raw material specifications or throughput limitations averaged over a 12-month rolling period; or
(4) Monthly allowable emissions averaged over a 12-month rolling period.

Best available technology requirements are not permitted to apply to an air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, less than ten tons per year of emissions of an air contaminant or precursor of an air contaminant for which a national ambient air quality standard has been adopted under the federal Clean Air Act. Best available technology requirements established in rules adopted under the Act also are not permitted to apply to any existing, new, or modified air contaminant source that is subject to a plant-wide applicability limit that has been approved by the Director. Further, best available technology requirements established in rules adopted under the act cannot apply to general permits issued prior to January 1, 2006, under rules adopted under the Air Pollution Control Law.

This Act adds that for permits to install issued three or more years after the Act's effective date, any new or modified air contaminant source that has the potential to emit, taking into account air pollution controls installed on the source, ten or more tons per year of volatile organic compounds or nitrogen oxides must meet, at a minimum, the requirements of any applicable reasonably available control technology rule in effect as of January 1, 2006, regardless of the location of the source (sec. 3704.03(T)).

The Act states that the General Assembly finds and declares its intention that no part of the act can be interpreted or applied to encourage, facilitate, allow, or otherwise result, directly or indirectly, in the establishment or reestablishment of a motor vehicle inspection and maintenance program in any part of Ohio in which such a program is not operating on the effective date of the Act. Further, the act states that the General Assembly finds and declares its intention that no part of the Act can be interpreted or applied to encourage, facilitate, allow, or otherwise result, directly or indirectly, in the extension of the motor vehicle inspection and maintenance program in any part of Ohio in which it is operating on the act's effective date beyond December 31, 2007, as required under continuing law. Finally, the act states that the General Assembly further directs the Director of Environmental Protection to take all necessary actions to ensure that, in implementing the act's provisions, the Director does nothing to bring about the institution, reinstatement, or extension of the motor vehicle inspection and maintenance program, as applicable, in any part of Ohio.

Submitted as:
Ohio
Amended Substitute Senate Bill Number 265 (enrolled version)
Status: Enacted into law in 2006.

Comment:
Disposition: 01-28B-04

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B

( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B

( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes system for collecting, transporting, and recycling unwanted “covered electronic products” (CEPs) that is implemented and financed by product manufacturers. CEPs include most computer monitors, desktop computers, laptop or portable computers, and televisions.

Households, charities, school districts, and small businesses and governments may discard CEPs free of charge at collection centers throughout the state. Manufacturers may not sell CEPs in Washington unless they participate in the system, which must be operational by 2009.

Beginning January 1, 2007, no person may sell or offer for sale an electronic product in Washington unless the manufacturer's brand is permanently affixed and readily visible. In-state retailers possessing unlabeled products on that date may exhaust their stock through sales.

CEP manufacturers, collectors, transporters, and processors must annually register with and provide information to the state department of energy (DOE). Retail sellers may register and be held accountable as manufacturers.

Manufacturers must participate in plans to implement and finance handling of their "equivalent share" of CEPs, as determined by DOE. A plan using nonprofit organizations for CEP collection will be given a 5 percent credit applied to its collective equivalent share for pounds received from those organizations.

A manufacturer must participate in the standard plan developed by the Washington Materials Management and Financing Authority (Authority) unless it obtains DOE approval to participate in an independent plan. An independent plan may be submitted to DOE by a manufacturer or group of manufacturers representing at least a 5 percent share of CEPs; participants may not be new entrants or white box (unbranded product) manufacturers.

Plans must provide for convenient urban and rural collection services, with at least one collection site or alternate service for municipalities with populations greater than 10,000.

Plans may limit the number of CEPs accepted per customer per day. Plans must sample CEPs entering their programs and note information needed to calculate equivalent share. If costs are passed on to consumers, manufacturers may not charge a fee when an unwanted product is delivered or collected for recycling. Collectors providing premium or curbside services may charge a fee for their additional collection costs.

All plans must be submitted to DOE for review and approval, be operational by 2009, and updated at least every five years.

This Act establishes a state Materials Management and Financing Authority and directs the Authority to devise and implement a standard plan responsible for handling the collective equivalent shares of its participating manufacturers. The Authority is governed by a board of directors (board) appointed by the Director of DOE, comprised of 11 representatives of participating manufacturers. The Directors of DOE, the Department of Community, Trade and Economic Development, and the State Treasurer serve as ex-officio members. The board must select a chair, create bylaws, and adopt a general operating plan, conducting at least one public hearing on that plan.

Participating manufacturers must pay the Authority's administrative and operational costs based on an equitable method reviewed and approved by DOE. If a manufacturer has not met its financial obligations, the Authority will notify DOE that the manufacturer is no longer participating in the standard plan.
A participating manufacturer may appeal an assessment of charges or apportionment of costs to the Director of DOE, whose decision can be reviewed by an arbitration panel, with subsequent limited Superior Court review.

Plans must ensure that processors document compliance with environmental performance standards, nonrecycled residual disposal guidelines, and international export limitations. DOE may audit processors. Plans may not use prison labor for processing.

International export of electronic waste to certain nations by processors is prohibited, under certain circumstances, if the waste violates federal hazardous waste standards. Products exported into certain nations for reuse must be tested and labeled as fully functional or needing only minor repairs.

Plans must annually report to DOE regarding total weight of CEPs recycled by county, collection services by county, weight of CEPs processed by each processor, compliance with processing standards, educational and promotional efforts, sampling results, and other information deemed necessary by DOE. Nonprofit organizations collecting CEPs must report the weight of CEPs they collected during the previous year. Financial and proprietary information is exempt from public records disclosure requirements.

Plans must inform consumers about where and how to recycle their CEPs. DOE and local governments must promote recycling. Retailers must provide pertinent information.

The Department of General Administration (GA) must adopt purchasing preferences for electronic products meeting environmental standards for reducing or eliminating hazardous materials. GA must ensure that surplus products are managed only by registered transporters and processors and directed to legal secondary materials markets.

DOE must establish registration and plan review fees based on a sliding scale representing annual sales of CEPs in Washington.

DOE must send a written warning to manufacturers not participating in an approved plan. After the initial warning, DOE will assess a noncomplying manufacturer a penalty of up to $10,000 per violation. If the Authority or an independent plan fails to implement an approved plan, DOE will assess a penalty of up to $5,000 for the first violation and up to $10,000 for subsequent violations.

Persons not complying with manufacturer registration, education and outreach, reporting, labeling, retailer responsibility, collector and transporter registration, or processing requirements will receive a written warning. Noncomplying persons will be assessed a penalty of up to $1,000 for the first violation and up to $2,000 for subsequent violations.

The electronic products recycling account is created to accept manufacturer fees, payments from plans not handling their collective equivalent share, and penalties. Moneys may be used solely by DOE to fulfill agency responsibilities under the act and for expenditures to plans exceeding their collective equivalent share.

The Act is void if federal law establishes a national electronic waste collection and recycling system that substantially meets the scope and intent of the act.

Partial Veto Summary: The Governor vetoed restrictions regarding international export of electronic waste.

Submitted as:
Washington
Chapter 183, Laws of 2006
Status: Enacted into law in 2006.
Governor Gregoire Signs Landmark E-Recycling Bill
Bill will allow Washington consumers to recycle computers and televisions for free

OLYMPIA – Governor Chris Gregoire today signed into law a measure that will allow Washington consumers to recycle their old computers, monitors and televisions at no cost (SB 6428).

“This bill puts our market-based economy to work for the environment,” said Governor Gregoire. “It's a responsible step in the best interests of the public, because no matter who owns the equipment at the end of its life, it will be recycled - free of charge.”

Used and unwanted computers, monitors and televisions contain materials that can be recovered and reused, but if simply discarded they can release hazardous substances into the environment. This bill creates a system to collect, recycle and properly dispose of these items.

Household consumers, schools, charities, small governments and small businesses will be able to dispose of their used products without charge. The cost of the program will be distributed among the manufacturers.

The Governor issued a partial veto on the bill, on Section 26, which would have restricted the export of e-waste to certain other countries. The federal government, not Washington, has the authority to restrict these exports.

VETO MESSAGE ON ESSB 6428
March 24, 2006
To the Honorable President and Members, The Senate of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to sections Section 26, Engrossed Substitute Senate Bill No. 6428 entitled: "AN ACT Relating to providing electronic product recycling through manufacturer financed opportunities." This bill creates a recycling program for "electronic wastes," which includes used and unwanted computers and televisions.

Section 26 of the bill would prohibit the export of these wastes to certain other countries. I regret that, based on legal advice, the State of Washington does not have the necessary authority to prohibit the export of electronic waste. Accordingly, I will not put the entire bill at risk because of this section alone. However, I believe that the section represents good environmental policy. I will therefore call on the President and Congress to take up this issue and enact legislation that
prohibits the export of our hazardous wastes to third world countries that are not prepared to manage them.

Once enacted by the federal government, I recognize this might affect our options for proper recycling and disposal of ewastes. To make sure we are ready, I hereby direct the Department of Ecology to evaluate alternatives to the export of these wastes and recommend actions as needed to ensure capacity for their proper management.

For the remainder of the bill, this is a new program for the state and it will take some time and experience to make sure it runs right. I am asking Ecology to work closely with all affected stakeholders to ensure that this bill is implemented in a fair and equitable manner.

Along that line, I am directing Ecology to take the following steps:

1. To adopt, within their new program rules, rigorous financial assurance requirements for new manufacturers, sufficient to ensure that they will be responsible for recycling their products and not leave them for others to clean up;

2. To evaluate alternatives for managing legacy e-waste products in a manner that does not create competitive differences between existing and new companies, including a way to distribute costs of recycling past products more fairly among all affected parties; and,

3. To evaluate the use of product toxicity in lieu of, or in addition to, product weight, when determining equitable cost shares. In addition, I am asking Ecology to provide annual reports on the progress, problems, and stakeholder concerns with implementation of this bill. The reports should include any needed changes to the statute to ensure fairness and clarity in the program.

For these reasons, I have vetoed Section 26 of Engrossed Substitute Senate Bill No. 6428. With the exception of Section 26, Engrossed Substitute Senate Bill No. 6428 is approved.

Respectfully submitted, Christine Gregoire, Governor

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act authorizes motor fuel franchise dealers to obtain alternative fuels from a supplier other than a franchise distributor.

Submitted as:
New York
A11868
Status: Enacted into law in 2006.

FOR IMMEDIATE RELEASE:
July 31, 2006
GOVERNOR SIGNS LEGISLATION TO PROHIBIT “EXCLUSIVITY” FUEL CONTRACTS THAT PREVENT SERVICE STATIONS FROM SELLING RENEWABLE FUELS

New Law Will Help Make E85, Biodiesel and Other Alternative Fuels Accessible to Motorists

Governor George E. Pataki today announced he has signed legislation that will prohibit the use of “exclusivity” contracts between fuel distributors and gas stations that have limited the availability of renewable fuels for consumer use in their vehicles.

The new law will exempt renewable fuels from the provisions of any future motor fuel franchise agreements between fuel providers and retail service stations. Under these agreements, service stations are not allowed to purchase or sell fuels from a source other than the main distributor. Since most major petroleum fuel distributors do not offer E85 or other renewable fuels in New York State, many service stations are contractually prohibited from offering renewable fuels to their customers. With the Governor’s signing of this bill into law, future contracts cannot prohibit or discourage a service station from selling alternative fuels.

“Renewable fuels provide an opportunity for us to significantly reduce our dependence on imported petroleum, and this new law will help to increase the use of renewables by allowing service stations to sell these clean, homegrown fuels,” Governor Pataki said. “The ‘exclusivity’ agreements serve no purpose other than protecting the interests of fuel providers at the expense of motorists who want to use E85, biodiesel or other renewable fuels. This year, we have taken significant steps to increase the production and use of alternative fuels, and I am pleased to sign this bill to provide a viable alternative to high-priced gasoline.”

Senator Charles Fuschillo, who sponsored the bill in the Senate, said, “Use of renewable fuels should be encouraged to promote cleaner energy and reduce our dependency on foreign oil. Thanks to this new law, all service stations across the state will be able to purchase and sell these environmentally friendly fuels. I applaud Governor Pataki for enacting this important measure, which will go a long way towards increasing the use of clean, renewable fuel sources.”

Assemblyman Robin Schimminger, the bill’s Assembly sponsor said, “With the increase in gas prices over the last year, many consumers are increasingly looking for less costly and more environmentally sound ways to fuel their vehicles. This new law will allow retail service stations
to have more flexibility in obtaining alternative fuels, providing motorists with a greater array of choices at the pump.”

Assembly Republican Leader James Tedisco said, “I am proud to stand here today with Governor Pataki as New York takes another step toward providing alternative fuels to motorists. Alternative Fuels are vital to our nation’s goal of eliminating our dependence on foreign oil. This legislation will also make it more feasible for people to purchase cars that run on alternative fuels. I applaud the Governor for this great effort to help motorists save money, improve our economy, strengthen our environment and bolster national security.”

The new law applies to E85 (85 percent ethanol, 15 percent gasoline), biodiesel fuel, hydrogen, and compressed natural gas (CNG). Distributors who violate the law by entering into “exclusivity” contracts will be subject to a penalty of $1,000. If the distributor does offer renewable fuels, they are allowed, under franchise agreements, to require the stations to use their brands. The law takes effect immediately and applies to all subsequent franchise agreements.

Peter R. Smith, president and CEO of the New York Energy Research and Development Authority (NYSERDA), said, “Making more alternative fuel options available to consumers help drive our transportation sector toward clean, renewable sources of fuel. New York continues to lead the way in developing and deploying cleaner alternative fuels while working to lessen our dependence on imported petroleum. Governor Pataki's new legislation will greatly increase the options for consumers to make energy and environmentally smart decisions for their transportation needs.”

State Agriculture Commissioner Patrick H. Brennan said, “For the sake of our economy, environment and national security, a domestic renewable fuels industry is a must, and our farmers have the capacity and know how to grow crops for making New York a leader. By prohibiting contracts that exclude or limit the sales of renewable fuels, Governor Pataki is making sure that consumers have the option to get what they want – local, homegrown fuels.”

There are an estimated 200,000 flex fuel vehicles registered in New York State, and automakers have announced their intentions to dramatically increase their production of these vehicles, which can run on E85 or gasoline. However, at the present time there are only a few services stations in the State where drivers can purchase renewable fuels. By prohibiting “exclusivity” contracts, the State will eliminate a barrier to renewable fuel access. The New York State Thruway Authority has announced plans, first proposed by Governor Pataki, to install renewable fuel pumps at all 27 Thruway travel plazas. A groundbreaking for the first of these pumps was held on July 13, 2006, at the New Baltimore Plaza south of Albany. The pump is expected to be operational this fall.

In his State of the State Address, Governor Pataki proposed a broad-based energy independence plan to boost the production and use of renewable fuels, increase energy efficiency, and promote research and technology to help decrease our dependence on imported energy. Some of the initiatives proposed by the Governor and passed by the Legislature include:

- the elimination of all State taxes on renewable vehicle fuels;
- a $10 million grant program to assist private sector gas companies install renewable fuel pumps;
- a renewable fuel production tax credit;
- $20 million for the development of a pilot cellulosic ethanol plant;
- $5 million to develop hydrogen fueling stations across the State;
• a $5 million competitive grant program for start-up companies that are developing or deploying the next generation of vehicle batteries, propulsions systems, and lightweight vehicle parts and components; and
• the expansion of the State’s Empire Zones program to provide tax breaks to clean energy enterprises regardless of where they are located in New York State.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration
(   ) next task force mtg.
(   ) next SSL mtg.
(   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
California state law required the State Energy Resources Conservation and Development Commission (Energy Commission) to expand and accelerate development of alternative sources of energy, including solar resources. Existing law required the Energy Commission to develop and adopt regulations governing solar devices, as defined, designed to encourage the development and use of solar energy and to provide maximum information to the public concerning solar devices.

This Act requires beginning January 1, 2011, a seller of production homes, as defined, to offer the option of a solar energy system, as defined, to all customers negotiating to purchase a new production home constructed on land meeting certain criteria and to disclose certain information. The bill requires the Energy Commission to develop an offset program that allows a developer or seller of production homes to forgo the offer requirement on a project by installing solar energy systems generating specified amounts of electricity on other projects. The bill requires, not later than July 1, 2007, the Energy Commission to initiate a public proceeding to study and make findings whether, and under what conditions, solar energy systems should be required on new residential and nonresidential buildings and to periodically update the study thereafter.

Under existing law, the state Public Utilities Commission (PUC) had regulatory authority over public utilities, including electrical corporations. Existing law required the PUC, on or before March 7, 2001, and in consultation with an Independent System Operator, to take certain actions, including, in consultation with the Energy Commission, adopting energy conservation demand-side management and other initiatives in order to reduce demand for electricity and reduce load during peak demand periods, including differential incentives for renewable or super clean distributed generation resources. Pursuant to this requirement, the PUC has developed a self-generation incentive program to encourage customers of electrical corporations to install distributed generation that operates on renewable fuel or contributes to system reliability. Existing law required the PUC, in consultation with the Energy Commission, to administer, until January 1, 2008, a self-generation incentive program for distributed generation resources in the same form that existed on January 1, 2004, subject to certain air emissions and efficiency standards.

In a PUC decision, the PUC adopted the California Solar Initiative, which modified the self-generation incentive program for distributed generation resources and provides incentives to customer-side photovoltaics and solar thermal electric projects under one megawatt. This bill requires the PUC, in implementing the California Solar Initiative, to authorize the award of monetary incentives for up to the first megawatt of alternating current generated by an eligible solar energy system that meets the eligibility criteria established by the Energy Commission. The bill authorizes the commission, prior to the establishment of eligibility criteria by the Energy Commission, to determine the eligibility of a solar energy system, as defined, to receive monetary incentives. The bill requires that awards of monetary incentives decline at a rate of an average of at least 7% for each year following implementation, and be zero by December 31, 2016.

This Act requires the PUC, by January 1, 2008, to adopt a performance-based incentive program, as specified. The bill requires that the PUC, by January 1, 2008, and in consultation with the Energy Commission, require reasonable and cost-effective energy efficiency improvements in existing buildings as a condition of providing incentives for eligible solar energy systems. The bill requires the commission to require time-variant pricing for all ratepayers with a solar energy system. The bill prohibits costs of the program from being recovered from certain
customers and would require the commission to ensure that the total cost over the duration of the program does not exceed $3,350,800,000, consisting of 3 specified program components.

This legislation authorizes the PUC to award monetary incentives for solar thermal and solar water heating devices, in a total amount up to $100,800,000. The bill would prohibit the PUC from allocating more than $50,000,000 for certain research, development, and demonstration. The bill requires that by June 30, 2009, and by June 30 of every year thereafter, the PUC submit to the Legislature an assessment of the success of the California Solar Initiative program, that includes specified information.

This Act requires the Energy Commission, by January 1, 2008, and in consultation with the PUC, local publicly owned electric utilities, and interested members of the public, to establish and thereafter revise eligibility criteria for solar energy systems and to establish conditions for ratepayer funded incentives that are applicable to the California Solar Initiative.

The bill requires the Energy Commission to adopt guidelines for solar energy systems receiving ratepayer funded incentives at a publicly noticed meeting. The bill, upon establishment of eligibility criteria by the Energy Commission, prohibits ratepayer funded incentives from being made for a solar energy system that does not meet the eligibility criteria. The bill requires the Energy Commission to make certain information available to the public, to provide assistance to builders and contractors, and to conduct random audits of solar energy systems to evaluate their operational performance.

This Act requires all local publicly owned electric utilities that sell electricity at retail, on or before January 1, 2008, to adopt, implement, and finance a solar initiative program, as prescribed, for the purpose of investing in, and encouraging the increased installation of, residential and commercial solar energy systems. The bill requires a local publicly owned electric utility to make certain program information available to its customers, to the Legislature, and to the Energy Commission on an annual basis beginning June 1, 2008.

Existing law required electric service providers to develop a standard contract or tariff providing for net energy metering, and to make this contract available to eligible customer generators, upon request. Existing law required all electric service providers, upon request, to make available to eligible customer generators contracts for net energy metering on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer generators exceeds 0.5% of the electric service provider’s aggregate customer peak demand.

This requires the PUC to order electric service providers to expand the availability of net energy metering so that it is offered on a first-come-first-served basis until the time that the total rated generating capacity used by all eligible customer-generators exceeds 2.5% of the electric service provider’s aggregate customer peak demand. The bill requires the PUC, by January 1, 2010, in consultation with the Energy Commission, to submit a report to the Governor and Legislature on the costs and benefits of net energy metering, wind energy co-metering, and co-energy metering to participating customers and nonparticipating customers and with options to replace the economic costs of different forms of net metering with a mechanism that more equitably balances the interests of participating and nonparticipating customers.

Existing law, the Contractors’ State License Law, provided for the licensure and regulation of contractors by the Contractors’ State License Board. This Act requires the board to review and, if needed, revise its licensing classifications and examinations to ensure that contractors authorized to perform work on solar energy systems have the requisite qualifications to perform the work.
Concluding a two-year effort to help make California the nation’s leader in solar energy, Gov. Schwarzenegger signed SB 1 by Senator Kevin Murray (D-Los Angeles), putting the finishing touches on the Governor’s Million Solar Roofs Plan.

“When I ran for governor, I vowed to make the environment the centerpiece of my administration and turn back the clock on pollution,” said Gov. Schwarzenegger. “My Million Solar Roofs Plan will provide 3,000 megawatts of additional clean energy and reduce the output of greenhouse gasses by 3 million tons which is like taking one million cars off the road. I want to thank Sen. Kevin Murray for his hard work in helping me make California the leader on solar power again.”

Last year, the Governor asked the California Public Utilities Commission (CPUC) to implement his Million Solar Roofs plan. Dubbed the California Solar Initiative by the CPUC, the plan will lead to one million solar roofs in California by 2018.

Specifically, SB 1 implements the portions of the Million Solar Roofs plan that the CPUC does not have the authority to mandate, including:

· Expanding the Program: The current implementation of the Million Solar Roofs plan only applies to customers of Pacific Gas and Electric, Southern California Edison and San Diego Gas and Electric. SB 1 expands the program to customers of the municipal-owned utilities such as SMUD and LADWP.

· Crediting Consumers for Excess Power Produced: Consumers who install solar panels on their homes and businesses can sell excess energy back to power companies for credit on their monthly bills. This credit is a key incentive for consumers to install solar panels. Currently, the cap on the number of customers who can use this option is .5 percent. SB 1 raises this to 2.5 percent. Raising the ceiling will provide part of the needed financial incentive to bring more solar power on to the grid.

· Making Solar Power a Standard Item on New Homes: SB 1 would require a developer of more than 50 new single family homes offer the option of a solar energy system to all customers beginning January 1, 2011. One million solar roofs will greatly increase the state’s rooftop solar energy capacity, providing the output equivalent of five modern electric power plants. This program’s 3,000 megawatt goal, taken together with other aggressive solar initiatives such as
requiring utilities to acquire 20 percent of the power used within the state from renewable sources, will make California once again a world leader in solar power.

Since taking office, the Governor has made it a priority to develop a self-sustaining solar industry for California. In 2004, he introduced the Million Solar Roofs Initiative, which included $2.9 billion in incentives to homeowners and building owners who install solar electric systems.

Disposition: 03-28B-02

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes an energy policy for the state Commonwealth and directs the Division of Energy of the Department of Mines, Minerals and Energy, in consultation with the State Corporation Commission, Department of Environmental Quality, and Virginia Center for Coal and Energy Research, to prepare, by July 1, 2007, a ten-year comprehensive Virginia Energy Plan to implement the Commonwealth's energy policy. As part of the Energy Plan, the Division of Energy and other agencies shall develop a system for measuring the extent to which parcels are suitable for the siting of wind or solar energy facilities. After July 1, 2007, upon receipt of a recommendation from the Department of General Services, a local governing body, or a parcel's owner that a parcel is a potentially suitable location for such an energy facility, the Division shall analyze the parcel's suitability.

The measure also provides that it is the Commonwealth's policy to support federal efforts to determine the extent of natural gas resources 50 miles or more offshore and to support the inclusion of the Atlantic Planning Areas in the federal Mineral Management Service's draft environmental impact statement for natural gas exploration 50 miles or more off the Atlantic shoreline. It is declared to be the policy of the Commonwealth to support federal efforts to examine the feasibility of off-shore wind energy being utilized in an environmentally responsible fashion.

Other elements of the bill:
- require Dominion Virginia Power to apply for annual fuel factor adjustments to its electricity rates commencing July 1, 2007, and allow the SCC to require that 40% of any increase in fuel tariffs for the year 2007-2008 be deferred and recovered during the period from July 1, 2008, through December 31, 2010;
- create a state personal income tax deduction for 20% of the sales tax paid on certain energy efficient equipment or appliances, up to $500 per year;
- require state agencies to ensure that the design and construction of state-owned buildings comply with energy standards to be established by Department of General Services;
- establish a Clean Coal Technology Research Fund, to be administered by the Virginia Center for Coal and Energy Research and used to finance research initiatives at state institutions of higher education and to encourage qualified state educational institutions to apply for federal grants to finance a center of excellence for advancing new clean coal technologies;
- direct the Commonwealth Transportation Board to encourage the use of biodiesel and other alternative fuels, to the extent practicable, in vehicles used to provide public transportation;
- create the Virginia Coastal Energy Research Consortium, to include Old Dominion University, the Virginia Institute of Marine Science, the Virginia Tech Advanced Research Institute, James Madison University, and Norfolk State University, to serve as an interdisciplinary study, research, and information resource on coastal energy issues;
- prohibit community associations from enacting any provisions restricting solar power or the use of solar energy collection devices on units or lots that are part of the development, except to the extent provided in the applicable instruments, declaration or rules, and authorizes community associations to prohibit or restrict the installation and use of such solar energy collection devices on the common elements or common areas;
- state that it is the policy of the Commonwealth to support federal action that provides for increasing the Corporate Average Fuel Efficiency standards;
• establish a program of grants of 0.85 cents for each kilowatt hour of electricity produced by a corporation from certain renewable energy resources;
• establish a program of grants for 15% of the cost incurred in installing photovoltaic property, solar water heating property, or wind-powered electrical generators, up to $2,000 for each system of photovoltaic property, $1,000 for each system of solar water heating property, and $1,000 for each system of wind-powered electrical generators;
• exempt from property taxation any certified pollution control equipment and facilities used in collecting, processing, and distributing landfill gas and other gas recovered from waste products; require the State Corporation Commission and Secretary of Natural Resources to develop, by December 1, 2006, a proposal for a coordinated review of permits for any energy project that requires an environmental permit and a certificate of public convenience and necessity; and
• sunset the provisions of the bill that establish the clean coal technology research fund, Coastal Energy Research Consortium, Renewable Electricity Production Grant Program, and Photovoltaic, Solar, and Wind Energy Utilization Grant Program if they are not funded by July 1, 2009.

Submitted as:
Virginia
Chapter 939 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides that beginning on July 1, 2006, there shall be a presumption that renewable fuel plants which operate in the state and which derive ethanol from the distillation of corn shall use as feedstock at least 20% of the corn crop harvested in the state. It requires that the minimum percentage in succeeding years be at least the same as the percentage of corn used nationally to produce renewable fuels as reported by the USDA’s Office of the Chief Economist. Beginning on July 1, 2006, there shall be a presumption that renewable fuel plants operating in the state which derive biodiesel from soybeans and other crops shall use as feedstock at least 2.5% of the soybean crop harvested in the state. It requires that the minimum percentage of harvested soybeans presumptively used to produce renewable fuel in facilities in the state be the same percentage of soybeans used nationally to produce renewable fuel as reported by the USDA's Office of the Chief Economist. As to additional crops used in production of renewable fuels at facilities in the state, there is a presumption that such plants will use crops harvested in the state in a percentage rate at least equal to the percentage of the crop's usage nationally in the production of renewable fuels as reported by the USDA's Office of the Chief Economist.

Submitted as:
Louisiana
Act 656 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires that any governmental aggregation of the retail electric loads of mercantile commercial customers be done on an opt-in (prior, affirmative individual consent) basis and prohibits a governmental aggregation from including such mercantile loads in an automatic, opt-out aggregation.

It prohibits governmental aggregators from including in any retail electric aggregation the accounts of customers who have opted out of the aggregation, buy electricity from another competitive supplier, have a special contract with an electric distribution utility, are not located within the governmental boundaries, or appear on the Do Not Aggregate List authorized under the Act.

The Act requires the state Public Utilities Commission (PUCO) to establish and maintain the Do Not Aggregate List relating to governmental, retail electric aggregation.

Submitted as:
Ohio
Am. H. B. No. 85
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This legislation adds the state Board of Regents, community and technical colleges, political subdivisions, and federal agencies to the list of government agencies that are allowed to enter into agreements with the Kansas Development Finance Authority (KDFA) to finance energy conservation measures that are approved by the Facilities Conservation Improvement Program. An energy conservation measure is an improvement or equipment that would create operational or energy cost savings. The savings that are generated from the improvement or equipment are used to finance the expenses of the energy conservation measure. The bill would also remove the $5.0 million maximum for energy conservation projects and increase the cost savings pay back period from 20 years to 30 years.

The state Department of Administration indicates the Facilities Conservation Improvement Program was transferred by memorandum of agreement to the Kansas Corporation Commission (KCC) on July 1, 2004. The Department of Administration indicates the duties outlined in this bill would be performed by KCC, and therefore, would not have a fiscal effect on the operations of the Department.

KCC indicates that it currently operates the Facilities Conservation Improvement Program and that this bill would not have a fiscal effect on its operations. The KCC currently allows agencies to finance the costs of energy conservation measures with an approved private energy service company. KCC indicates that agencies that participate in the Facilities Conservation Improvement Program would experience operational or energy cost savings; however, the amount of savings would vary by project.

KDFA indicates that the bill authorizes it to issue revenue bonds to finance the cost of energy conservation measures. The expenses associated with issuing bonds and the development of a statewide comprehensive energy conservation finance program would be offset from fees and revenues generated from bond transactions. Expenditures made by KDFA are not a part of the budget of the State of Kansas.

Submitted as:
Kansas
HB 2169
Status: Awaiting governor’s action as of 4/02/2007.

Comment:

Disposition:

- CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
  - Include in Volume
  - Defer consideration
  - Reject
  - No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
- Include in Volume
- Defer consideration
- Reject
- Next task force mtg.
- Next SSL mtg.
- Next SSL cycle
This bill provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness, and is then subsequently to be admitted as a resident of a health care facility due to that illness, the state department of corrections shall provide written notice to the administrator of the facility prior to the offender's admission advising of the offender's conviction and status with the department. The Act directs the facility administrator to provide this information to residents or their guardians and staff ten days prior to admission of the offender and to notify future residents or their guardians of current resident offenders.

Submitted as:
Utah
HB 125 (enrolled version)
Status: Enacted into law in 2006.

Comment:
28A - DEFER TF

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
According to Florida legislative staff, Florida law enabled a seaport director to designate any or all of his or her seaport as a restricted area. This designation had a direct effect on the seaport access credentialing process. The law required anyone working on a port and having access to a restricted area to submit to a detailed background check. These security checks were often costly and time consuming. There were no provisions in the law to allow seaport directors latitude in designating areas as unrestricted. Area designations had long been tools for enforcement of restricted or off limits zones on a seaport. The ambiguity that existed in area designation protocols lent itself to increased cost to ports in worker credentialing and placed limitations on seaport directors in security planning. For example, people who only worked in restaurants on seaport property outside of restricted access zone are required submit to the same full background and security check as a person working inside of a high security restricted area. These requirements placed a great burden on the seaports in time and cost.

This Act establishes four access categories that seaport directors must use to designate specific restrictive and non-restrictive areas in the seaport’s security plan and credentialing program. Each designation includes access requirements and seaport enforcement authority. Seaport directors were previously required to maintain seaport security plans which assure compliance with statewide minimum standards. This Act further requires directors to conduct a five-year recurring review of the security plans with the assistance of a Regional Domestic Security Task Force and the United States Coast Guard. Additionally, this Act provides for the use of a risk assessment by seaport directors in creating a security plan and provides guidelines for determining the use of counter terrorism methods and principles. It amends the seaport security statewide minimum standards waiver process and provides for alternative means of compliance.

The Act also creates a waiver review process for individuals who have been found unqualified for unescorted access and denied employment by the seaports. The bill creates a prohibition on concealed weapons inside a seaport’s restricted areas with certain exceptions.

This Act establishes an 11-member Seaport Security Standards Advisory Council under the state Office of Drug Control for the purposes of reviewing the statewide seaport security standards for applicability to current narcotics and terrorist threats. The bill establishes a certification program for Seaport Security Officers and allows seaport authorities and governing boards to require security officers working on a seaport to receive additional training and designation as a certified Seaport Security Officer. Additionally, the bill provides authority to create a Seaport Law Enforcement Agency at the discretion of the seaport director. A seaport director is not required to create such a force if the seaport’s security requirements are being met by other means. This provision allows the seaport director the choice of creating the seaports own internal law enforcement agency. It also establishes a maritime domain awareness training program for security awareness training of all seaport workers.

This legislation also authorizes certified Seaport Security Officers to detain, based on probable cause, persons believed to be trespassing in designated seaport restricted access areas pending the immediate arrival of a law enforcement officer, and provides to those officers limited protection from liability for false arrest, false imprisonment, and unlawful detention. The bill makes it a felony to willingly and knowingly attempt to or obtain a seaport security identification card using false information. The bill grants rule making authority to the Department of Law Enforcement in the creation of a waiver process.
Submitted as:
Florida
Chapter 193 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration
   (   ) next task force mtg.
   (   ) next SSL mtg.
   (   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
This Act directs the Division of Consumer Affairs in the state Department of Law and Public Safety to establish an online registry of retail price information for the 150 most frequently prescribed prescription drugs in the state.

Submitted as:
New Jersey
Chapter 84 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
   (    ) next task force mtg.
   (    ) next SSL mtg.
   (    ) next SSL cycle
(  ) Reject

Comments/Note to staff:
According to the Coalition of Fire-Safe Cigarettes, “A fire-safe cigarette has a reduced propensity to burn when left unattended. The most common fire-safe technology used by cigarette manufacturers is to wrap cigarettes with two or three thin bands of less-porous paper that act as “speed bumps” to slow down a burning cigarette. If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these speed bumps and self-extinguish. This fire-safe cigarette model legislation was developed to mirror regulations developed by the New York State Office of Fire Prevention and Control after a three-year process that involved considerable input and comment from the public and affected parties, most notably the cigarette manufacturers. The regulations, building on years of research by a Congressional study group and the National Institute of Standards and Technology (NIST), have been in effect in New York State since June 28, 2004. “New York State was the first to require that cigarettes sold and manufactured in the state be fire-safe. Vermont and California both adopted fire-safe legislation late last year. Additional states are considering fire-safe bills now, and many other states and jurisdictions are looking into it. In Canada, fire-safe cigarettes are mandated nationwide using the New York state standard.”

Submitted as:
Model Legislation/Coalition for Fire-Safe Cigarettes
Status: According to the Coalition for Fire-Safe Cigarettes, the following states have enacted fire-safe cigarette legislation.

- Canada - The standard went into effect across Canada on October 1, 2005.

This Act prohibits the sale of cigarettes unless the manufacturer of those cigarettes certifies to the State Fire Marshal that the cigarettes have been tested by the manufacturer in accordance with standards established by the American Society of Testing and Materials and no more than 25% of the cigarettes it manufactures exhibit full-length burns when tested. The law requires cigarette manufacturers to mark packages of cigarettes to be sold in California to show compliance with these provisions and would require manufacturers, distributors, wholesalers, and retailers to permit an employee of the State Board of Equalization to inspect these markings. Failure or refusal to allow an inspection would subject a person to a civil penalty not to exceed $1,000.

This Act imposes civil penalties on manufacturers, distributors, wholesalers, retailers, and others who knowingly sell or offer to sell cigarettes in violation of these provisions and on manufacturers that knowingly make false certifications in violation of these provisions. The bill
would require these civil penalties to be deposited in the Cigarette Fire Safety and Firefighter Protection Fund, which the bill creates in the State Treasury.

Submitted as:
California
Chapter 633
Status: Enacted into law in 2005.

05-28B-03C Fire Safe Cigarettes IL

This Act directs that beginning January 1, 2008, no cigarettes may be sold in Illinois unless the manufacturer certifies that the cigarettes have been certified as low ignition strength in accordance with standards established by the American Society of Testing and Materials and no more than 25% of the cigarettes it manufactures exhibit full-length burns when tested. Provides that the Office of the State Fire Marshal shall adopt rules for the implementation of the Act, which shall include provisions to allow wholesalers and retailers to transition their existing inventories.

Submitted as:
Illinois
Public Act 94-0775
Status: Enacted into law in 2006.

05-28B-03D Fire-Safe Cigarettes VT

This Act requires that only reduced ignition propensity (fire-safe) cigarettes may be sold in Vermont on or after May 1, 2006. The act sets up standards and procedures for testing cigarettes and requires manufacturers to certify that cigarettes sold in the state conform to the testing requirements. Penalties are established for false certification and other violations of the Act.

Submitted as:
Vermont
Act 68 of 2005-2006
Status: Enacted into law in 2005.
Disposition: 05-28B-03A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 05-28B-03B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 05-28B-03C

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 05-28B-03D

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires all transactions between homeowners and foreclosure consultants or equity purchasers be in writing, prohibits consultants who provide advice or assistance from acquiring any interest in the homeowner's property, and calls for a three-day "cooling off" period, during which an equity purchaser may not record any deed or in any way transfer or encumber the homeowner's property.

Submitted as:
Colorado
SB 06-71
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
   (  ) next task force mtg.
   (  ) next SSL mtg.
   (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
This Act addresses fraud in the mortgage lending process. It defines residential mortgage fraud as making false statements or filing documents known to have false or omitted information in the mortgage lending process. With respect to mortgage fraud, the bill contains the following provisions:

- people convicted or accepting a plea related to mortgage lending will be ordered to pay a fine in the amount of pecuniary harm incurred or more;
- the investigation and prosecution of mortgage fraud are under the concurrent jurisdiction of the district attorney and the state Attorney General;
- the court cannot accept a plea bargain for charges brought alongside a mortgage fraud charge unless the plea agreement includes an order of restitution; and
- people who suffer damages as the result of mortgage fraud can pursue a civil suit against the perpetrator even if no conviction of crime is found.

Additionally, the Act allows state agencies to seek and use federal grants for the purpose of reducing the incidences of mortgage fraud in Colorado.

Submitted as:
Colorado
HB06-1323
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration
    (   ) next task force mtg.
    (   ) next SSL mtg.
    (   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
Providing institutionalized care for low-income seniors and persons with disabilities has created significant burdens for State and county budgets. The primary reasons that individuals remain in institutional care is that their home or apartment is not physically accessible and they lack the resources to make necessary modifications.

This Act provides financial assistance to property owners and renters to make existing dwelling units accessible for low-and moderate income persons with disabilities. Adapting homes to meet the needs of those with disabilities will enable many people to safely and comfortably continue to live in, or return to, their residences instead of residing in an institutional setting.

Grants will be made to municipalities and eligible not-for-profit entities that have substantial experience in adapting or retrofitting homes for persons with disabilities. Adaptation work must meet the needs of those with physical disabilities and seniors with an age-related disability. Examples include: wheelchair ramps and lifts, handrails, easy-to-reach kitchen work and storage areas, lever handles on doors, roll-in showers with grab bars, etc.

Homeowners and renters may qualify for a loan or grant from an Access to Home awardee under the following criteria:

- An occupant has a physical disability or has substantial difficulty with an activity of daily living;
- The dwelling unit is the primary residence of a person with a physical disability; and
- The total household income does not exceed 80 percent of median income. Disabled veterans in need of assistance may earn up to 120 percent of median income.

Submitted as:
New York
Chapter 159 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
Include in Volume
Defer consideration to next task force meeting
Reject
No action

SSL Committee Meeting: 2008B
Include in Volume
Defer consideration
next task force mtg.
ext SSL mtg.
ext SSL cycle
Reject

Comments/Note to staff:
This Act directs the Commissioner of Community Affairs to establish a program for the emergency deployment of construction code officials and inspectors to assist local construction code officials in the case of a disaster or other emergency. Inspectors and code officials would help evaluate buildings and structures affected by a disaster or other emergency and provide other assistance as may be required. The commissioner may provide for participation in the program by licensed professional engineers, registered architects and by other licensed professionals.

The Act allows the governing bodies of two or more municipalities to enter into mutual construction code enforcement aid agreements concerning the evaluation of buildings and structures affected by a natural or man-made disaster or emergency. People deployed under the commissioner’s program and persons providing assistance pursuant to an intermunicipal agreement would have the same powers, authority and immunities as the members of the local construction code enforcing agency of the municipality being assisted.

The law provides that if a local construction code official or inspector is injured or dies while on duty and being deployed under the commissioner’s program or providing assistance pursuant to an intermunicipal agreement, the legal beneficiaries of the official or inspector would be entitled to the rights and benefits as would have accrued if the injury or death had occurred in the performance of duties in the jurisdiction in which the official or employee is regularly employed.

The law provides that participation in the emergency deployment program will be deemed automatic unless a municipality opts out of the program by adopting a resolution of non-participation, and files the resolution with the Department of Community Affairs within 60 days of the effective date of rules promulgated to effectuate the bill. A non-participating municipality may join the emergency deployment program at any time by adopting a resolution of participation and filing it with the commissioner. During a state of emergency, deployed construction code officials and inspectors would report to the municipal emergency management coordinator for the area of their deployment for the purpose of making their presence known, however, any other established emergency management protocols shall remain in effect.

Submitted as:
New Jersey
Chapter 2 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:
CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff
This Act requires the state Department of Health and Senior Services (DHSS) to adopt rules and regulations that establish procedures for the evaluation and assessment of the interior of buildings that are to be used for child care centers or licensed for educational purposes; and set standards to establish maximum contaminant levels for building interiors to be used for child care centers or for educational purposes, that are protective of the public health and safety. These rules and regulations are to be protective of the health of children and infants, and account for the difference in rate of the absorption, metabolism, and excretion of compounds between adults and infants and children. The Act also requires the DHSS to issue a certification to an applicant who follows the evaluation and assessment process and meets the standards for building interiors.

The Act provides that a construction official would not be authorized to issue a construction permit for the reconstruction, alteration, conversion, or repair of any building or structure to be used for a child care center, or for educational purposes, if that building or structure was previously used for industrial, storage, or high hazard purposes, as a nail salon, dry cleaning facility, or gasoline station, or is on a contaminated site, on a site on which there is suspected contamination, or on an industrial site that is subject to the provisions of a state "Industrial Site Recovery Act," except upon the submission, to the construction official by the applicant, of the certification issued by the DHSS that the building or structure has been evaluated and assessed for contaminants, and that the building or structure is safe for use for a child care center or for educational purposes.

Further, the Act provides that no construction permit would be issued for the construction or alteration of any building or structure that would be used as a licensed child care center, or for educational purposes, on a site that was previously used for industrial, storage, or high hazard purposes, as a nail salon, dry cleaning facility, or gasoline station, or on a contaminated site, on a site on which there is suspected contamination, or on an industrial site that is subject to the provisions of the state "Industrial Site Recovery Act," except after submission, by the applicant to the construction official, of documentation sufficient to establish that the site has been remediated consistent with the remediation standards and other remediation requirements established pursuant to state law and that a no further action letter has been issued by the Department of Environmental Protection (DEP) for the entire site.

The Act allows issuing a construction permit for the construction or alteration of any building or structure to be used as a licensed child care center, or for educational purposes, if the construction permit is necessary to perform work in the building or structure in order to comply with the rules and regulations to be adopted by the DHSS and obtain the certification issued by the DHSS pursuant to section 1 of the bill. Such a construction permit would be limited to the construction or alterations necessary to comply with the rules and regulations adopted by the DHSS pursuant to the bill.

The Act provides that a municipal enforcing agency would be prohibited from granting a certificate of occupancy for any building or structure to be used as a licensed child care center, or for educational purposes, that received a construction permit for the construction or alterations necessary to comply with the rules and regulations adopted by the DHSS pursuant to the bill, except upon the submission, to the construction official by the applicant, of the certification from the DHSS that the building or structure has been evaluated and assessed for contaminants, and
that the building or structure is safe for use as a licensed child care center, or for educational purposes.

The Act allows issuing a construction permit for the construction or alteration of any building or structure to be used as a licensed child care center, or for educational purposes, on a site that was previously used for industrial, storage, or high hazard purposes, as a nail salon, dry cleaning facility, or gasoline station, or on a contaminated site, on a site on which there is suspected contamination, or on an industrial site that is subject to the provisions of the "Industrial Site Recovery Act," if the construction permit is necessary to perform work in the building or structure in order to remediate the site and obtain a no further action letter from the DEP. Such a construction permit would be limited to the construction or alterations necessary to remediate the site and obtain a no further action letter from the DEP.

The law provides that a municipal enforcing agency is prohibited from granting a certificate of occupancy for any building or structure to be used as a licensed child care center, or for educational purposes, that received a construction permit for the construction or alterations necessary to remediate the site and obtain a no further action letter from the DEP, except upon the submission, to the construction official by the applicant, of documentation sufficient to establish that the site has been remediated consistent with the remediation standards and other remediation requirements established pursuant to section 35 of P.L.1993, c.139 (C.58:10B-12) and that a no further action letter has been issued by the DEP for the entire site.

The Act requires owners or operators of an industrial establishment provide notice to the municipality in which an industrial establishment is located of the closing or transfer of ownership or operations, and provide notice to the municipality that the municipality may request copies of the proposed negative declaration or remedial action workplan, and that those documents shall be provided within five days of receipt of the written request.

Submitted as:
New Jersey
Chapter 1 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes property tax credits and income tax credits for rehabilitation expenses made abandoned retail sales or service facilities. The Act defines eligible retail sales or service facilities as a shopping center, mall, or free standing site whose primary use was as a retail sales facility with at least one tenant or occupant located in a forty thousand square foot or larger building or structure. To qualify as an eligible site, the shopping center, mall, or free standing site must be abandoned. During the abandonment, the eligible site may serve as a wholesale facility, provided the site serves as a wholesale facility for no more than one year.

Submitted as:
South Carolina
HB 3841
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration
   (   ) next task force mtg.
   (   ) next SSL mtg.
   (   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
According to a report by Tennessee legislative staff:

“The power of eminent domain allows an entity to take ownership and possession of private property for public use upon payment of just compensation to the private property owner. Generally, existing law delegates the power of eminent domain to the state, the cities and counties of the state, any person or corporation authorized by law to construct any railroad, turnpike, canal, toll bridge, road, causeway, or other work of internal improvement, and other specified entities such as telephone companies and watershed districts. Both the state constitution and the federal constitution require that a taking of private property be for a public use. Existing Tennessee state law did not define "public use" and whether a property is being taken for a public use is determined on a case-by-case basis, depending on the particular circumstances at issue.

In a recent case, Kelo v. City of New London, the United States Supreme Court ruled that the condemnation of private property for economic development was an appropriate public use under Connecticut's eminent domain statute. The court also noted that its decision does not preclude states from placing further restrictions on the exercise of eminent domain. Tennessee currently does not have a statute that allows condemnation for economic development, as was the case in Connecticut.

This Act made the following changes to Tennessee’s law of eminent domain.

(1) It specifies that "public use" does not include private use or benefit or the indirect public benefits resulting from private economic development and private commercial enterprise, including increased tax revenue and increased employment opportunity, except as follows:

(A) the acquisition of any interest in land necessary to the function of a public or private utility, common carrier, or other entity authorized to exercise the power of eminent domain;

(B) the acquisition of property by a housing authority or community development agency to remove blight;

(C) private use that is merely incidental to a public use, so long as no land is condemned or taken solely for the purpose of conveying or permitting such incidental private use; or

(D) the acquisition of property by a county, city, or town for an industrial park.

Land used predominantly in the production of agriculture would not be considered a blighted area.

(2) In the event this Act conflicts with other statutes granting the authority to use the power of eminent domain, this Act would control and would be construed to protect the private property rights of people and businesses such that private property could only be condemned and taken for legitimate public use as defined by this Act;

(3) The bill requires a city or county to obtain a certificate of public purpose and necessity, even if no funds will be borrowed, before exercising the power of eminent domain for development of an industrial park. Eminent domain could only be exercised for industrial park development with respect to property located within the jurisdictional boundaries of the city or county as well as with respect to property within an urban growth boundary in a city or an urban growth boundary or planned growth area in a county. Where a certificate for public purpose and necessity is obtained solely for the exercise of eminent domain authority, the present law requirement of adequate property values and suitable financial conditions, such that the total bonded indebtedness of the municipality would not exceed 10 percent of the total assessed
valuation of the property in the municipality, would not be applicable. Further, a certificate of public purpose and necessity for the exercise of eminent domain must be based on a finding that the city or county has been unable to acquire the property through good faith negotiations and that there is a lack of alternative property of comparative suitability for the project.

(4) This bill also permits land acquired by eminent domain to be sold, leased, or otherwise transferred to another public or quasi-public entity, or to a private person, corporation, or other entity, so long as the transferring entity receives at least fair market value for the land.

(5) This bill removes the present law authorization for the certain following entities in the state to exercise the power of eminent domain.

(6) This bill also removes the following specific purposes for which local governments may exercise the power of eminent domain, but this change would not affect the general provisions for cities and counties to exercise the power for a public use:

(A) Counties condemning land to establish free public ferries over any stream running through or bounding the county;

(B) Counties condemning lakes or land for the construction of lakes; and

(C) Cities, towns, counties, or school districts condemning property for playgrounds, recreation centers, or other recreational purposes.

The Act specifies that any exercise of eminent domain must comply with federal and state constitutional requirements of just compensation.

This Act requires a condemning agency, including public housing agencies, to wait at least 30 days after filing a petition for condemnation of property before taking additional action. Under present law the waiting period is generally five days. This amendment also specifies a respondent who is not satisfied with the amount deposited by the condemnor to satisfy damages resulting from a condemnation of the respondent's property, or who otherwise objects to the taking, has 30 days to file an answer to the petition and a trial may thereafter be had before a petit jury as other civil actions are tried.

It requires that when title to an entire tax parcel is condemned, by any authority, the total amount of damages for the condemnation of such parcel not be less than the last valuation used by the assessor of property before the taking less any decrease in value for any changes in such parcel occurring since the valuation was made. This amendment specifically authorizes the valuation to be introduced and admitted into evidence at a trial on damages resulting from a condemnation of property.

The legislation requires that an appraisal be obtained for any property that is the subject of a condemnation proceeding in Tennessee. The appraisal would value the property considering its highest and best use, its use at the time of the taking, and any other uses to which the property is legally adaptable at the time of the taking. Any appraiser making such an appraisal would be required to possess the designation Member of the Appraisal Institute (MAI) or be an otherwise licensed and qualified appraiser.

This Act requires condemning authorities to deposit the appraised value of property with the circuit court clerk for the county where the property is located and requires the losing party to pay the court costs in any condemnation proceeding initiated in Tennessee and requires a respondent to be awarded court costs in order to receive an award for certain discretionary expenses and attorney fees.

This Act specifies that a city or town and county, or both, operating a joint industrial park may exercise the power of eminent domain with respect to property located within the
jurisdictional boundaries of the county and within an urban growth boundary and a planned growth area.”

Submitted as:
Tennessee
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes an Economic Crisis Strike Force (Strike Force) to respond to economic disasters in communities by:

- providing a single point of contact for citizens in affected communities to assist with accessing available government and private sector services and resources,
- helping localities develop short-term and long-term strategies for addressing the economic crisis, and
- identifying opportunities for workforce retraining, job creation, and new investment.

The Act defines an economic disaster as:

- employment loss of at least 5% during the immediately preceding six-month period,
- the closure or downsizing of a major regional employer in an economically distressed area,
- a natural disaster or act of terrorism for which the Governor has declared a state of emergency, or
- other economic crisis situations, which in the opinion of the Governor adversely affect the welfare of the citizens of the state.

Submitted as:
Virginia
Chapter 80 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act:
- provides for a voluntary mediation program for residential property insurance claims caused by disasters;
- requires sellers of property insurance to disclose major perils that are not covered;
- provides for the tolling of time periods in property insurance policies in disaster situations;
- provides for the tolling of time periods if the operations of the department of insurance are interrupted by force majeure, and
- authorizes motor vehicle self-insurance for certain religious organizations.

Submitted as:
North Carolina
Session Law 2006-145
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes statewide uniform procedures and qualifications for licensing people and companies which offer electronic protective systems to the general public. It provides for license renewal and continuing education requirements. The bill creates an electronic protection licensing advisory board and authorizes the state fire marshal to assess and collect fees to help pay for the program.

Submitted as:
Mississippi
SB 2742
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act defines a foreclosure consultant, establishes criteria for contracts to employ mortgage foreclosure consultants, and establishes criteria for cancelling such contracts.

Submitted as:
Rhode Island
Chapter 242 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
   (  ) next task force mtg.
   (  ) next SSL mtg.
   (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
This Act establishes a board to regulate genetic counseling. It defines genetic counselors as “Practice of genetic counseling”, a communication process, conducted by 1 or more appropriately trained people, that may include:

(a) estimating the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition. This assessment may involve:
   (1) obtaining and analyzing a complete health history of the person and family;
   (2) reviewing pertinent medical records;
   (3) evaluating the risks from exposure to possible mutagens or teratogens; and
   (4) recommending genetic testing or other evaluations to diagnose a condition or determine the carrier status of 1 or more family members;

(b) helping the individual, family, health care provider or public to:
   (1) appreciate the medical, psychological and social implications of a disorder, including its features, variability, usual course and management options;
   (2) learn how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members;
   (3) understand available options for coping with, preventing or reducing the chance of occurrence or recurrence of a condition;
   (4) select the most appropriate, accurate and cost-effective methods of diagnosis; and

(c) facilitating an individual’s or family’s:
   (1) exploration of the perception of risk and burden associated with the disorder;
   (2) decision-making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, culture and ethical or moral views; and
   (3) adjustment and adaptation to the condition or their genetic risk by addressing needs for psychological, social and medical support.

Submitted as:
Massachusetts
Chapter 170, Acts of 2006
Status: Enacted into law in 2006.
Comment:

Disposition:
CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2008B
Include in Volume
Defer consideration
next task force mtg.
next SSL mtg.
next SSL cycle
Reject
No action
Comments/Note to staff:
This Act establishes provisions to govern the qualifications and procedures for the licensing of public adjusters. This bill prohibits a person from acting or holding himself out as a public adjuster in this state unless the person is licensed as a public adjuster in accordance with this bill. A business entity acting as a public adjuster may also obtain a public adjuster license. Before approving the application, the commissioner of commerce and insurance must find, among other things, that the business entity has designated a licensed public adjuster responsible for the business entity's compliance with the insurance laws, rules and regulations of this state.

Licensure of a public adjuster is not required of:

1. An attorney at law admitted to practice in this state, when acting in his or her professional capacity as an attorney;
2. A person who negotiates or settles claims arising under a life or health insurance policy or an annuity contract;
3. A person employed only for the purpose of obtaining facts surrounding a loss or furnishing technical assistance to a licensed public adjuster, including photographers, estimators, private investigators, engineers and handwriting experts;
4. A licensed health care provider, or employee of a licensed health care provider, who prepares or files a health claim form on behalf of a patient; or
5. A person who settles subrogation claims between insurers.

A person applying for a public adjuster license must apply to the commissioner. The commissioner may require the applicant to submit fingerprints for a background check. This bill specifies the requirements for licensure, including being financially responsible to exercise the license and having proof of financial responsibility. Other requirements for licensure include the following:

1. Be at least 18 years of age;
2. Have successfully passed a public adjuster examination. Examinations would be developed and conducted under rules and regulations prescribed by the commissioner; and
3. Designate only licensed individual public adjusters to exercise the business entity's license.

An individual who applies for a public adjuster license in this state who was previously licensed as a public adjuster in another state based on a public adjuster examination would not be required to take or complete any prelicensing examination if the person is in good standing in the other state. A person licensed as a public adjuster in another state based on a public adjuster examination who moves to this state must apply for licensure within 90 days of establishing legal residence to become a resident licensee. Prior to issuance of a license as a public adjuster and for the duration of the license, the applicant must secure evidence of financial responsibility in a format prescribed by the commissioner through a security bond. A surety bond must be in the minimum amount of $50,000. The bond would be in favor of this state and would specifically authorize recovery by the commissioner on behalf of any person in this state who sustained damages as the result of erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices in his or her capacity as a public adjuster. The authority to act as a public adjuster shall automatically terminate if the evidence of financial responsibility terminates or becomes substantially impaired.

An individual who holds a public adjuster license must complete a minimum of 12 hours of continuing education courses, including ethics, reported on a biennial basis in conjunction with
the license renewal cycle. Such education would be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under this bill. This continuing education requirement would not apply to licensees not licensed for one full year prior to the end of the applicable continuing education biennium or licensees holding nonresident public adjuster licenses who have met the continuing education requirements of their home state and whose home state gives credit to residents of this state on substantially the same basis.

This bill also provides the following in regard to public adjusters:
1. A public adjuster may charge the insured a reasonable fee;
2. A public adjuster may not pay a commission, service fee or other valuable consideration to a person for investigating or settling claims in this state if that person is required to be licensed under this act and is not so licensed;
3. A person may not accept a commission, service fee or other valuable consideration for investigating or settling claims in this state if that person is required to be licensed under this bill and is not so licensed;
4. A public adjuster may pay or assign commission, service fees or other valuable consideration to persons who do not investigate or settle claims in this state, unless the payment would violate applicable state law;
5. In the event of a catastrophic disaster, there would be limits on catastrophic fees, whereby no public adjuster could charge, agree to or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than 15 percent of any insurance settlement or proceeds. No public adjuster could require, demand or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of a claim. This bill also delineates the requirements for contracts entered into by public adjusters for their services and specifies that a contract may specify that the public adjuster be named as a co-payee on an insurer's payment of a claim.

This bill also specifies that if the insurer, not later than 72 hours after the date on which the loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insurance policy, the public adjuster would:
1. Not receive a commission consisting of a percentage of the total amount paid by an insurer to resolve a claim;
2. Inform the insured that the amount of any recovery amount might not be increased; and
3. Be entitled only to reasonable compensation from the insured for services provided by the public adjuster on behalf of the insured, based on the time spent on a claim and expenses incurred by the public adjuster, until the claim is paid or the insured receives a written commitment to pay from the insurer.

This bill requires a public adjuster to provide the insured a written disclosure concerning any direct or indirect financial interest that the public adjuster has with any other party who is involved in any aspect of the claim, other than the salary, fee, commission or other consideration established in the written contract with the insured.

The legislation does not authorize any public adjuster or person operating at the direction of a public adjuster to engage in the practice of law.

The Act requires any business entity that acts as a public adjuster to obtain a public adjuster license.
The law specifies that the commissioner of commerce and insurance could place on probation, cancel, terminate, suspend, revoke, or refuse to issue or renew a public adjuster's license or levy a civil penalty for failure to notify the insured, verbally and in writing, of the statutory requirements of this bill as they pertain to solicitation, contracting, and rescission and the timeframes contained in this bill.

Submitted as:
Tennessee
Chapter 997 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs that beginning in fiscal year (FY) 2008, and in each FY thereafter through FY 2013, the Commissioner of Health and Senior Services, in consultation with the State Treasurer and the Commissioner of Human Services, is to implement a process that rebalances the overall allocation of funding within the Department of Health and Senior Services (DHSS) for long-term care services through the expansion of home and community-based services for persons eligible for long-term care as defined by regulation of the commissioner. The expansion of home and community-based services is to be funded, within the existing level of appropriations, by diverting persons in need of long-term care to allow maximum flexibility between nursing home placements and home and community-based services.

Beginning in FY 2008, and in each FY thereafter through FY 2013, funds equal to the amount of the reduction in the projected growth of Medicaid expenditures for nursing home care, for State dollars only plus the percentage anticipated for programs and persons that will receive federal matching dollars, are to be reallocated to home and community-based care through a global budget and expended solely for such care, until the commissioner determines that total Medicaid expenditures for long-term care have been sufficiently rebalanced to achieve funding parity between nursing home care and home and community-based care.

The Act defines "funding parity between nursing home care and home and community-based care" to mean that the distribution of the amounts expended for these two categories of long-term care under the Medicaid program reflects an appropriate balance between the service delivery costs of those persons whose needs and preferences can most appropriately be met in a nursing home and those persons whose needs and preferences can most appropriately be met in a home or community-based setting.

The home and community-based services to which funds are reallocated pursuant to this bill are to include services designated by the Commissioner of Health and Senior Services, in consultation with the Commissioner of Human Services and the Medicaid Long-Term Care Funding Advisory Council established under the bill.

The provisions of the bill are not to be construed to authorize a reduction in funding for Medicaid-approved services based upon the approved State Medicaid nursing home reimbursement methodology, including existing cost screens used to determine daily rates, annual rebasing and inflationary adjustments.

The commissioner, in consultation with the Commissioner of Human Services, is to adopt modifications to the Medicaid long-term care intake system that promote increased use of home and community-based services.

The commissioner, in consultation with the Medicaid Long-Term Care Funding Advisory Council, is directed to:

1. Implement a comprehensive data system to track long-term care expenditures and services and consumer profiles and preferences.
2. Implement a system of Statewide long-term care service coordination and management designed to minimize administrative costs, improve access to services, and minimize obstacles to the delivery of long-term care services to people in need;
3. Identify home and community based long-term care service models that are determined by the commissioner to be efficient and cost-effective alternatives to nursing home care, and develop clear and concise performance standards for those services;
(4) Develop and implement a comprehensive consumer assessment instrument that is designed to facilitate an expedited process to authorize the provision of home and community-based care to a person prior to completion of a formal financial eligibility determination; and

(5) Develop and implement a comprehensive quality assurance system with appropriate and regular assessments that is designed to ensure that all forms of long-term care available to consumers in this State are financially viable, cost-effective, and promote and sustain consumer independence; and

(6) Seek to make information available to the general public, through print and electronic media, on the various forms of long-term care available in this State and the rights accorded to long-term care consumers by statute and regulation.

This Act establishes a 15-member Medicaid Long-Term Care Funding Advisory Council. The advisory council is to monitor and assess, and advise the commissioner on, implementation of the provisions of the bill; and develop recommendations for a program to recruit and train a stable workforce of home care providers, including recommendations for changes to provider reimbursement under Medicaid home and community-based care programs. The advisory council is to meet at least quarterly during each fiscal year until such time as the commissioner certifies to the Governor and the Legislature that funding parity has been achieved, and is entitled to receive such information from the Departments of Health and Senior Services, Human Services and the Treasury as the advisory council deems necessary to carry out its responsibilities under the bill.

Finally, the Act establishes a unique global budget appropriation line item for Medicaid long-term care expenditures is to be included in the annual appropriations Act for FY 2008 and each succeeding fiscal year in order to provide flexibility to align these expenditures with services to be provided during each fiscal year as necessary to effectuate the purposes of the bill.

Submitted as:
New Jersey
Chapter 23, Public Laws of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides that it is an unlawful practice for a person to advertise, represent or imply that any person can earn money working at home by stuffing envelopes, addressing envelopes, mailing circulars, clipping newspaper and magazine articles, assembling products, bill processing, or performing similar work, unless the person making the advertisement or representation meets all of the listed conditions.

Submitted as:
Illinois
Public Act 094-0999
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This bill protects employees from employer intimidation by prohibiting any employer, with certain exceptions, from requiring its employees to attend an employer-sponsored meeting or participate in any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters. "Political matters" are defined as political party affiliation and decisions to join or not join or participate in any lawful political, social, or community organization or activity.

The exceptions to the prohibition are:

1. An employer may communicate information about religious or political matters to employees to the extent required by law;
2. A religious organization may communicate its religious beliefs, practices or tenets to its employees;
3. A political organization may communicate its political tenets or purposes to its employees; and
4. An educational institution may require students and instructors to attend lectures on political or religious matters that are part of the regular course work at the institution.

Employers are prohibited from retaliating against an employee because the employee, or a person acting on behalf of the employee, in good faith reports a violation.

An aggrieved employee is authorized to bring a civil action not later than ninety days after the alleged violation occurs. If the employee prevails in the action, the court is required to award all appropriate relief, including any of the following which are applicable to the violation:

1. A restraining order against any continuing violation;
2. The reinstatement of the employee to the employee's former position or an equivalent position and the reestablishment of any employee benefits and seniority rights;
3. The payment of lost wages, benefits or other remuneration; and
4. The payment of attorneys' fees and other costs of the action.

In addition, the court is permitted to award punitive damages not greater than treble damages to the employee and an assessment of a civil fine, paid to the State Treasurer, of not more than $1,000 for a first violation and not more than $5,000 for each subsequent violation.

The bill does not prohibit an employer from permitting its employees to voluntarily attend employer-sponsored meetings or providing other communications to the employees, if the employer notifies the employees that they may refuse to attend the meetings or accept the communications without penalty.

Submitted as:
New Jersey
Chapter 53
Status: Enacted into law in 2006

Comment:
Disposition: 11-28B-02

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action
Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs that a business relationship between a sales representative and a principal shall be in writing signed by both the principal and the sales representative. The writing shall set forth the method by which the sales representative's commission is computed and paid. The principal shall provide the sales representative with a copy of the signed writing.

The Act directs the principal to pay a sales representative all commissions due to the sales representative during the time the business relationship between the principal and sales representative is in effect in accordance with the writing. If a business relationship between a principal and sales representative terminates, the principal shall pay to the sales representative within 30 days after the day on which the termination is effective, all commissions due on the day on which the termination is effective; and within 14 days after the day on which a commission becomes due if the commission is due after the day on which the termination is effective.

Submitted as:
Utah
SB126
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Florida legislative staff report that this Act provides that electrical substations are a permittable land use in all land use categories and zoning districts, with specified exceptions. Local government can adopt reasonable standards for setback and landscape buffers, but if a local government does not do so, the standards set forth in the Act apply.

This Act creates a process for selection of the site for a new distribution substation and timeframes for the process. If an application is not timely disposed of, it is deemed automatically approved. Prior to submitting an application for a substation in a residential area, the utility is to consult the local government regarding site selection. The utility is to provide information on the proposed site and as many as three alternative sites. If the local government and the utility are unable to agree upon a site, selection is to be submitted to mediation.

The Act prohibits local governments from requiring a permit or other approval for vegetation management and tree trimming within an established right-of-way for an electrical transmission or distribution line. At the request of a local government, utility companies are required to meet with the local government to discuss and submit the utility’s vegetation maintenance plan. The bill requires a utility to give the local government advance notice before conducting vegetation-maintenance activities in an established right-of-way, specifies standards for vegetation maintenance, and limits the types of trees or vegetation that may be planted in an established right-of-way for an electric utility. It that vegetation maintenance costs are recoverable.

The bill requires an electric utility to provide the applicable regional planning council with a report on the utility’s 5-year plans for siting electrical substations and this information is to be included in the regional planning council’s annual report.

Submitted as:
Florida
Chapter 268 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration
to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act updates the state Public Records Act to include provisions relating to the management and archiving of electronic records. The bill creates new definitions for electronic records, lifecycle, metadata, conversion, and migration, and amends the powers and duties of the Library Board to be medium-neutral and to allow the Library to issue regulations and guidelines related to the lifecycle of records, generally. The bill requires the custodians of records to convert and migrate electronic data as necessary to maintain access to these records. Finally, the bill allows the Library to conduct audits of the record keeping practices of agencies subject to the act, and to file the audit reports with the Governor and the General Assembly. The bill also includes numerous technical amendments.

Submitted as:
Virginia
Chapter 60 of 2006
Status: Enacted into law in 2006.

Comment:
	Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates the office of advocacy for honest and appropriate government spending. The office would be under the authority of the comptroller of the treasury, who would appoint an advocate in charge of directing the office no later than December 15, 2006. Beginning in 2007, the advocate would issue a press release twice per year to inform the public and state employees of the purposes of the office, to provide the office's contact information, and to request that citizens report any suspected misuse of tax money to the advocate. This information would also be distributed each January with each employee's first paycheck and posted at all state workplace sites.

The advocate would also be responsible for: receiving reports from the public or state employees about possible fraud, mismanagement, waste, or inefficiency; establishing a system for initial screening of allegations to determine their validity and referring valid allegations to the proper person or agency for further review; tabulating the number of such referrals; explaining a bonus program, if such a program is authorized, with each person making an allegation; and explaining to each person making an allegation that legal testimony may be required from such person. For each allegation made, a report would be prepared including confidential contact information for the person making the allegation, the allegation as set forth by the individual raising it, and a summary of the allegation. The report would not reveal the identity of the person making the allegation. The summary would be forwarded to the person or office deemed most appropriate to examine the allegation and institute further action, including the governor, a department commissioner, an agency, office, or bureau head, the TBI, or any other appropriate person or entity. All information would be kept confidential except where the reporting person receives a bonus under an adopted authorized bonus program. The reporting person would retain the right to anonymity by declining the monetary bonus. Any person making an allegation in good faith would not be subject to civil or criminal liability for such allegation, even if the allegation is proven to be false.

The advocate would also be responsible for an annual report of the office, to be presented to the news media, governor, speakers, and chairs of the finance, ways and means committees no later than February 1, which would summarize all activities for the office for each calendar year, including: the number of allegations received; the number of allegations considered to be groundless; the number of allegations referred for investigation; the number of allegations resulting in pending and completed civil actions; the number of allegations resulting in pending and completed criminal actions; and any other information deemed appropriate.

Beginning in 2008, each department, agency, office, bureau, or other state government entity would be required to file a separate certificate of fiscal honesty, based on evaluations of allegations received by the advocate, with the chairs of the senate and house finance, ways and means committees by March 1 of each year. This certificate would be required before appropriations for an entity could be approved by the general assembly. The certificate would certify that the particular department or entity has made efforts to provide efficient and cost-effective operation; that all allegations of fraud have been referred and, as appropriate, prosecuted; and that each entity has conducted a program to encourage its employees to operate honestly and efficiently. If a state government entity fails to file a certificate by April 1 of a given year, then the general assembly would not appropriate any funds to the entity.
The Act requires the comptroller of the treasury to establish, maintain, and publicize a hotline for receiving allegations of fraud, waste, or abuse of public funds and also requires the office of the comptroller of the treasury to educate private citizens and public employees of the availability of a mechanism to report, and the responsibilities of the office to review, allegations of fraud, waste, or abuse of public funds.

Submitted as:
Tennessee
Chapter 972 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Subject to exemptions and definitions found in federal law, this Act requires local
governments and divisions, boards, and agencies of the department of regulatory agencies to issue
and renew licenses, permits, registrations, certificates, charters, memberships, or similar
authorizations to a person only if the person is lawfully present in the United States and to deny
any such authorization, including a renewal thereof, upon determining that the person is
unlawfully present in the United States. It also requires a person to prove his or her identity with a
secure and verifiable document.

Submitted as:
Colorado
HB 1009
Status: Enacted into law in 2006.
This Act requires each state agency or political subdivision to verify the lawful presence in the United States of each person 18 years of age or older who applies for public benefits, as defined in federal law, for the applicant. It excludes specified public benefits. The legislation specifies the manner of verification, including requiring a specified form of identification, an affidavit, and verification through a federal program. It specifies criminal penalties for falsifying a required affidavit. Authorizes variations of the affidavit requirement. It prohibits state agencies or political subdivisions from providing benefits in violation of the Act and establishes reporting requirements.

Submitted as:
Colorado
Chapter 13, Laws of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes standards and procedures to create state trademarks on goods when those are placed in any manner on the goods or other containers or the displays associated therewith or on the tags or labels affixed thereto, or if the nature of the goods makes the placement impracticable, then on documents associated with the goods or their sale, and the goods are sold or transported in commerce in the commonwealth, and on services when it is used or displayed in the sale or advertising of services and the services are rendered in the commonwealth.

Submitted as:
Massachusetts
Chapter 195 of the Acts of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act overhauls state agency sunset requirements. Specifically, this Act:
• establishes a Legislative Sunset Advisory Committee,
• provides the membership and organization of the Legislative Sunset Advisory Committee,
• creates a schedule to abolish state agencies and advisory committees,
• requires reports and assistance from agencies, the Auditor General and the Office of Program Policy Analysis and Government Accountability,
• sets criteria for review,
• provides responsibilities for the Legislative Sunset Advisory Committee,
• authorizes subpoenas, provides for abolition and continuation,
• creates procedures after termination,
• requires review and monitoring, provides a savings clause, and
• provides additional requirements for agency legislative budget requests including a recommended cost-allocation methodology.

Submitted as:
Florida
Chapter 146 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires a motor vehicle manufacturer of a new motor vehicle sold or leased in this state on or after January 1, 2008, except as specified, to provide a means whereby the registered owner of that motor vehicle or a family member, through a registered locksmith, can access information, and only that information, that is necessary to permit the production of a replacement key or other functionally similar device, by a registered locksmith, that will allow the registered vehicle’s owner or family member to enter, start, and operate the vehicle.

The Act requires a vehicle manufacturer to retain and make the information available for at least 25 years from the date of manufacture. The bill exempts a make that sold fewer than 2,500 vehicles in the prior calendar year in the state from this requirement. The bill exempts, until January 1, 2013, a vehicle line of a motor vehicle manufacturer that sold between 2,500 and 5,000 vehicles in the prior calendar year from this requirement.

This legislation requires a registered locksmith to follow certain identity and vehicle verification procedures before he or she could request the information from the manufacturer, to turn over certain information to the registered owner or family member, and to destroy all information accessed from the manufacturer after completing the reproduction of the key or other functionally similar device. A manufacturer is required to make this information available by telephone or electronically 24 hours a day and 7 days a week and to retain this information for at least 25 years from the date of manufacture. A manufacturer must also include a security process to verify the identity of the registered locksmith.

Submitted as:
California
Chapter 433 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act makes it an infraction, operative July 1, 2008, to drive a motor vehicle while using a wireless telephone, unless that telephone is designed and configured to allow hands-free listening and talking operation, and is used in that manner while driving. This offense is punishable by a base fine of $20 for a first offense and $50 for each subsequent offense.

The bill provides that this prohibition does not apply to a person who is using the cellular telephone to contact a law enforcement agency or public safety entity for emergency purposes, or to an emergency services professional while he or she operates an authorized emergency vehicle, as specified. The bill also prohibits the assignment of a violation point for a violation of the above.

The bill, until July 1, 2011, also provides that this prohibition does not apply to a person when using a digital 2-way radio service that utilizes a wireless telephone that operates by depressing a push-to-talk feature and does not require immediate proximity to the ear of the user, and that person is driving a motor truck or truck tractor, as respectively defined, a listed or described implement of husbandry, a listed farm vehicle, a tow truck, or a commercial vehicle, as defined, used in commercial agricultural operations.

Submitted as:
California
SB 1613 (enrolled version)
Status: Enacted into law in 2006.

Comment:
PRESS RELEASE
09/15/2006 GAAS:626:06 FOR IMMEDIATE RELEASE
Gov. Schwarzenegger Signs Bill Requiring Drivers to Use Hands Free Devices While Talking on a Mobile Phone

Gov. Schwarzenegger signed SB 1613 by Sen. Joseph Simitian (D-Palo Alto) that would prohibit the use of a cell phone in a moving vehicle unless the driver is using a hands free device.

“The simple fact is it’s dangerous to talk on your cell phone while driving. CHP data show that cell phones are the number one cause of distracted-driving accidents,” said Gov. Schwarzenegger. “So getting people’s hands off their phones and onto their steering wheels is going to make a big difference in road safety. The ‘Hands-Free’ cell phone bill will save lives by making our roads safer. I want to thank Senator Simitian for authoring this bill and for his commitment to the safety of his fellow Californians.”

Specifically, SB 1613 will:

- Prohibit the use of cell phones by drivers unless the driver is using a hands-free device starting July 1, 2008.
- Allow drivers of commercial vehicles to use push-to-talk phones until July 1, 2011.
• Allow drivers to make emergency phone calls without using a hands-free device.
• Allow drivers of emergency response vehicles to use cell phone without a hands-free device.

Distracted driving leads to tens of thousands of car accidents annually, with many of these accidents resulting in serious injuries or even death. Distractions while driving include eating, drinking, changing the radio station, reading and using a cell phone. For many of these distractions, there is no practical alternative other than banning the activity. However, there is a practical alternative to holding a cell phone – using a hands-free device. Hands-free devices are very inexpensive and most new phones come with an earpiece.

Using a hands-free device while driving does not eliminate the distraction that comes with cell phones. Talking on the phone and dialing and hanging up the phone create a distraction. However, requiring drivers to use hands-free devices better ensures that drivers have two hands free to place on the wheel while driving.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
    (  ) next task force mtg.
    (  ) next SSL mtg.
    (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
This Act prohibits the state regulatory authority from exercising jurisdiction over or relating to broadband services, regardless of the entity providing the service. "Broadband services" means any service that consists of or includes a high-speed access capability to transmit, at a rate not less than 200 kilobits per second, either in the upstream or downstream direction and either is used to provide Internet access or provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service.

The Act specifies that "broadband services" does not include intrastate service that was tariffed with the state regulatory authority in effect before the effective date of this Act. This legislation specifies that such intrastate services must not be reclassified, bundled, de-tariffed, declared obsolete, or otherwise recharacterized to avoid the imposition of inspection fees by the state regulatory authority. It further specifies that this Act does not permit any carrier to treat services that constitute telecommunications services under federal law as non-telecommunications services for any purpose under state law.

Submitted as:
Tennessee
Chapter 681 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act expressly removes the power of the state Public Service Commission to set the rates and the terms and conditions for the offering of emerging communications technologies of broadband service, voice over Internet protocol, and wireless service within the state.

Submitted as:
Georgia
SB 120
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires every individual, committee, association, or any other organization or group of people that incurs an expense for the direct costs of producing or airing candidate-specific communications in an aggregate amount in excess of ten thousand dollars during any calendar year shall, within 24 hours of each disclosure date, file with the state board of elections a statement identifying the entities incurring the expense, the custodian of the books and accounts of the entity incurring the expense, the principal place of business of the entity incurring the expense and identifying the candidates in the candidate-specific communications.

Submitted as:
North Carolina
Session Law 2006-233
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a process for challenging the statutory or constitutional qualifications of a candidate for an elected office. People who challenge a candidate’s qualifications must file an affidavit with the state board of elections. Under the Act, a panel of election officials must conduct a hearing, review the challenge, and rule on the challenge. Under the Act, the candidate must show by a preponderance of the evidence that they are qualified to be a candidate for the office. Panel rulings can be appealed.

Submitted as:
North Carolina
Session Law 2006-155
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires the state Department of Motor Vehicles to furnish monthly lists to the State Board of Elections of license applicants who indicate a non-citizen status on their applications, and directs the State Board to forward the information to the general registrars. Non-citizen status constitutes grounds for cancelling a person's voter registration.

Submitted as:
Virginia
Chapter 926 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates a new provision of law allowing the alleged victim of a crime to select an individual to be their personal representative to accompany them to all phases of the investigation, medical examination, and prosecution related to the underlying incident except for grand jury proceedings and child abuse assessments conducted at advocacy centers recognized by the Department of Justice. The measure prohibits any court, law enforcement agency or any health care provider from excluding a personal representative from accompanying the alleged victim as authorized by the bill. The measure also prohibits the alleged victim from choosing the suspect in, or a party or witness to, the alleged crime as their personal representative.

Submitted as:
Oregon
SB 198 (enrolled version)
Status: Enacted into law in 2005.

Comment: DEFER TF
Per 27B-d - Susan Howley, National Center for Victims of Crime (202-467-8700), said the original language in the bill was innovative, laudable, and broader than most state laws, but the exceptions in the final version ultimately limit the bill’s effectiveness.

Press Release
August 23, 2005
Governor Signs Bills Recommended by Attorney General's Sexual Assault Task Force

SB198 and 199 will help encourage reporting of sexual assaults and protect victims’ privacy

Today Governor Theodore Kulongoski signed Senate Bill 198 and Senate Bill 199, which were introduced at the request of the Attorney General’s Sexual Assault Task Force and together represent two important steps forward in the rights for victims of sexual assault in Oregon.

Senate Bill 198 allows some adolescent and all adult victims of sexual assault to have a “personal representative” with them during legal and medical proceedings. That representative can be an advocate, a family member or a friend. The new law will help encourage reports of sexual assault, as victims are assured that a family member, friend or rape crisis advocate will be alongside the victim as they undergo the many exams and interviews that make up the investigation and prosecution of sexual assault cases.

“These bills will help women who are victims of sexual assault by giving them the support they need to step forward and report the assault – which will both help ensure their attackers are held accountable and protect other Oregonians from becoming victims,” said Governor Kulongoski.

Some studies estimate that as many as 85% of rape victims and other victims of sexual assault never file a report with law enforcement agencies. The availability of a personal representative has led to increased reporting in several other states that have already adopted the victim-centered policy.

The Governor also signed Senate Bill 199, which will help protect victims' privacy by preventing the public dissemination of sexually explicit photographs or materials by the issuance
of a court protective order. Under current law there are instances in which certain sexually explicit materials may not be protected from public release.

In criminal proceedings, sexually explicit materials are often items important to the successful prosecution of sexual assault offenders. Unfortunately, the public nature of the criminal trial can lead to the unwanted and unfortunate disclosure of those materials. SB 199 permits a judge issue a protective order, insuring that neither the defense nor the prosecution can disseminate the materials.

The change brought about by SB 199 will help keep sexually explicit photographs or videotapes of children, adolescents and adults from escaping the courtroom and moving into the public arena, including the Internet. Records of criminal proceedings will continue to be accessible by the public and the media.

“The two bills were passed with overwhelming bipartisan support,” said Myers. “They are a tribute to the Oregon Legislature's tradition of support for Oregon's crime victims.”

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act authorizes government to seize conveyance or other personal property used in commission of sexual offense against a minor; establishes funds to receive proceeds and establishes how proceeds are to be allocated.

The Act requires that the proceeds from all forfeitures made pursuant to this Act and the proceeds from all forfeitures of conveyances used in the commission of a sexual offense to be transmitted to a general fund reserve to be allocated through the General Appropriations Act, which would be known as the Child Advocacy Center Fund. Revenues deposited, excess revenues or interest earned, and appropriations made in connection with the reserve fund would remain in the reserve until expended for purposes consistent with this amendment, and would not revert to the general fund on any June 30.

Under this Act, the general assembly will appropriate money from the Child Advocacy Center Fund to the state department of finance and administration to be used exclusively by the department to provide grants to child advocacy centers that are incorporated as a not-for-profit organization, tax-exempt under §501 of the Internal Revenue Code, and have provided child advocacy services for at least six months prior to the application for funds under this amendment. The commissioner would promulgate rules and regulations for the distribution and use of the grant funds provided by it. Such grants would be for the purpose of providing funding for the continuation of existing programs and services, the creation of new programs and services and the training of personnel in child advocacy centers.

This Act creates a child abuse fund, directs the proceeds of forfeitures of property used in the commission of sexual offenses against minors to three funds, and authorizes forfeitures of property used in the commission of sexual exploitation of a minor. It requires that the proceeds of forfeitures of property used in the commission of sexual offenses against minors be placed in the child abuse fund. The moneys from the child abuse fund would be appropriated as follows:

- 50 percent for the child advocacy center fund to be used for child advocacy centers;
- 25 percent to the court appointed special advocate fund to be used for grants for court appointed special advocate programs; and
- 25 percent to the child abuse prevention fund to provide a grant to Prevent Child Abuse Tennessee.

The Act authorizes forfeitures of property used in the commission of sexual exploitation of a minor and directs that all proceeds from any such forfeiture be divided in the same manner as the proceeds of forfeitures of property used in the commission of sexual offenses against minors.

Submitted as:
Tennessee
Chapter 960 of 2006
Status: Enacted into law in 2006.

Comment:
Disposition: 17-28B-01

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B

( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B

( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a commission to expeditiously review credible postconviction claims of factual innocence supported by verifiable evidence not previously presented at trial or at a hearing granted. The Act defines a “claim of factual innocence” credible as a claim on behalf of a living person convicted of a felony in the General Court of Justice of the State of North Carolina, asserting the complete innocence of any criminal responsibility for the felony for which the person was convicted and for any other reduced level of criminal responsibility relating to the crime, and for which there is some credible, verifiable evidence of innocence that has not previously been presented at trial or considered at a hearing granted through postconviction relief.

Submitted as:
North Carolina
Session Law 2006-184
Status: Enacted into law in 2006.

Comment: The Innocence Project reports that Connecticut and North Carolina are two of the first states to create this type of commission.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires the state department of corrections to tell the administrators, residents and families of residents, about the criminal record of offenders who will be admitted to the health care facilities because the offenders have a chronic or terminal disease.

Submitted as:
Utah
HB 125 (Enrolled version)
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
    (  ) next task force mtg.
    (  ) next SSL mtg.
    (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
This Act prohibits local governments, whether acting through a governing body or by an initiative, referendum, or any other process, from enacting any ordinance or policy that limits or prohibits a peace officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of any person within the state.

The Act directs that a peace officer who has probable cause that an arrestee for a criminal offense is not legally present in the United States must report such arrestee to the United States Immigration and Customs Enforcement Office if the arrestee is not held at a detention facility. If the arrestee is held at a detention facility and the county sheriff reasonably believes that the arrestee is not legally present in the United States, the sheriff must report the arrestee to the federal Immigration and Customs Enforcement Office.

Submitted as:
Colorado
SB 06-090
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs the state attorney general to maintain a statewide team of special agents, intelligence analysts, and prosecutors to focus on apprehending and prosecuting repeat sex offenders who violate the terms and conditions of probation or parole, or fail to register in compliance with state law.

Submitted as:
Louisiana
Act 354 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
17-28B-06 Harboring or Concealing a Sexual Offender, Sexually Violent Predator, or Child Predator

This Act makes it a crime to harbor or conceal a sexual offender, sexually violent predator, or child predator with the intent of helping such offenders elude a state or local law enforcement agency. The crime includes withholding information from, lying about, or not notifying a law enforcement agency about a sexual offender, sexually violent predator, or child predators.

Submitted as:
Louisiana
Act 137 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration
    (   ) next task force mtg.
    (   ) next SSL mtg.
    (   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
According to a legislative summary and supporting statement about the Act; “This Act establishes comprehensive reforms to enhance public safety by allowing the state to continue managing sex offenders upon the expiration of their criminal sentences, either by civilly confining the most dangerous recidivistic sex offenders, or by permitting strict and intensive parole supervision of offenders who pose a lesser risk of harm. Treatment is mandated during both criminal and civil confinement and during the period of strict supervision. It also creates a new crime of a "Sexually Motivated Felony," and provides for enhanced terms of post-release supervision for all persons who commit felony sex offenses.

The Sex Offender Management and Treatment Act (the Act) is a balanced response to a compelling need. The compelling need is to protect residents of this state from sex criminals whose recidivism is predictable and uncontrollable. Most sex offenders are not in this category, and those individuals need not and should not be confined past the expiration of their criminal sentences. But there is a small group who, because of a mental abnormality, cannot control their sexually violent behavior even when subject to strict supervision. It is those dangerous repeat offenders whose confinement should continue beyond the expiration of their prison terms.

The Act is a balanced response to this need because it mandates treatment and is designed to rely on protections other than civil confinement whenever possible, using this new process only as a last resort. The Act treats sex offenders in an individualized way based on their level of risk. The highest risk sex criminals are the ones who should be confined until they can develop the ability to control their own behavior. This Act will protect the public by creating fair procedures to identify those high-risk offenders and confine them for treatment.

For lower-risk offenders, the Act establishes a strict new process of civil supervision and treatment. In addition, within the criminal justice system, the Act substantially increases the length of parole supervision that can be imposed on sex offenders. All these features are part of a coordinated approach to the problem. The Act also establishes an office to help implement and continue to refine these innovative features.

Section 2 of the bill establishes the standards and procedures governing the civil management of sex offenders. Under these procedures, a sex offender who is nearing a release date will be examined by the state office of mental health (OMH) or, where appropriate, the state Office of Mental Retardation and Developmental Disabilities (OMRDD) to determine whether he or she has a "mental abnormality" that predisposes him or her to commit future sex crimes. These staff may consider the adequacy of any remaining criminal supervision in determining whether to refer a case for civil commitment proceedings.

If a case is referred to the Attorney General’s Office (OAG), that office may file a petition, and will have the burden of proving to a jury, by clear and convincing evidence, that the offender suffers from a mental abnormality. If the jury unanimously so finds, the judge will either order the offender’s commitment to a secure treatment facility under the supervision of OMH, or order the offender’s release to the Division of Parole on a regimen of strict and intensive supervision and treatment. Offenders who are subject to such management must undergo treatment; and are subject to periodic review to determine whether the conditions of release or confinement remain appropriate. Offenders on strict and intensive supervision may be subject to either increased supervision or confinement if the circumstances so warrant.

Section 3 establishes an Office of Sex Offender Management in the Division of Criminal Justice Services (DCJS). This office will coordinate implementation of the Act with other
agencies, develop standards and best practices for the management of sex offenders, and study issues relating to sex offender management on an ongoing basis.

Sections 4 and 5 provide that clinical records and other identifying information maintained by OMH or OMRDD related to persons under consideration for proceedings under the new are not public records subject to disclosure except under specific circumstances. These sections also add two new exemptions from the confidentiality requirements to provide for disclosure when necessary to protect the public to permit release of records and information to the OAG, the case review panel, and psychiatric examiners.

Section 6 ensures counties are not responsible for the cost of services rendered to patients committed under the Act.

Section 7 amends the statutory definition of "mental hygiene facility" secure treatment facilities required by this Act. This ensures that the quality of care provided at such facilities is subject to investigation by the New York State Commission on Quality of Care and Advocacy for Persons with Disabilities.

Sections 8 and 9 of the legislation provide the state Mental Hygiene Legal Service with the authority to provide legal assistance to persons who are subject to the provisions of this Act with respect to proceedings.

Sections 10 and 22 amend the definition of a "hospital" in state Correction Law to require a secure treatment facility to notify DCJS of an offender’s imminent release.

Section 22 amend the list of registerable crimes in state Correction Law so that a defendant convicted of a Sexually Motivated Felony will be required to register under Megan’s Law.

Sections 11, 14 through 17, and 19 of the legislation ensure that certain records will be made available to OMH, OMRDD, the case review panel, psychiatric evaluators and the OAG for use under the Act.

Section 12 amends laws pertaining to the notification system available to victims of certain crimes, to include sex offenses. As a result, the victim of such an offense will have the option to request that he or she be notified if the offender escapes, absconds or is released from custody. The amendments also permit a victim to request notification in the event an offender is transferred to the custody of OMH or is released from confinement under the Act, and require the Department of Correctional Services (DOCS) or OMH, as appropriate, to make such notifications.

Sections 13 and 46 through 50 of the bill make a juvenile offender eligible for indictment and conviction for a sexually motivated felony, when the underlying specified offense if one for which the juvenile could be prosecuted.

Section 18 permits a court to appoint no more than two psychiatrists, psychologists or physicians to examine an individual in conjunction a proceeding under the Act and to testify at such a proceeding, and to provide that such examiners receive compensation and reimbursement for expenses.

Section 20 makes the Division of Parole responsible for the supervision of people subject to strict and intensive supervision and treatment under the Act and authorizes the Division of Parole to issue rules and regulations in consultation with the Office of Sex Offender Management.

Section 21 permits the Commissioner of Correctional Services to enter into agreements with the Commissioner of Mental Health for the provision of security services at secure treatment facilities.
Sections 23 and 24 provide that whenever a person serving a sentence of incarceration is examined in anticipation of release from prison and appears to suffer from a mental illness, whether the inmate is then in a correctional facility or in an OMH hospital, the superintendent of the facility or the director of the hospital may apply for the inmate’s admission to in-patient care via civil commitment procedures.

Sections 24-a and 43-a provide that sex offenders undergoing civil commitment proceedings may be lodged in local jails during the pendency of court proceedings, and that the state will reimburse the localities for the costs of housing such persons.

Section 25 requires the DOCS, with input from the Office of Sex Offender Management and the assistance of OMH and OMRDD, make available to inmates convicted of particular sex offenses an in-prison treatment program. The treatment program will include residential programs staffed by psychologists and other mental health professionals. The new section further provides that persons convicted of such sex offenses after the effective date of the law will be assessed by OMH staff after the inmate’s commitment to prison for the purpose of determining each inmate’s need for in-prison treatment.

Sections 29, 30, and 33 of the law create a new crime of Sexually Motivated Felony; provide for sentencing for this new crime; and provide determinate sentences and enhanced periods of post-release supervision for both violent and non-violent felony sex offenses. A person is guilty of the new crime of a Sexually Motivated Felony when he or she commits a specified felony offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification. The new crime is of the same level as the specified felony, and will be deemed a violent felony offense for sentencing purposes if the specified offense is a violent felony.

Under the new sentencing provisions, almost all people convicted of a felony sex offense, including a Sexually Motivated Felony, face determinate sentences and mandated terms of post-release supervision that are significantly enhanced. The lowest level offenders, those convicted of class D and E felonies, must be sentenced to a term of supervision of at least three years and as much as 10 years; high level offenders convicted of class B felonies face a period of supervision of at least five years and as much as 20 years. Predicate felons face even longer periods of post-release supervision. Those defendants who already faced indeterminate sentences with a maximum term of life in prison may still receive a life sentence.

Section 32 adds five sex offenses to the list of offenses that are categorized as violent crimes for sentencing purposes.

Sections 34 through 41 implement the sentencing scheme for the new crime of a Sexually Motivated Felony and the new determinate sentences and enhanced periods of post-release supervision that must be imposed for felony sex offenses.

Sections 42 and 43 provide that a sex offender serving a period of post-release supervision may be re-incarcerated for the balance of the outstanding term of supervision if he or she violates a condition of release, and to provide that when a violator has been given a time assessment of three years or more, he or she may only be released following a hearing and determination by the Board of Parole, and the re-incarceration is not limited by the term of the time assessment.

Sections 44 and 45 give the Board of Parole the discretion to discharge a sex offender serving an enhanced term of post-release supervision. The offender must serve at least five years of super vision and must have at least three consecutive years of unrevoked supervision to qualify for such a discharge.

Section 50 allows counties to assign counsel for the representation of persons facing civil commitment proceedings."
Submitted as:
New York
A 06162
Status: Enacted into law in 2007.

Comment:
This legislation is not in the packet because it is 45 pages.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act prohibits the governor from granting executive clemency to a person unless the governor has first provided notice to the state board of parole for investigation, the state office of victims' rights, and the victims of a certain types of crime.

Submitted as:
Alaska
Enrolled HB 69
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act allows a victim to seek to set aside a post-conviction release if there was a failure of reasonable efforts to notify the victim and provide the right to be heard at proceedings involving the post-conviction release. If the victim seeks to have the post-conviction release set aside, the victim will be afforded a reexamination proceeding not more than 30 days after each party is given notice of a reexamination.

The Act states that a victim of a crime with a case pending before the courts has the right to restitution from a person who is convicted of causing loss to the victim.

Specifically, this Act:

- states that a victim can request a reexamination proceeding within 10 days of a proceeding if the victim’s rights were denied at the proceeding;
- requires the court to afford a reexamination proceeding to consider the issues raised by the victim of the denial of victim’s rights;
- enables a reconsideration of any decision that arises from the proceeding where the victim’s right was not protected, and provides an exemption;
- prohibits a victim from making a motion to reopen a plea or sentence if the victim was given notice of the plea or sentence proceeding, unless the victim’s right to be heard was denied;
- specifies that the failure to meet a victim’s right does not provide ground for a new trial, and
- maintains the victim’s right to restitution.

Submitted as:
Arizona
Chapter 85 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a Family Caregiver Assistance Program within the Department of Aging. Under the program, a maximum grant of $500 can be provided to eligible people who provide long-term care to certain people. Grants may be used to defray the cost of goods and services required to provide long-term care, including durable medical equipment, medical bills, medical supplies, prescription or over-the-counter medications, home repairs or modifications, and respite care. In order to qualify, the long-term care provider must:

1. reside with the individual receiving the care;
2. provide care for an individual who has been certified by a licensed physician as requiring long-term care needs for at least 180 consecutive days during the year;
3. have a household income equal to 200% or less of the State median income; and
4. provide long-term care to an individual age 18 years of older who is a spouse, parent, stepparent, grandparent, child, stepchild, sibling, aunt, uncle, son-, daughter-, mother-, or father-in-law.

Care must be provided to an individual who is unable to perform without substantial assistance at least three activities of daily living or one activity of daily living and requires substantial supervision to protect the individual from health and safety threats due to severe cognitive impairment.

The Department of Aging is required to adopt regulations to implement the program, report annually to the Governor and the General Assembly on the program, and submit a report by January 1, 2007 on the availability of federal or private funding to support the program. The regulations adopted by the department must ensure that grants be allocated among all counties and Baltimore City based on the proportion of the State population aged 18 years or older.

The program is to be funded as provided in the State budget, and the program can accept federal and private funds.

Submitted as:
Maryland
Chapter 224 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs that any action or proceeding in any court in which a service member is involved, either as plaintiff, defendant or attorney, if the plaintiff, defendant or attorney is a member of the National Guard or the Reserves of the United States Armed Forces, during the period of any military service or within 60 days after any military service, at the discretion of the court, or by the member's own motion or motion of the court, may be stayed at any stage of the proceeding unless, in the opinion of the court, the ability of the plaintiff to prosecute the action, the defendant to conduct the defendant's defense or the attorney to represent either party is not materially affected by reason of the member's military service, except that an action or proceeding involving a child may not be stayed unless the stay is in the best interest of the child.

Submitted as:
Maine
Chapter 353, Public Laws of 2005
Status: Enacted into law in 2005.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides for the comprehensive regulation of people in the state who are not lawfully present in the United States. Specifically, this Act:

- provides that it shall be unlawful to traffic a person for labor or sexual servitude;
- provides that certain property used in conjunction with producing a false identification document shall be contraband;
- provides for seizure and forfeiture; to provide for definitions; to provide for penalties;
- provides that trafficking a person for labor or sexual servitude is a predicate offense under the state Racketeer Influenced and Corrupt Practices Act;
- provides for valid identification documents;
- creates and establishes a “Registration of Immigration Assistance Act;”
- regulates private immigration services;
- specifies conditions under which certain compensation paid by a taxpayer shall be disallowed as a business expense for state income tax purposes;
- establishes procedures for determining nationality and immigration status of certain people who are booked into a jail;
- requires developing guidelines relative to such booking procedures; and
- provides for criminal and other penalties for violating the Act.

Submitted as:
Georgia
SB 529AP
Status: Enacted into law in 2006.

Comment:

Monday, April 17, 2006  Contact: Office of Communications 404-651-7774
Governor Perdue Signs Georgia Security and Immigration Compliance Act

Governor Sonny Perdue today signed into law the Georgia Security and Immigration Compliance Act (SB529). The bill was sponsored by State Senator Chip Rogers in the Senate and carried in the House by Representative John Lunsford.

“This bill makes it clear that Georgia is a welcoming state that wants to treat our guests with Southern hospitality,” said Governor Sonny Perdue. “But we cannot tolerate activity that distracts us from our ability to embrace those who come here legally.”

SB529 requires citizenship verification for individuals using Georgia’s public services to ensure they are legally eligible to receive those services. It also requires citizenship verification of state employees and employers with state contracts and subcontracts. The bill requires that businesses compensating undocumented employees more than $600 a year may not claim wages as an allowable business expense, and requires a six percent state withholding tax for all nonresident aliens. The bill gives law enforcement agencies the tools they need to work more closely with federal officials to enforce immigration laws in Georgia. Georgia’s new immigration law will help ensure Georgia’s public safety by giving law enforcement the authority to crack down on human trafficking and check the legal status of anyone charged with a felony or DUI.
“We recognize that immigration is ultimately a national issue that needs a national solution,” said Governor Perdue. “Because we need to know who is living here in Georgia, and for that matter, who is living in our country.”

Fact Sheet: Georgia Security and Immigration Compliance Act

1. Verification of Residence
   - Requires that entities verify legal U.S. residence for local, state or federal benefits administered by a state agency or a political subdivision of the state where residence is a requirement and where the individual requesting benefits is older than age 18.
   - Exempts prenatal and emergency care (same exemptions as federal exemptions for residence verification).
   - Requires that all individuals receiving state benefits sign one of two affidavits, either stating the individual is a U.S. citizen or a legal alien.
   - All “legal alien” affidavits must be checked in the federal SAVE program database to verify lawful eligibility for public benefits.
   - Provision is effective July 1, 2007.

2. State Contracts
   - Requires contracts for state agencies, departments and instrumentalities of the state and contracts and subcontracts thereof to use the federal BASIC Pilot program for newly hired employees to verify lawful employment in the United States.
   - Employer must perform employment check post-hiring.
   - Effective July 1, 2007 for employers with 500+ employees, effective July 1, 2008 for employers with 100+ employees and July 1, 2009 for employers with less than 100 employees.

3. Prohibits tax benefits.
   - Specifies that undocumented employee compensation over $600 a year may not be used as an allowable business expense.
   - Allows Georgia Department of Revenue (DOR) to promulgate rules and regulations.
   - Applies only to those hired after January 1, 2008.
   - Provision is effective January 1, 2008.

4. Withholding Tax Requirement
   - Requires six percent state withholding tax for all nonresident aliens.
   - Requires six percent state withholding tax for 1099 employees who cannot provide a taxpayer ID number, who provide an incorrect taxpayer ID number or who provide a nonresident taxpayer ID number.
   - State requirement is similar to federal requirement.
   - Provision effective July 1, 2007.

5. Law Enforcement Training
   - Authorizes the Department of Public Safety (DPS) Commissioner to enter into an MOU with the U.S. Department of Justice (DOJ) concerning the enforcement of immigration laws.
   - Directs the DPS Commissioner to coordinate with law enforcement entities to choose appropriate peace officers for training.
• States that state law enforcement training is contingent on funding by federal government.
  • Authorizes the trained law enforcement officers to enforce federal immigration and customs laws while performing their authorized duties.
  • Provision is effective July 1, 2007.

6. Human Trafficking
• Creates the offense of human trafficking and contributing to human trafficking.
  • Penalty: 1-20 years; 10-20 years if the victim is under age 18.
  • Georgia human trafficking language is similar to federal language.
  • Provision is effective July 1, 2007.

7. Legal status verification for those charged with felony or DUI
• Requires that jail personnel check the legal status of those who are charged with a felony or DUI and notify Immigration and Customs Enforcement (ICE) if the individual is not legally in the United States.
  • Practice already occurring in Georgia state prison system;
  • Provision effective July 1, 2007.

8. Immigration Assistance Regulation
• Limits what services a for-profit immigration assistance company can provide and criminalizes certain actions.
  • Requires that such businesses post signs stating they are not lawyers and cannot provide legal advice.
  • Restricts these individuals/businesses from using the terms notary, lawyer or attorney in advertising (may use term “notary public” if certified).
  • Misdemeanor for first offense of non-compliance; high and aggravated misdemeanor for second and subsequent offenses within 5 years.
  • Provision is effective July 1, 2007.

The New York Times reported on May 12, 2006 “With dozens of states rushing to fill the vacuum left by long-stalled Congressional action on immigration legislation, none have rushed faster and further than Georgia, which recently passed a law that all sides describe as among the most far-reaching in the nation.”

DEFER TF

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume ( ) Defer consideration
( ) Include in Volume ( ) next task force mtg.
( ) Defer consideration to next task force meeting ( ) next SSL mtg.
( ) Reject ( ) next SSL cycle
( ) No action

Comments/Note to staff: Comments/Note to staff:
This Act provides that a woman who gives birth to a child as a result of embryo donation is the child's natural mother. The Act provides that a husband who consents to the implantation of a donated embryo in his wife is the child's natural father but allows the presumption of a father and child relationship to be rebutted if the husband does not consent. It provides that a donor of genetic material used to create a donated embryo has no parental rights or responsibilities with respect to a child resulting from the donation. If one of the two individuals, who donated genetic material used to create an embryo dies, authorizes the surviving individual to consent to donate the embryo.

This Act clarifies the parentage of certain children born as a result of embryo donation. Under the act, a woman who gives birth to a child born as a result of embryo donation is treated as the natural mother of the resulting child, and the child is the natural child of that woman. The woman's status as the child's mother cannot be changed by filing a parentage action, and the genetic mother of the child is therefore eliminated as a potential legal mother. The Act does not apply to surrogacy contracts, because it applies only to embryo donation for the purpose of impregnating a woman so that she can bear a child that she intends to raise as her own.

Further, if a woman who gives birth to a child through embryo donation is married, and her husband consents to the embryo donation, the husband is treated as the natural father of the child. A presumption of a father and child relation that arises from the man being married to the woman is conclusive with respect to this father and child relationship, and no action or proceeding under the parentage law can affect the relationship. However, if the husband has not consented to the embryo donation, the presumption can be rebutted by clear and convincing evidence that includes the lack of consent to the embryo donation.

The Act defines a "donor" as an individual who produced genetic material (semen or an egg) used to create an embryo, consents to the implantation of the embryo in a woman who is not the individual or the individual's wife, and, at the time of the embryo donation, does not intend to raise the resulting child as the individual's own. The Act provides that a donor is not to be considered as a parent of a child born of the donation and has no parental rights or responsibilities with respect to such a child. Moreover, if a person who produced genetic material used to create the embryo dies, the other person whose genetic material was used to create the embryo may consent to donate the embryo.

Submitted as:
Ohio
Am. HB 102
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act is designed to address the increasing problem of school districts failing to correct serious deficiencies identified in their annual audits. In order to immediately address these deficiencies this Act provides statutory authority to the Commissioner of Education to appoint a State monitor to provide direct oversight of a board of education’s business operations and personnel matters if the school district receives an adverse or a disclaimer of opinion by its independent auditor or if any two or more of the following circumstances apply to the school district:

- the school district ends the fiscal year with a deficit balance, as calculated for budgetary purposes, in the general fund, special revenue fund, or capital projects fund, with the exception of a capital projects fund deficit caused by the issuance of bond anticipation notes;
- the school district receives a qualified opinion by its independent auditor in its annual audit;
- the school district receives audit findings identified as material weaknesses in internal controls in its annual audit;
- the school district fails to develop and implement a plan acceptable to the commissioner or his designee to address a potential or actual deficit in the general fund, special revenue fund, or capital projects fund, with the exception of a capital projects fund deficit caused by the issuance of bond anticipation notes, and
- the school district fails to implement a plan from the prior year which causes findings form the independent auditor to be repeated.

The State monitor is provided various responsibilities under the Act including:

- overseeing the fiscal management and expenditures of school district funds;
- overseeing the operation and fiscal management of school district facilities, including the development and implementation of recommendations for redistricting and restructuring of schools;
- ensuring the development and implementation of an acceptable plan to address the circumstances which resulted in the appointment of the State monitor;
- overseeing all district staffing, including the ability to hire, promote, and terminate employees subject to tenure laws and collective bargaining agreements entered into by the school district;
- having the authority to override a chief school administrator’s action and a vote by the board of education on any of the matters for which he has oversight responsibilities;
- meeting with the board of education on at least a quarterly basis to discuss with the members of the board the past actions of the board which led to the appointment of the State monitor and to provide board members with education and training that address the deficiencies identified in board actions, and
- attending all school board meetings, including closed sessions.

The Commissioner of Education must notify the State Board of Education following the appointment of a State monitor. The State monitor must report weekly to the commissioner and monthly to the district’s board of education and to the public at the regularly scheduled board meetings. The commissioner has the authority to fix and adjust the salary of the State monitor. All the costs of the State monitor must be borne by the school district.

The Act also provides financial relief to districts for which a State monitor has been appointed if the commissioner determines that the payment is necessary to ensure the provision of
a thorough and efficient education. The advance payment must be repaid by the district through automatic reductions in the State aid provided to the district over a term not greater than 10 years. The Act also contains a provision that requires the district to apply a certain amount of any undesignated general fund balances to the repayment of the advance payment.

The Act establishes a nonlapsing, revolving dedicated account for the advance State aid payment program, designated the School District Deficit Relief Account in the Department of Education. It is from this account that the advance payment to a district will be made. The account will be credited with an appropriation of the unexpended balances from the fiscal year 2006 appropriation to the Emergency Fund State aid appropriation in the Department of Education. The account may receive other appropriations or transfers of appropriation along with amounts equaling the reductions in State aid a district will incur in repaying the advance payment which will be transferred to the account by the Commissioner of Education.

The Act also requires the Office of the State Auditor to conduct forensic audits of the fiscal operations of any school district with a year-end general fund deficit, if that district also meets another criteria used for determining whether a State monitor should be appointed for a district. This audit is in addition to the annual audit already required for school districts. The audit by the State Auditor will be submitted to the Commissioner of Education, the Legislature, the Governor, and to the school board at its next regularly scheduled monthly meeting; and within 30 days of its presentation to the board, the board must submit to the commissioner a plan to address all of the audit’s unaddressed findings, conclusions and recommendations.

Submitted as:
New Jersey
Chapter 15 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action
Comments/Note to staff:

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration
    (   ) next task force mtg.
    (   ) next SSL mtg.
    (   ) next SSL cycle
(   ) Reject
Comments/Note to staff:
This Act adds financial hardship and illness to the reasons a student may withdraw from high school before graduating. It requires the following information to be included in a school's annual report:

- the number of student work permits revoked;
- the number of student driver's licenses revoked;
- the number of students suspended for any reason, and
- the number of students who have not advanced to grade 10 due to a lack of completed credits.

This Act requires an annual review of a student's career plan and requires remediation programs if needed. It allows an excused absence for a student who attends an educationally related nonclassroom activity, and requires each school corporation to maintain a record of such activities; and report the information to the department of education annually. The bill allows Ivy Tech Community College of Indiana and Vincennes University to offer fast track to college programs in which a qualified student may earn a high school diploma while also earning credits for a certificate program, an associate's or a baccalaureate degree.

This Act allows other state educational institutions to establish a fast track to college program. It requires a school corporation to pay the tuition for high school diploma courses taken by certain students who are less than 19 years of age. It requires each state supported college and university to report annually to the commission for higher education and the legislative council financial aid availability and attendance and graduation rates of students who are Indiana residents.

The legislation allows a student to graduate from high school without passing the graduation examination, subject to certain requirements. It requires the number of students receiving international baccalaureate degrees and participating in a school flex program to be included in a school's annual report. It establishes a double up for college dual high school-college credit program. It requires high schools to offer at least two dual credit and advanced placement courses each year to high school students who qualify to enroll in the courses. It requires a student who seeks to withdraw from school before reaching 18 years of age or graduating to sign a written acknowledgment that the student and the student's parent or guardian understand that withdrawing from school is likely to reduce the student's future earnings and increase the student's likelihood of being unemployed in the future. The bill requires the department of education to develop guidelines for a school corporation to follow in implementing the written acknowledgment.

Submitted as:
Indiana
HB 1347 (enrolled version)
Status: Enacted into law in 2006.

Comment:

NGA Center for Best Practices
Front and Center
07/13/2006
Indiana Targets Dropout Prevention and Recovery  
Contact: Daniel Princiotta  
Education Division  

New legislation to combat dropout rates took effect on July 1, 2006 in Indiana. In 2002, about three in 10 Indiana students failed to graduate high school on time. The new law makes a number of changes:

- Requires career plans. Starting in grade 8, all students in Indiana develop a flexible career plan, including courses students will need to take in high school to support their career ambitions. Annually, schools review each student's career plan and, if a student is not progressing, counsel the student about credit recovery options and available services so that that a student may graduate on time.

- Formalizes the withdrawal process. Students in Indiana may only formally withdraw from school under the age of 18 if they are age 16-17, receive parent and principal permission to withdraw, and face financial or health difficulties or other special considerations approved by a judge.

- Provides alternate tracks to recover dropouts. Indiana's new Fast Track program allows students ages 17 and older and not enrolled in high school to earn a high school diploma from a state college or university while enrolled in an Associate's degree or certificate program. To receive a high school diploma, students must pass the state graduation exam or an approved equivalent. High school coursework is paid for by the school district if students are ages 17-18.

- Provides dual enrollment opportunities. Indiana's new Double Up program provides high school students with the opportunity to take courses from public colleges and universities for high school credit. Schools must allow at least two dual-credit courses. Students from low-income families receive a tuition waiver.

- Toughens reporting requirements. Each Indiana high school must now report its total number of student suspensions, dropouts, work permits revoked, driver's permits revoked, enrollees in School Flex (a dropout prevention program), and freshman not earning enough credits to become sophomores.

The new legislation builds on a law enacted in 2005 that raised the required age for school attendance to 18, denied driver's licenses and work permits to dropouts under the age of 18, and established School Flex, which allows students at risk of dropping out to attend high school half time while also working in a job or enrolling in college or a career and technical education program that is aligned with the student's career plan.

Disposition:

CSG policy task force recommendations to SSL Committee Meeting: 2008B
The Committee on Suggested State Legislation: 2008B ( ) Include in Volume ( ) Defer consideration ( ) next task force mtg. ( ) next SSL mtg. ( ) next SSL cycle ( ) Reject ( ) No action Comments/Note to staff: Comments/Note to staff:
This Act creates the Office of Learning Technology within the State Council of Higher Education to facilitate and coordinate the voluntary participation of public and private institutions of higher education in the Commonwealth in technology-enriched initiatives.

The Office is charged with establishing and administering agreements with nonprofit public and private institutions of higher education in the Commonwealth and other entities for the identification of unmet needs for technology-enriched educational programs and opportunities, and the development and delivery of technology-enriched initiatives, including distance and distributed learning initiatives, for currently served populations and underserved constituencies. In addition, the Office must review technology-enriched learning initiatives and make recommendations to the Council regarding unnecessary duplication in such initiatives; assist in the development of standards for improving access to, training for, and efficiency in such learning initiatives; and enter into contracts for related program development. The Act is contingent on funding in the state appropriation act.

Submitted as:
Virginia
Chapter 537 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
   (  ) next task force mtg.
   (  ) next SSL mtg.
   (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
This Act:
• specifies criteria for qualifying for a scholarship;
• specifies criteria for private schools to enroll scholarship students;
• specifies the amount, timing, and form of scholarship payments;
• requires the State Board of Education to make rules;
• gives the State Board of Education enforcement authority;
• requires the Legislature to annually appropriate money from the General Fund for scholarship payments; and
  • allows a school district to retain in enrollment a student that transfers to a private school for a period of five years, with a deduction equal to the average scholarship amount.

Submitted as:
Utah
HB 148 (Enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(  ) Include in Volume
(  ) Defer consideration
  (  ) next task force mtg.
  (  ) next SSL mtg.
  (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
This Act directs the state board of education to address public health and environmental issues in the classroom and on school grounds by doing all of the following:

- develop guidelines for sealing or removing existing arsenic-treated wood in playground equipment;
- establish guidelines to reduce students' exposure to diesel emissions that can occur as a result of unnecessary school bus idling, nose-to-tail parking, and inefficient route assignments;
- study methods for mold and mildew prevention and mitigation and incorporate recommendations into the public school facilities guidelines as needed;
- establish guidelines for Integrated Pest Management within school facilities, and
- encourage local school boards to remove and properly dispose of all bulk elemental mercury, chemical mercury, and bulk mercury compounds used as teaching aids in science classrooms, not including barometers.

Submitted as:
North Carolina
Session Law 2006-143
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This bill directs the Governor to appoint, and the Department of Education to convene, a new technical advisory panel to assist the department and the State Board of Education in developing a longitudinal growth model to measure the academic growth of students. The panel would include state and national experts on the measurement of longitudinal growth for accountability purposes.

The bill establishes requirements and a timeline for development and implementation of the model. No later than July 1, 2007, and each July 1, thereafter, the department is required to calculate adequate longitudinal growth for each student and each school. The technical advisory panel would develop a new method to identify schools that demonstrate the highest rate of academic growth for purposes of the Governor's Distinguished Improvement Awards. Until new rules are adopted, awards would continue to be based on the rules existing as of January 1, 2007.

The bill also repeals the requirement in current law that a portion of the in-year cost recovery from the use of unique student identifiers be used to fund the calculation of academic growth of students. The bill becomes effective upon signature of the Governor.

Submitted as:
Colorado
Chapter 2 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires that, as of September 2007, the following items shall not be served, sold or given away as a free promotion anywhere on public school property, or the property of nonpublic schools that participate in the Child Nutrition Programs, at any time before the end of the school day, including items served in the reimbursable After School Snack Program:

- Foods of minimal nutritional value, as defined by the United States Department of Agriculture;
- All food and beverage items listing sugar, in any form, as the first ingredient, and
- All forms of candy as defined by the New Jersey Department of Agriculture.

The bill requires that schools must reduce the purchase of any products containing trans fats beginning September 1, 2007.

The bill requires that, as of September 2007, all snack and beverage items, sold or served anywhere on school property during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers, or served in the reimbursable After School Snack Program, shall meet the following standards:

- Based on manufacturers' nutritional data or nutrient facts labels, no more than eight grams of total fat per serving, with the exception of nuts and seeds, and no more than two grams of saturated fat per serving;
- All beverages, other than milk containing two percent or less fat, or water, shall not exceed a 12-ounce portion size; and whole milk may not exceed an eight-ounce portion;
- In elementary schools, beverages shall be limited to milk, water or 100 percent fruit or vegetable juices;
- In middle and high schools, at least 60 per cent of all beverages offered, other than milk or water, must be 100 percent fruit or vegetable juice; and
- In middle and high schools, no more than 40 percent of all ice cream and frozen desserts shall be allowed to exceed the above standards for sugar, fat and saturated fat.

Food and beverages served during special school celebrations or during curriculum-related activities shall be exempt from the requirements of the bill, with the exception of foods of minimal nutritional value as defined by the United States Department of Agriculture.

Submitted as:
New Jersey
Chapter 45 of 2007
Status: Enacted into law in 2007.

Comment:
Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates a program to offer discounted computers and Internet access to public school students and students in home education programs in grades 5 through 12. It requires the Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers. It requires the State Board of Education to adopt rules, including rules for provision of technical training to students. The Act directs the State Digital Divide Council to implement a pilot project to assist low income students with purchasing discounted computers and Internet access services. It requires the council to identify eligibility criteria for participation in the pilot project; and provides for funding and authorizing the council to accept grants to implement the pilot project.

Submitted as:
Florida
Chapter 137 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(    ) Include in Volume
(    ) Defer consideration to next task force meeting
(    ) Reject
(    ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
(    ) Include in Volume
(    ) Defer consideration
(    ) next task force mtg.
(    ) next SSL mtg.
(    ) next SSL cycle
(    ) Reject

Comments/Note to staff:
This Act creates an Educational Regional Service System (ERSS) to provide support services to school districts, community schools, and chartered nonpublic schools in each of 16 designated regions.

The Act:

- requires the State Board of Education to adopt rules by July 1, 2007, establishing a process for school districts to transfer to a different ERSS region by June 30, 2009;
- establishes an advisory council for each ERSS region to coordinate the delivery of services within the region;
- directs the Department of Education to select a fiscal agent for each ERSS region;
- requires fiscal agents to enter into performance contracts with the Department for the implementation of state and regional education initiatives and school improvement efforts;
- establishes a State Regional Alliance Advisory Board to address issues regarding the operation of ERSS;
- permits school districts, community schools, and chartered nonpublic schools to receive services from any educational service center or data acquisition site in the state, except that local school districts must receive supervisory services required by law from the ESC in whose territory they are located;
- establishes an EMIS Advisory Board to recommend improvements to the Education Management Information System;
- reduces the amount deducted from a school district for each of its kindergarten students receiving an Educational Choice scholarship to $2,700 (instead of $5,200 as under prior law);
- permits the governing authority of a start-up community school that is not managed by an independent operator and that meets certain performance criteria to establish another community school outside the temporary cap on community schools;
- permits a school district to establish residency requirements for its superintendent, and
- appropriates $13.2 million in FY 2007 to support implementation of the Ohio Core Program through alternative teacher licensure programs and dual enrollment programs in the areas of math, science, engineering, technology, and foreign language.

Submitted as:
Ohio
Sub. H.B. 115
Status: Enacted into law in 2006.

Comment:
Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes an evidence-based health technology assessment program is established. It will conduct systematic reviews of scientific and medical literature, establish a statewide health technology clinical advisory committee, and establish a state funded evidence-based health technology assessment center. The program will also develop methods and processes to track health outcomes across state agencies and provide transparent access to the scientific basis of coverage decisions and treatment guidelines.

Submitted as:
Washington
Chapter 307, Laws of 2006
Status: Enacted into law in 2006. (Partial Veto)

Comment:

Office of Governor Chris Gregoire
FOR IMMEDIATE RELEASE - March 29, 2006
Contact: Governor's Office, 360-902-4111

Safe and Effective Health Technologies

Governor Gregoire also signed into law a measure she requested that will establish a state-coordinated evidence-based process for evaluating health technologies, the first program of its kind in the nation (HB 2575). She vetoed Section 6 of the bill, which provides for an appeals process that may lead to less efficient determinations concerning technologies.

“This Act ensures that the state will use its limited resources for health technologies that are proven safe and effective,” said Governor Gregoire.

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires hospitals to be represented in regional planning meetings, convened regionally as defined by regional hospital associations or through smaller geographic sections comprised of groups of hospitals in one or more counties, to improve the post-hospital transition of homeless patients, as specified. The Act requires each regional hospital association, or smaller geographic grouping of hospitals, to invite the county board of supervisors, law enforcement, and others to participate. This Act requires, by January 1, 2008, the development of a specified document based upon the regional planning meetings.

The Act prohibits a hospital from causing the transfer of homeless patients from one county to another county for the purpose of receiving supportive services from a social services agency, health care service provider, or nonprofit social service provider within the other county, without prior notification to, and authorization from, the social services agency, health care service provider, or nonprofit social service provider.

Submitted as:
California
Chapter 794 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires health insurers to cover services that are provided at an in-network facility, including services provided by an out-of-network provider, at no greater cost to the covered person than if the services were from an in-network provider.

Submitted as:
Colorado
SB 213
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates a board and a center to coordinate, facilitate and communicate statewide efforts to meet the demand for health care professionals in the state. The Act directs the center to quantify the supply and demand of health professionals in the state, to act as a clearinghouse of information about health care professions, and to measure progress toward meeting the demand.

Submitted as:
Oklahoma
SB 1394 (Enrolled version)
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
21-28B-05 Allowing Unused or Unaccepted Drugs Donated to the Prescription Drug Repository Program to be Distributed to Out-Of-State Charitable Repositories MO

This Act allows drugs donated to the Prescription Drug Repository Program that are not used or accepted by any pharmacy, hospital, or nonprofit clinic in this state to be distributed to out-of-state charitable repositories.

Submitted as:
Missouri
HB 1687
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a Safe Cosmetics Act that requires the manufacturer of any cosmetic product subject to regulation by the federal Food and Drug Administration that is sold in the state, with certain exceptions, on a schedule and in electronic or other format, as determined by the Division of Environmental and Occupational Disease Control within the department, to provide the division with a list of its cosmetic products that, as of the date of submission, are sold in the state and contain any ingredient that is a chemical identified as causing cancer or reproductive toxicity.

The Act authorizes the division to conduct an investigation of cosmetic products that contain chemicals identified as causing cancer or reproductive toxicity or other ingredients of concern to the division. The Act authorizes the division to require manufacturers of products subject to investigation to submit relevant health effects data and studies and other information as requested by the division. The Act requires the division to establish reasonable deadlines for the submittal of that information and makes failure by a manufacturer to submit the information a crime, thereby imposing a state-mandated local program. If the division determines that an ingredient in a cosmetic product is potentially toxic, the Act would require the division to immediately refer the results of its investigation to the Division of Occupational Safety and Health in the Department of Industrial Relations and would require the Division of Occupational Safety and Health, within 180 days after it receives the results, to develop and present one or more proposed occupational health standards to the Occupational Safety and Health Standards Board in the Department of Industrial Relations, unless the Division of Occupational Safety and Health affirmatively determines, in a written finding within 90 days, that a standard is not necessary to protect the health of an employee who has regular exposure to the hazard for the period of his or her working life.

The Act authorizes the division, as early as feasible within existing resources, to determine whether certain cosmetics have been adequately substantiated for safety, and if the cosmetic has, to determine if the cosmetic contains any ingredient that is not safe for the specific use indicated on the product’s label. If the division finds that a product has been adequately substantiated for safety despite containing an unsafe ingredient, the Act would require the division to refer its findings to the Attorney General and the federal Food and Drug Administration for possible enforcement action.

Submitted as:
California
Chapter 729 of 2005
Status: Enacted into law in 2005.
Comment/Disposition:
CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act expands the application of immunity from liability during an emergency to health care facilities. It protects health care providers including facilities, from malpractice liability when they respond to a natural disaster, pandemic event, or bioterrorism unless the health care provider is grossly negligent; caused the emergency; or has engaged in criminal conduct.

This Act applies the limited liability protections to a health care provider even if the provider has a duty to respond or the provider has an expectation of payment or remuneration.

Submitted as:
Utah
SB 153
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs that records relative to prescription information containing patient-identifiable and prescriber-identifiable data shall not be licensed, transferred, used, or sold by any pharmacy benefits manager, insurance company, electronic transmission intermediary, retail, mail order, or Internet pharmacy or other similar entity, for any commercial purpose, except for the limited purposes of pharmacy reimbursement; formulary compliance; care management; utilization review by a health care provider, the patient’s insurance provider or the agent of either; health care research; or as otherwise provided by law. Commercial purpose includes, but is not limited to, advertising, marketing, promotion, or any activity that could be used to influence sales or market share of a pharmaceutical product, influence or evaluate the prescribing behavior of an individual health care professional, or evaluate the effectiveness of a professional pharmaceutical detailing sales force. Nothing in this section shall prohibit the dispensing of prescription medications to a patient or to the patient’s authorized representative; the transmission of prescription information between an authorized prescriber and a licensed pharmacy; the transfer of prescription information between licensed pharmacies; the transfer of prescription records that may occur in the event a pharmacy ownership is changed or transferred; care management educational communications provided to a patient about the patient’s health condition, adherence to a prescribed course of therapy or other information about the drug being dispensed, treatment options, or clinical trials.

The Act does not prohibit the collection, use, transfer, or sale of patient and prescriber de-identified data by zip code, geographic region, or medical specialty for commercial purposes.

Submitted as:
New Hampshire
Chapter 328 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

SSL Committee Meeting: 2008B
(   ) Include in Volume
(   ) Defer consideration to next SSL meeting
(   ) Reject

Comments/Note to staff:
This Act defines the term "medical home" as a primary care practice that provides continuous, accessible, and comprehensive medical and non-medical services to a child and his or her family. It instructs the state department of health care policy and financing to develop systems and standards to maximize the number of children who are enrolled in the medical assistance program or the children's basic health plan who have a medical home. It requires the department to report annually their progress toward maximizing the number of children who have a medical home and who are enrolled in the medical assistance program or the children's basic health plan.

Submitted as:
Colorado
SB 130

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a Council that will:

- Undertake recruiting efforts to identify and recruit prospective personal care attendants;
- Provide training opportunities, either directly or through contract, for personal care attendants and consumers;
- Provide assistance to consumers and consumer surrogates in finding personal care attendants by establishing a referral directory of personal care attendants. Before placing a personal care attendant on the referral directory, the workforce council shall determine that the personal care attendant has met the requirements established by the executive office in its applicable regulations and has not stated in writing a desire to be excluded from the directory;
- Provide routine, emergency and respite referrals of personal care attendants to consumers and consumer surrogates who are authorized to receive long-term, in-home personal care services through a personal care attendant;
- Give preference in the recruiting, training, referral and employment of personal care attendants to recipients of public assistance or other low-income persons who would qualify for public assistance in the absence of such employment; and
- Cooperate with state and local agencies on health and aging and other federal, state and local agencies to provide the services described and set forth in this section. If, in the course of carrying out its duties, the PCA quality home care workforce council identifies concerns regarding the services being provided by a personal care attendant, the workforce council must notify the relevant office.

Submitted as:
Massachusetts
Chapter 268 of the Acts of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:
SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides funding for biomedical research grants with particular emphasis on cancer research and Alzheimer’s disease research, and to promote economic development particularly in the biotechnology industry. The Act establishes a William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health and provides grant monies to researchers seeking cures for cancer. It requires that state-funded biomedical research grants be awarded on a competitive, peer-reviewed process.

Submitted as:
Florida
Chapter 182 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:
CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This bill directs the state Department of Health to establish a public awareness campaign to educate parents, healthcare providers, and women about the causes and risks of cervical cancer and the prevention of cervical cancer.

Submitted as:
Utah
HB 358 (enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
The bill requires females to receive three properly spaced doses of human papillomavirus (HPV) vaccine. The first dose shall be administered before the child enters the sixth grade. After having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board of Health, a parent or guardian may elect for his daughter not to receive this vaccine. This bill contains a delayed effective date of October 1, 2008.

Submitted as:
Virginia
HB 2035 (enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:
CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Part of this omnibus health care bill establishes a Center for Diabetes Prevention and Health Improvement to provide grants to high schools through to be used exclusively for programs promoting the understanding and prevention of diabetes. Grant requests must specify how the school will spend the funds and how such spending promotes the understanding and prevention of diabetes. Grant recipients would be required to provide quarterly reports to the center.

Under the Act the Center can also provide grants to providers of primary and specialty health care services related to the treatment of pre-diabetes and diabetes. Any community and faith-based clinic, federally qualified health center ("FQHC"), county health department, hospital, or other health-related service provider would be eligible to apply.

The Act authorizes the center to create or establish a non-profit organization which would, like the center, be eligible to request and receive gifts, contributions, bequests, donations and grants from any legal and appropriate source to effectuate the center's purpose. If created, the non-profit organization would be required to report its receipts and expenditures to the commissioner and the comptroller on an annual basis. The center and any non-profit organization created by the center would be subject to examination and audit by the comptroller in the same manner as other state agencies.

Submitted as:
Tennessee
Chapter 867, Public Acts of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:
CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires the state agency responsible for regulating long-term care industries to establish minimum dementia-specific training requirements for employees who are employed by:

- skilled nursing facilities;
- intermediate care facilities;
- residential care facilities (assisted living);
- agencies providing in-home care services;
- adult day care programs;
- independent contractors providing direct care to people with Alzheimer’s disease or related dementias;
- hospice programs, and
- the Division of Aging.

Submitted as:
Missouri
SB 449

Comment:

Disposition:
CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires facilities which secure, segregate, or provide special programs or units for people with Alzheimer’s disease or related disorders to provide written disclosure of what the dementia-specific care includes. This section is part of an omnibus health and human services bill that was enacted in 2001.

Submitted as:
Minnesota
Chapter 325F.72

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
22-28B-01 Criminal Trespass on a Place of Public Amusement

This Act:

• prohibits a person, without privilege to do so, from knowingly entering or remaining on any restricted portion of a "place of public amusement" (defined in the act) and, as a result of that conduct, interrupting or causing the delay of the live performance, sporting event, or other activity taking place at the place of public amusement, after a printed written notice has been given that the general public is restricted from access to that restricted portion of the place, and names a violation of this prohibition the offense of "criminal trespass on a place of public amusement;"

• specifies that, if a printed written notice is posted or exhibited as described in the preceding dot point, notice that the general public is restricted from access to that portion of the place of public amusement also may be given, but is not required to be given, by notifying people personally, either orally or in writing, that access to that portion of the place of public amusement is restricted, or by broadcasting over the public address system of the place of public amusement an oral warning that access to that portion of the place of public amusement is restricted;

• classifies the offense of "criminal trespass on a place of public amusement" as a misdemeanor of the first degree, and permits a court to require the offender to perform at least 30 hours but not more than 120 hours of supervised community service work in addition to any other available sanctions;

• allows an owner or lessee of a place of public amusement, an agent of the owner or lessee, or a performer or participant at a place of public amusement to use reasonable force to restrain and remove a person from a restricted portion of the place of public amusement if the person enters or remains on the restricted portion of the place of public amusement and, as a result of that conduct, interrupts or causes the delay of the live performance, sporting event, or other activity taking place at the place of public amusement;

• specifies that the permissible use of reasonable force described in the preceding dot point does not provide immunity from criminal liability for any use of force beyond reasonable force by one of these named individuals, and

• specifies that the element of "trespass" referred to in the existing criminal offenses of aggravated burglary, burglary, and breaking and entering refers to the existing offense of criminal trespass.

Submitted as:
Ohio
Sub. HB 96 (enrolled version)
Status: Enacted into law in 2006.

Comment:
Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides that identity theft also occurs when a person knowingly:

- uses any personal identification information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identification information or personal identification document of that person, without the prior express permission of that person, or
- uses any personal identification information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person.

This Act provides that where a person has been convicted of this form of identity theft, in the absence of proof of actual damages, the person whose personal identification information or personal identification documents were used in the violation in question may recover damages of $2,000.

The legislation provides that it is no defense to a charge of aggravated identity theft or identity theft that the offender received the consent of any person to access any personal identification information or personal identification document, other than the person described by the personal identification information or personal identification document used by the offender.

This Act provides that the new offense of using any personal identification information or personal identification document of another to portray himself or herself as that person, or otherwise, for the purpose of gaining access to any personal identification information or personal identification document of that person, without the prior express permission of that person, must be done for the purpose of fraudulently gaining access to any personal identification information or personal identification document of that person and the new offense of using any personal identification information or personal identification document of another for the purpose of gaining access to any record of the actions taken, communications made or received, or other activities or transactions of that person, without the prior express permission of that person must be with the intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law.

Submitted as:
Illinois
Public Act 094-1008
Status: Enacted into law in 2006.

Comment:

FOR IMMEDIATE RELEASE
July 5, 2006

Gov. Blagojevich signs landmark legislation to protect cell phone records and other private information from identity thieves
Illinois among the first states to combat “pretexting”
SPRINGFIELD – Taking action to protect Illinoisans’ private information from identity thieves, Governor Rod R. Blagojevich today signed Senate Act2554 outlawing the practice of “pretexting” in Illinois. Pretexting is pretending to be an account holder, or to have authorization to access an account, to obtain cell phone records, long distance call records, a person’s physical location and other personal records, such as GM OnStar information and any other account information relating to that person, such as dating service information or post office boxes. The Governor called for tough new restrictions on the practice in January. According to the Electronic Privacy Information Center (EPIC), Illinois is among the first states in the nation to fight cell phone record pretexting.

“Before we signed this legislation, identity thieves were able to go on the Internet and sell personal phone account information to the highest bidder,” said Gov. Blagojevich. “Now, identity thieves are on notice – we do not tolerate violations of personal privacy in Illinois. If you don’t respect the law, you’ll face stiff penalties.”

According to EPIC, there are currently dozens of websites practicing cell phone “pretexting.” In most cases, these brokers only need a person’s cell phone number to obtain these records. In a demonstration of just how easy it is to obtain personal cell phone records, in January a blogger was able to obtain the call history of former presidential candidate and NATO commander Gen. Wesley Clark in just a few hours for less than $100.

SB 2554, sponsored by Sen. Ira Silverstein (D – Chicago) and Representative Aaron Schock (R-Peoria), makes it illegal for an identity thief to use somebody else’s personal identification information or personal identification document to portray himself or herself as that person without permission, for the purpose of gaining access to any personal identification information or personal identification document of that person. It also makes it illegal to use personal identifying information to gain access to a person’s transactions, actions or communications such as cell phone call records.

“I am pleased the Governor has signed this legislation and continued to help the State of Illinois set the curve on stopping identity theft,” said Sen. Silverstein. “Younger children, adults, and especially seniors are all at an increased risk of being a victim of identity theft in a time where information is so readily available and easily attainable by way of the Internet. This legislation will hinder the practices of identity thieves, toughen the penalties for committing the crimes, and most importantly protect our privacy.”

“This legislation closes a grievous loophole to ensure private information is kept that way and is an important step in protecting people from the horror of identity theft,” said Rep. Schock. “I thank the Governor for signing this bi-partisan Act as part of his comprehensive program to prevent identity theft.”

The legislation also adds user names, passwords, and any other information used to access information about an individual or their actions, transactions, or communications to the list of information protected as personal identifying information. The first violation is a Class 3 felony, punishable by 2-5 years in jail. If someone pretexets to get information about 3 or more separate people within a 12-month period it is a Class 2 felony, carrying a sentence of 3-7 years in jail. If a person is convicted of this crime, in the absence of proof of actual damages, the identity theft victim may recover $2,000 in damages.
Disposition: 23-28B-01

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act makes it unlawful for any person to represent oneself, either directly or by implication, to be another person, without the authorization or permission of such other person, through the use of the Internet, electronic mail messages or any other electronic means, including wireless communication, and to solicit, request, or take any action to induce a resident of this state to provide identifying information or identification documents.

The Act makes it unlawful for any person without the authorization or permission of the person who is the subject of the identifying information, with the intent to defraud, for such person's own use or the use of a third person, or to sell or distribute the information to another, to:

1. Fraudulently obtain, record or access identifying information that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of such other person;

2. Obtain goods or services through the use of identifying information of such other person;

3. Obtain identification documents in such other person's name.

The Act makes it unlawful for any person with the intent to defraud and without the authorization or permission of the person who is the owner or licensee of a Web page or Web site to:

1. Knowingly duplicate or mimic all or any portion of the Web site or Web page;
2. Direct or redirect an electronic mail message from the IP address of a person to any other IP address;
3. Use any trademark, logo, name, or copyright of another person on a Web page; or
4. Create an apparent but false link to a web page of a person which is directed or redirected to a web page or IP address other than that of the person represented.

This Act enables the following people to bring an action against a person who violates or the Act:

1. A person who:
   (A) Is engaged in the business of providing internet access service to the public, owns a Web page, or owns a trademark; and
   (B) Suffers ascertainable loss by a violation of this Act.

Submitted as:
Tennessee
Chapter 566, Public Acts of 2006
Status: Enacted into law in 2006.

Comment:
Disposition:

Policy task force recommendations to The Committee on Suggested State Legislation:
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Existing California law required the State Water Resources Control Board (state board), on or before April 1, 2003, to adopt emergency regulations that establish minimum requirements for the design, construction, operation, and closure of a solar evaporator, as defined. Existing law required that the regulations include specified requirements. Existing law prohibited a California regional water quality control board (regional board), on and after January 1, 2008, from issuing a written notice of authority to operate a solar evaporator, as specified. Existing law regulated the operation of solar evaporators, and defines terms for that purpose.

This Act deletes the date reference for the state board’s adoption of emergency regulations for a solar evaporator, revise the requirements required to be included in the regulations, and makes related changes with respect to the adoption or amendment of regulations relating to solar evaporators.

The Act deletes a prohibition of a regional board, on and after January 1, 2008, issuing a written notice of authority to operate a solar evaporator, as specified. The Act revises the definition of certain terms for purposes of regulation of solar evaporators.

Existing law required a person who intends to operate a solar evaporator to file a notice of intent with the regional board, using a form prepared by the regional board. Existing law required a person to provide specified information. This Act revises the information that the person is required to provide.

Existing law provided specified timeframes and procedures for a regional board to approve or disapprove a notice of intent to operate a solar evaporator, and to approve or disapprove operation of a solar evaporator. This Act revises and recasts those timeframes and procedures.

Existing law requires a person operating a solar evaporator to annually submit groundwater monitoring data and any other information that the regional board deems necessary to ensure compliance with specified requirements. Existing law requires a regional board to adopt a schedule for the submission of that data and information. This bill, instead, requires a person operating a solar evaporator to submit to the regional board, in April and October of each year, specified information related to water flow, water quality, and groundwater monitoring.

The Act requires the water flow and water quality data to be collected bimonthly and the groundwater monitoring data to be collected semiannually, except as specified.

This Act requires a person operating a solar evaporator as specified to manage the collection and removal of evaporate salt from the solar evaporator, as specified.

Submitted as:
California
Chapter 309 of 2006
Status: Enacted into law in 2006.

Comment:
Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B

( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B

( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs that any person, firm, partnership, limited liability company, or corporation owning or possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting farm products in a raw state may receive a harvest permit from the Oklahoma Corporation Commission.

The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating authority in this state. The harvest permit shall be issued to the operating motor carrier.

Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its issuance and shall additionally reflect its effective and expiration dates.

Submitted as:
Oklahoma
HB 2895 (Enrolled version)
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
25-28B-01 Electronic Mail Fraud

This Act directs that no person may solicit, request or take any action to induce another person to provide personally identifying information by means for a web page, electronic mail message or otherwise using the Internet, by representing oneself, either directly or by implication, to be a business or individual, without the authority or approval of such business or individual. No person may conspire with another person to engage in any act that violates the provisions of this Act.

Submitted as:
Rhode Island
Chapter 628 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires a device that includes an integrated and enabled wireless access point, if the device is manufactured on or after October 1, 2007, for use in a small office, home office, or residential setting, and that is used in a federally unlicensed spectrum, to either include a warning advising the consumer how to protect his or her wireless network connection, a warning sticker, or provide other protection that, among other things, requires affirmative action by the consumer prior to use of the device.

Submitted as:
California
Chapter 860 of 2006
Status: Enacted into law in 2006.

Comment:
PRESS RELEASE
09/30/2006 GAAS:721:06 FOR IMMEDIATE RELEASE
Governor Schwarzenegger Signs Legislation to Protect Consumers Using Wireless Devices

Governor Arnold Schwarzenegger today announced he has signed AB 2415 by Assembly Speaker Fabian Núñez, which requires wireless home networking equipment manufactures after October 1, 2007 to provide a warning that advises consumers on how to protect their personal information.

“Helping to electronically protect private information in this technologically advanced era is extremely important as identity theft is on the rise.” said Governor Schwarzenegger. “This legislation will help educate and protect consumers from becoming victims of hackers and the vulnerabilities of an unsecured network.”

Identity and personal information theft is an increasing problem that costs victims and businesses nationwide tens of billions of dollars every year. Most purchasers of home and small business wireless network devices are unaware of the risks associated with the use of unsecured wireless network devices. Unfortunately, most consumers are unknowingly allowing their personal information to be accessed by unauthorized users who piggyback onto their network connection through these wireless devices.

This Act will reduce the occurrence of identity theft and loss of personal information for home and small business consumers by requiring the wireless device manufactures to include a warning of the risk taken and/or advise the consumer how to protect their network connection when using wireless devices.
Disposition: 25-28B-03

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act Enacts the "Uniform Debt-Settlement Services Act" (Act). It requires the registration of providers of debt-settlement services that enter into agreements with individuals for the purpose of creating debt repayment programs. The legislation designates an assistant attorney general as the administrator of the Act, including grants of rule-making authority. It specifies requirements to obtain a registration certificate, including payment of a fee and proof of insurance. The legislation establishes requirements for the negotiation, contents, performance, and termination of agreements. It allows enforcement of the Act by both the administrator and by private individuals, including recovery of minimum, actual, and, in appropriate cases, punitive damages.

The Uniform Debt-Management Services Act

According to the National Conference of Commissioners on Uniform State Laws:

“The consumer-credit-counseling industry originated in the early twentieth century in the form of debt adjusters (also known as debt poolers, debt consolidators, debt managers, or debt pro-raters). This first generation of credit counselors consisted of profit-seeking enterprises that communicated with a consumer’s creditors to persuade them to accept partial payment in full satisfaction of the consumer’s obligations. If the creditors agreed, the debt adjuster would collect a monthly payment from the consumer and forward appropriate portions of it to each of the creditors. They often charged hefty fees, leaving little for distribution to the creditors. Instances of deceptive advertising and theft of clients’ funds were numerous enough that, starting in the 1950s, legislatures in more than half the states outlawed the business (e.g., N.Y. Gen. Bus. Law §§ 455-457). Of the remaining states, approximately two thirds opted for a regulatory approach, requiring licenses, imposing requirements on how the businesses operate, and restricting troublesome practices (e.g., Mich. Comp. Laws Ann. §§ 451.451-.465 (repealed in 1976 and replaced by §§ 451.411-.437)).

Many states exempted not-for-profit organizations from these statutes, enabling non-profits to render counseling services free of regulation. This led to the growth, starting in the 1950s, of the second generation of credit counselors. The growth of these non-profits was fueled by the National Foundation for Consumer Credit (NFCC) (later renamed the National Foundation for Credit Counseling), which was created by retailers and banks that issued credit cards. These creditors supported the formation of credit-counseling agencies as a means of helping consumers in financial difficulty gain control of their finances and pay their credit-card debts. The objectives were full repayment of debt and the avoidance of bankruptcy.

The counseling agencies provided community education, met individually with consumers, helped them develop or improve budgeting skills, and, when appropriate, enrolled them in debt-management plans (DMP’s). To establish a DMP, the agency negotiated with each of the consumer’s unsecured creditors to obtain concessions from them, in the form of some combination of reduced interest rate, waiver of default or delinquency fees, and monthly payments in an amount less than the contractual minimum. Thereafter, the consumer made monthly payments to the agency and the agency disbursed a pro-rata amount to each of the participating creditors. The creditors supported the counseling agencies by returning to them a percentage—often 15% of the payments they received. The NFCC called this contribution the creditor’s “fair share.” The agencies also sometimes received charitable contributions from other
sources and imposed modest fees on the consumer. As of 2005, this second generation of counseling agencies continues to operate.

Consumer advocates generally acknowledged the educational and budgeting benefits that the counseling agencies provided, but were critical—or at least skeptical—of their overall usefulness. They perceived the agencies as debt collectors for the credit-card industry and were critical of the limited range of advice the agencies provided. The last thing a card issuer wanted to see was a consumer filing a petition in bankruptcy. Formed and supported primarily by the credit-card industry, most counseling agencies never recommended bankruptcy, and many never even mentioned it as a possibility. E.g., Gardner, Consumer Credit Counseling Services: The Need for Reform and Some Proposals for Change, 13 Advancing the Consumer Interest 30 (2001).

The late 1980s and 1990s saw a dramatic increase in credit-card debt as consumers’ income rose and card issuers relaxed their standards of creditworthiness. The increase in the amount of debt was accompanied by an increase in the amount of debt in default and an increased opportunity for credit-counseling agencies. Many new entities arose, unaffiliated with the NFCC. They formed competing trade associations, e.g., the Association of Independent Consumer Credit Counseling Agencies (AICCCA) and the American Association of Debt Management Organizations (AADMO). These new entities—the third generation—rely heavily on advertising and telemarketing, and many conduct their business with consumers entirely by telephone or over the Internet. Perhaps because of their aggressive marketing and innovative business methods, their share of the counseling market grew from approximately 20% in 1996 to approximately 80% in 2001. For the most part, their focus is on the creation of DMP’s, not on counseling and education. Indeed, at many entities counseling and education have fallen entirely by the wayside.

Since many states prohibit for-profit debt-management businesses, and since card issuers have limited their fair-share payments to nonprofit entities, members of this third generation of agencies are organized as nonprofit entities. Many of them, however, have not operated as charitable or educational institutions. Instead, they have uncritically enrolled all their customers in DMP’s, and they have charged fees much higher than the fees charged by the agencies affiliated with the NFCC. At the traditional level of the creditors’ fair share contribution, and with the educational function stripped away, many of these entities have generated revenues much larger than needed to provide debt-management services. They have disbursed these excess revenues in the form of generous compensation to affiliated entities that provide back-office services. They also have paid salaries for the principal executives that are out of line with the salaries paid by other kinds of non-profit entities of comparable size. (For a description of three different models for channeling funds to related entities, see Staff Report, Profiteering in a Non-Profit Industry: Abusive Practices in Credit Counseling (Permanent Subcommittee on Investigations of the Senate Governmental Affairs Committee) (S. Rep. 109-55 April 2005), available at http://hsgac.senate.gov/index.cfm?).

Meanwhile, in the 1990s credit card issuers saw that their fair-share payments to counseling agencies had increased to the extent that those payments approximated the amounts they were paying for all their other collection activities combined. In addition, they discerned that some of the counseling agencies were accumulating large surpluses and were enrolling in DMP’s consumers whom the creditors believed could pay their debts without the concessions the creditors had been giving. They responded by reducing the concessions they were willing to make to consumers and by reducing the amounts they were willing to pay the counseling agencies. Some card issuers have stopped supporting the agencies altogether, and on average the amount returned to the agencies has dropped from more than 12% to less than 8%. This decrease has
adversely affected the ability of counseling agencies to provide individual counseling and community education. Some major card issuers have abandoned the fair-share approach altogether and have developed proprietary models for compensating counseling agencies depending on such factors as the profiles of the debtors being served by an agency, the agency’s record with the creditor, and the agency’s advertising and business practices.

An objective of credit-counseling agencies, whether or not they provide reasonable educational services, is to enable consumers to repay their debts in full. There is, however, another segment of the industry—the fourth generation—whose members do not have this objective at all. These entities are known as debt-settlement companies, and they formed trade associations of their own (merged in 2004 into the United States Organizations for Bankruptcy Alternatives (USOBA)). Instead of helping the consumer pay his or her creditors in full, they attempt to persuade creditors to settle for less than the full amount of the consumer’s debt, writing off the rest. Thus they represent a revival of the first generation of counseling agencies. Unlike their forebears, however, they do not negotiate with the creditors in advance of establishing a plan for dealing with the consumer’s debts. Instead, they encourage the consumer to default on the debts and to make monthly payments to them or to a savings account of the consumer. When those payments reach a target percentage of the debt owed to one of the creditors, the agency submits an offer to that creditor (on the consumer’s behalf) to settle the debt for the amount in hand. During the period when the funds are accumulating, the creditors receive nothing. As a result the creditors impose additional finance charges and delinquency fees, and they may undertake collection activity, including litigation.

Reports of abuses by credit-counseling agencies and debt-settlement companies and injury to consumers have appeared with increasing frequency in numerous media outlets. Reports of two prominent consumer organizations (Consumer Federation of America and the National Consumer Law Center) have documented the situation. (See CFA & NCLC, Credit Counseling in Crisis: The Impact on Consumers of Funding Cuts, Higher Fees and Aggressive New Market Entrants (2003); NCLC, Credit Counseling in Crisis Update: Poor Compliance and Weak Enforcement Undermine Laws Governing Credit Counseling Agencies (2004); NCLC, An Investigation of Debt Settlement Companies: An Unsettling Business for Consumers (2005), all available at http://www.nclc.org). The problems include:

- deception concerning the nature of, the need for, the benefits of, and the cost of debt-management plans to help consumers deal with their debt;
- excessive cost to consumers; and
- self-dealing and other conduct by agencies to evade limitations in the Internal Revenue Code.

In January 2003 the Executive Committee of the Conference authorized the appointment of a drafting committee to develop a uniform law that would address the problems that have developed and enable the states to take a common approach to regulation of the counseling industry. A uniform approach is particularly important because the great majority of agencies operate in multiple states and would otherwise be subject to multiple and sometimes conflicting requirements.

The purpose of the Act is to rein in the excesses while permitting credit-counseling agencies and debt-settlement companies to continue providing services that benefit consumers. The Conference has benefited from the participation of credit-counseling agencies (and their trade associations), debt-settlement companies (and their trade association), representatives of consumer organizations, and attorneys general. The Act represents an accommodation of the
conflicting views of these interested entities. As may be expected, it leaves all of them satisfied with some decisions and dissatisfied with others.

The Act applies to “providers” of “debt-management services” that enter “agreements” with individuals for the purpose of creating “plans.” The definitions of the quoted terms are critical and appear in section 2, along with the definitions of several other terms. The Act speaks of “individuals,” as opposed to “consumers,” so that it applies to farmers and other individuals who are dealing with personal debt incurred in connection with their businesses.

To provide debt-management services to a resident of the enacting state, a provider must obtain a certificate of registration from the administrator of the Act. To obtain a certificate, a provider must supply information about itself, must meet specified requirements of competency, must obtain insurance against employee dishonesty, and must post a surety bond to ensure its compliance with the Act. The requirements concerning registration appear in sections 4-14 and 22.

The Act establishes requirements for providers to meet in connection with their interaction with the individuals they serve. Section 17 prescribes steps to be taken before entering an agreement with an individual. Sections 19-24 and 28 govern the content of an agreement, including limitations on the fees that may be charged (§§ 23-24). Other provisions deal with the performance and termination of agreements (§§ 25, 26, 28) and miscellaneous other matters.

The Act provides for enforcement both by a public authority and by private individuals. Sections 32-34 provide for public enforcement, including a rule-making power on the part of the administrator. Section 35 provides for private enforcement, including recovery of minimum, actual, and, in appropriate cases, punitive damages.”

Submitted as:
Colorado
SB 07-57
Status:
03/05/2007 Introduced In House - Assigned to Business Affairs and Labor + Appropriations
03/05/2007 Senate Third Reading Passed

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2008B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2008B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff: