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

CSG COMMITTEE ON
SUGGESTED STATE LEGISLATION

2009 CYCLE
DOCKET BOOK A
Final - September 11, 2007

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
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
migration 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 healthcare. 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 some 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
### PART I – Items not vetted through a CSG Policy Task Force

<table>
<thead>
<tr>
<th>ITEM NO., TITLE OF ITEM UNDER CONSIDERATION</th>
<th>SOURCE</th>
<th>ACTION</th>
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<td>(* ) Indicates item is from previous SSL cycle.</td>
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#### (06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION

- 06-29A-01 Affordable Housing  FL
- 06-29A-02 Residential Mortgage Fraud  NC
- 06-29A-03 Priority Investment Act  SC
- 06-29A-04 Uniform Real Property Electronic Recording Act (URPERA)  ID

#### (07) GROWTH MANAGEMENT

#### (08) ECONOMIC DEVELOPMENT/GLOBAL DYNAMICS/DEVELOPMENT

- 08-29A-01 Rural Development Partnerships  ID

#### (09) BUSINESS REGULATION AND COMMERCIAL LAW

- 09-29A-01 Suitability In Annuity Transactions  ND
- 09-29A-02 Nonforfeiture Benefit Requirements With Respect To Long-Term Care Policies  CT
- 09-29A-03 Registered Agents  ID
- 09-29A-04 Cosmetic Laser Services  GA
- 09-29A-05 Combative Fighting  IN
- 09-29A-06 Uniform Prudent Management of Institutional Funds Act (UPMIFA)  NE

#### (10) PUBLIC FINANCE AND TAXATION

* 10-28B-01 Independence, Dignity and Choice in Long-Term Care  NJ
(28B-b) Check status of Federal waiver to permit this.

#### (11) LABOR/WORKFORCE RECRUITMENT, RELATIONS AND DEVELOPMENT

- 11-29A-01 Next Generation Initiative of Workforce Development  VT
- 11-29A-02A Fair and Legal Employment  AZ
- 11-29A-02B Employing Illegal Aliens  TN

#### (12) PUBLIC UTILITIES AND PUBLIC WORKS

- 12-29A-01 Broadband Over Power Lines  AR

#### (13) STATE AND LOCAL GOVERNMENT/INTERSTATE

18
COOPERATION AND LEGAL DEVELOPMENT
13-29A-01 Public Employee Ethics Reform Statement NY
13-29A-02 Public Employee Benefits Reform Statement NJ
13-29A-03 Intrastate Mutual Aid Compact CT
13-29A-04 Fair Annexation GA
13-29A-05 Immigration Status - Cooperation with Federal Officials CO
13-29A-06 English Language Empowerment Model

(14) TRANSPORTATION
14-29A-01 Systematic Alien Verification for Entitlements and Dept. of Driver Services GA
14-29A-02 Enhanced Drivers’ Licenses and Identicards WA
14-29A-03 Use of Photo-Monitoring Systems to Enforce Traffic Light Signals VA

(15) COMMUNICATIONS/TELECOMMUNICATIONS
15-29A-01 Unauthorized or Fraudulent Procurement, Sale, or Receipt of Telephone Records ND
15-29A-02 Consumer Choice for Television GA

(16) ELECTIONS/POLITICAL CONDITIONS
16-29A-01 Officials Forfeit Pensions for Felonies NC

(18) PUBLIC ASSISTANCE/HUMAN SERVICES
18-29A-01 Jonathan’s Law NY
18-29A-02 Verifying Lawful Presence in US in Order to Get Public Benefits ID
18-29A-03 Autism Spectrum Disorders VT

(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS
19-29A-01 Substitute Address for a Victim of Domestic Abuse NM
19-29A-02 Domestic Violence Homicide Review Team NM
19-29A-03 Sibling Visitation IA
19-29A-04 Taxpayer and Citizen Protection Act OK
19-29A-05 Guardianships Arising in Connection with a Proceeding Under The Child Protective Act ID
19-29A-06 Custody and Visitation Upon Military Temporary Duty, Deployment, or Mobilization NC
19-29A-07 Sibling Information Exchange Program AZ
19-29A-08 Homecare Option Program for the Elderly CT
19-29A-09 Uniform Child Abduction Prevention Act (UCAPA) KS

(22) CULTURE, THE ARTS AND RECREATION
22-29A-01 Geotourism Incentive AR
(23) PRIVACY
23-29A-01 Plastic Card Security Act  MN

(24) AGRICULTURE
24-29A-01 Agricultural Enclave  FL

(25) CONSUMER PROTECTION

(26) MISCELLANEOUS
<table>
<thead>
<tr>
<th>ITEM NO., TITLE OF ITEM UNDER CONSIDERATION</th>
<th>SOURCE</th>
<th>ACTION</th>
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</thead>
<tbody>
<tr>
<td>(* Indicates item is from previous SSL cycle.</td>
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<tr>
<td>(01) CONSERVATION AND THE ENVIRONMENT</td>
<td></td>
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<tr>
<td>01-29A-01A Global Warming</td>
<td>MA</td>
<td></td>
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<tr>
<td>01-29A-01B Global Warming</td>
<td>WA</td>
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<tr>
<td>01-29A-02 Greenhouse Gas Emission Inventory</td>
<td>WV</td>
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<tr>
<td>01-29A-03 Low Carbon Fuel Standard</td>
<td>CA</td>
<td></td>
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<tr>
<td>(02) HAZARDOUS MATERIALS/WASTE</td>
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<tr>
<td>*02-28B-01 E-Recycling</td>
<td>WA</td>
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<td>(28B-a) add the CSG Eastern Regional Model bill to next docket</td>
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<td>02-29A-01A The Council of State Governments/Eastern Regional Conference</td>
<td>ERC/NERC</td>
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<td>Model Electronic Recycling Legislation</td>
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<tr>
<td>02-29A-01B Collection and Recycling of Covered Electronic Devices</td>
<td>CT</td>
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<tr>
<td>02-29A-02A Metal Recycling Registry</td>
<td>AL</td>
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<tr>
<td>02-29A-02B Purchasing Commodity Metals</td>
<td>CO</td>
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<tr>
<td>(03) ENERGY</td>
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<td>Note: Energy-related items are listed in the Energy Supplement docket 28AS for this meeting.</td>
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<td>(04) SCIENCE AND TECHNOLOGY</td>
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<td>(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY</td>
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<td>*05-28B-01 Seaport Security</td>
<td>FL</td>
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<td>Defer to next Policy Task Force meeting</td>
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<tr>
<td>05-29A-01 Violent Felony Offenders of Special Concern</td>
<td>FL</td>
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<td>05-29A-02 Registry of Methamphetamine Manufacturing Sites and Precursor Sales Information</td>
<td>IN</td>
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<td>05-29A-03 An Act to Cover Extra Prescriptions During a State of Emergency or Disaster</td>
<td>NC</td>
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<td>05-29A-04 Senior Alert Program</td>
<td>VA</td>
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<td>05-29A-05 Minor Alcoholic Liquor Liability</td>
<td>NE</td>
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<td>*05-27B-02 Mine and Industrial Rapid Response System</td>
<td>WV</td>
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<td>(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE</td>
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<td>17-29A-01 Prisoner Long-Term Health Care</td>
<td>UT</td>
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<td>17-29A-02 Innocence Protection</td>
<td>VT</td>
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<td>17-29A-03 Contempt by Juveniles</td>
<td>NC</td>
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<td>17-29A-04A Electronic Communications and Sex Offenders</td>
<td>AZ</td>
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17-29A-04B Electronic Communications and Sex Offenders KS
17-29A-04C Electronic Communications and Sex Offenders VA
17-29A-05 Selling Stolen Property DE
17-29A-06A Organized Retail Theft DE
17-29A-06B Organized Retail Theft NV
17-29A-06C Organized Retail Theft TX
17-29A-06D Organized Retail Theft UT

(20) EDUCATION
*20-28B-02 Fast Track to College IN
Defer to Education Task Force
20-29A-01 Student Lending Accountability, Transparency and Enforcement NY
20-29A-02 Discounted Computers and Internet Access for Students FL
20-29A-03 K-8 Virtual Schools FL
20-29A-04 Special Needs Scholarships GA
20-29A-05 Two-Year College Transfer Grant Program VA
20-29A-06 Security Assessments and Assistance For Schools And Emergency Response Plans for Institutions of Higher Education CT
20-29A-07 Job Creation Through Educational Opportunity ME
20-29A-08 Tuition Guarantee OK

(21) HEALTH CARE
21-29A-01 Critical Access and Rural Hospital Endowment Challenge Account WY
21-29A-02A MRSA Screening and Reporting IL
21-29A-02B Prevention and Control of Multidrug-Resistant Organisms IL
21-29A-03 Requiring State Motor Vehicle Agencies to Share MVC Organ Donor Information with Federally Designated Organ Procurement Organizations NJ
21-29A-04 Wholesale Drug Distribution ID
21-29A-05 Woman’s Ultrasound Right to Know GA
21-29A-06 Newborn Umbilical Cord Blood Bank GA
21-29A-07 False Medicaid Claims GA
21-29A-08 Pharmacy Quality Assurance AZ
21-29A-09 Association Group Health Insurance IA
21-29A-10 Real-Time Electronic Logbook for a Pharmacy To Record Purchases of Pseudophedrine and Other Similar Substances AR
21-29A-11 Alzheimer’s Disease Coordinating Council NY
21-29A-12 Alzheimer’s Task Force TN
This Act creates a Community Workforce Housing Innovation Pilot Program (CWHIPP), to provide grants and incentives to affordable rental and home ownership projects that target high-cost counties, and high growth counties; certain public-private partnerships; workforce housing; essential service personnel; and innovative projects. The bill provides standards and guidelines for the CWHIPP and for the involvement of the Florida Housing Finance Corporation (Corporation).

The bill further provides a definition of “extremely-low-income” persons as those with incomes below 30 percent of median income annual adjusted gross income for households within the state and a series of changes to existing state and local housing programs to incentivize the development of extremely-low-income housing.

The bill expands a Community Contribution Tax Credit Program. The bill provides for local governments to inventory and make available surplus lands for affordable housing. The bill authorizes school boards to provide housing and housing assistance to its teachers and other district personnel. Specified independent special districts are authorized to provide housing and housing assistance for eligible persons as are special fire control districts.

The bill creates “The Manny Diaz Affordable Housing Property Tax Relief Initiative,” which directs property appraisers to appraise affordable housing properties based upon rental income. The bill provides relief for disabled veterans from paying certain license and permit fees on housing. The bill provides threshold density bonuses for the provision of affordable workforce housing for both the guidelines that determine when an activity constitutes a development of regional impact and when changes constitute a substantial deviation requiring additional review.

Submitted as:
Florida
Chapter 69 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration
( ) Include in Volume
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes defines a “pattern of residential mortgage fraud” as residential mortgage fraud that involves two or more mortgage loans, and which is interrelated by distinguishing characteristics – similar intents, results, accomplices, victims, or methods of commission.

The Act makes it unlawful for any person, for financial gain and with the intent to defraud, to do any of the following:

- knowingly make or attempt to make any misstatement, misrepresentation, or omission during the mortgage lending process with the intention that a mortgage lender, mortgage broker, borrower, or any other person or entity that is involved in the mortgage lending process rely on it;
- knowingly use or facilitate or attempt to use or facilitate the use of any misstatement, misrepresentation, or omission during the mortgage lending process with the intention that a mortgage lender, borrower, or any other person or entity that is involved in the mortgage lending process rely on it; or
- receive or attempt to receive proceeds or any other funds in connection with a residential mortgage closing that the person knew resulted from a violation of the Act.

The bill provides that it is unnecessary for the prosecution to demonstrate financial harm from a transaction, or another’s reliance on a deliberate misstatement, misrepresentation, or omission.

This Act establishes venue in:

- the county where residential real property for which a mortgage loan is sought is located;
- any county where an act was performed in furtherance of the offense;
- any county where a person alleged to have violated the Act had control or possession of proceeds of the violation;
- any county where a closing occurred for a property transaction involving a violation of the Act; or,
- any county where a document containing a deliberate misstatement, misrepresentation, or omission is filed with the register of deeds.

Submitted as:
North Carolina
Session Law 2007-163
Status: Enacted into law in 2007.

Comment:
Disposition: 06-29A-02

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act changes law relating regulation of zoning districts to allow local governments to develop market-based incentives, and elimination of nonessential housing regulatory requirements to encourage private development, traditional neighborhood design, and affordable housing in priority investment areas.

Submitted as:
South Carolina
S266
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
The Uniform Real Property Electronic Recording Act (URPERA) builds upon the work begun in the Uniform Electronic Transactions Act (UETA), and the Electronic Signatures In Global and National Commerce Act (E-Sign; 15 U.S.C. 7001 et seq.) by expressly authorizing land records officials to begin accepting records in electronic form, store electronic records, and set up systems for searching for and retrieving these land records. The Act also ensures the development of coherent standards for e-recording that will function harmoniously between recording jurisdictions and across state lines. URPERA only authorizes such activities, it does not mandate them. The Act does the following:

- equates electronic documents and electronic signatures to original paper documents and manual signatures, so that any requirement for originality (paper document or manual signature) is satisfied by an electronic document and signature.
- designates a state entity or commission responsible for setting statewide uniform standards.
- establishes the factors that the state standards entity must consider when it formulates and adopts e-recording standards.
- recognizes that counties will likely continue to accept paper documents, and allows cross-storage of electronic and paper documents.

The Act was promulgated by the Uniform Law Commission in 2004. The model uniform act with official commentary (which also serves as legislative history) can be found at: [http://www.law.upenn.edu/bll/archives/ulc/urpera/URPERA_Final_apr05-1.pdf](http://www.law.upenn.edu/bll/archives/ulc/urpera/URPERA_Final_apr05-1.pdf)

In total, 13 states have enacted URPERA during the past two sessions. Five states have enacted URPERA during the past legislative session, and a sixth bill (and fourteenth enactment) in Illinois awaits the Governor’s signature there by August 28, 2007. The five bills enacted this session are:

- Arkansas: HB 1298
- Florida: SB 2038
- Idaho: SB 1018
- New Mexico: SB 201
- Nevada: SB 88

Submitted as:
Idaho
SB1018 (Judiciary & Rules)
Status: Enacted into law on March 9, 2007

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action
Comments/Note to staff:

SSL Committee Meeting: 2009A
(   ) Include in Volume
(   ) Defer consideration
   (   ) next task force mtg.
   (   ) next SSL mtg.
   (   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
This Act creates an independent public body corporate that will:

- assess conditions of rural Idaho;
- advise the governor and the legislature on public policy and strategies to improve the quality of life in rural areas of the state;
- act as a clearinghouse of information and as a referral center on rural programs and policies;
- conduct outreach to rural communities and facilitate communication between rural residents and public and private organizations that provide services to rural communities;
- identify organizations, authorities and resources to address various aspects of rural development;
- serve as a nonpartisan forum for identifying and understanding rural issues from all perspectives;
- improve intergovernmental coordination, private and public cooperation;
- seek out opportunities for new partnerships to achieve rural development goals within existing governmental and community structures;
- foster coordinated approaches to rural development that support local initiatives, with an imperative not to usurp the individual missions of any member organizations or duplicate effort;
- seek solutions to unnecessary impediments to rural development, first within the state and then through the national rural development partnership; and
- work cooperatively with the national rural development partnership and other state rural development councils.

Submitted as:
Idaho

**Chapter 90**

Status: Enacted into law in 2007.

Comment:

Disposition:

- CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
  ( ) Include in Volume
  ( ) Defer consideration
  ( ) Defer consideration to next task force meeting
  ( ) Reject
  ( ) No action

- SSL Committee Meeting: 2009A
  ( ) Include in Volume
  ( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
  ( ) Reject

Comments/Note to staff:
This Act directs that in recommending to a consumer the purchase of an annuity or the
exchange of an annuity that results in another insurance transaction or series of insurance
transactions, the insurance producer, or the insurer when no producer is involved, must have
reasonable grounds for believing that the recommendation is suitable for the consumer on the
basis of the facts disclosed by the consumer as to the consumer’s investments and other insurance
products and as to the consumer’s financial situation and needs.

The Act requires that before the execution of a purchase or exchange of an annuity
resulting from a recommendation, an insurance producer, or an insurer when no producer is
involved, shall make reasonable efforts to obtain information concerning the consumer’s financial
status; the consumer’s tax status; the consumer’s investment objectives; and other information
used or considered to be reasonable by the insurance producer, or the insurer when no producer is
involved, in making recommendations to the consumer.

Submitted as:
North Dakota
SB 2155
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act prohibits an insurer, including an insurance company, fraternal benefit society, hospital or medical service corporation, and HMO, from issuing or delivering a long-term care policy on or after July 1, 2008 unless it had offered the prospective insured an optional nonforfeiture benefit during the policy solicitation or application process. The offer may form a rider to the policy. If the nonforfeiture option is declined, the insurer must give the insured a contingent benefit if the policy lapses (i.e., terminates because the insured stops paying the premium). The contingent benefit must be available to the insured for a period of time after any substantial premium increase.

The bill requires the insurance commissioner to adopt regulations by July 1, 2008 to implement the nonforfeiture option and contingent benefit requirements. The regulations must specify the nonforfeiture benefit standards and type; the time period a contingent benefit must be available; and what constitutes a substantial premium increase and be in accordance with the National Association of Insurance Commissioners' long-term care insurance model regulation.

Submitted as:
Connecticut
Public Act No. 07-28
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
All business entities created by the filing of organizational documents with the Secretary of State are required to have registered agents for service of process. The intent of this legislation is to make all statutory provisions for registered agents the same, whether the registered agent is acting for a corporation, a limited liability company, or any form of formally-organized partnership. It also applies to unincorporated nonprofit associations.

Submitted as:
Idaho
SB 1169
Status: Enacted into law in 2007.

Comment: This bill is not in the bill packet because it is 51 pages long.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
(   ) Include in Volume
(   ) Defer consideration
(   ) next task force mtg.
(   ) next SSL mtg.
(   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
This Act establishes criteria for licensing and regulating cosmetic laser services. It provides for continuing education requirements and requires each facility offering cosmetic laser services to have a consulting physician.

Submitted as:
Georgia
HB 528
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act defines “combative fighting.” It provides that a person who knowingly or intentionally participates in combative fighting commits unauthorized combative fighting, a Class C misdemeanor; and promotes or organizes combative fighting commits unlawful promotion or organization of combative fighting, a Class A misdemeanor. The Act makes unlawful promotion or organization of combative fighting a Class D felony if, within the five years preceding the commission of the offense, the person had a prior unrelated conviction for unlawful promotion or organization of combative fighting. It requires the state boxing commission to adopt rules to define ultimate fighting, ultimate fighting championships, mixed martial arts, martial arts, including jujutsu, karate, kickboxing, kung fu, tae kwon do, and professional wrestling.

Submitted as:
Indiana
SB 557
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
09-29A-06 Uniform Prudent Management of Institutional Funds Act (UPMIFA) NE

The Uniform Prudent Management of Institutional Funds Act (UPMIFA) provides states a new, modernized law for charitable funds and endowment spending which were operating in most jurisdictions under the 1972 Uniform Management of Institutional Funds Act (UMIFA). UPMIFA provides modern articulations of the prudence standards for the management and investment of charitable funds and for endowment spending. Over forty jurisdictions now have the Uniform Prudent Investor Act (UPIA) that updates their rules on investment decision making for trusts. It is important that these rules and duties also be applied to charities organized as nonprofit corporations. UPMIFA allows non-profit organizations to efficiently and inexpensively terminate obsolete and wasteful funds and transfer those dollars to more urgently needed charitable purposes.

Under the Act, the rules on investment conduct and expenditure of funds are expressly provided, giving much clearer guidance to portfolio managers. Costs must be managed prudently in relationship to the assets, the purposes of the institution and the skills available to the institution. Total return expenditure is expressly authorized under comprehensive prudent standards relating to the whole economic situation of the charitable institution. These positive changes for charitable organizations eliminate old, out-dated rules such as historic dollar value and helps provide opportunities for charities to do more for communities, education, healthcare and the arts.

The Act was promulgated by the Uniform Law Commission in 2006. The model uniform Act with official commentary (which also serves as legislative history) can be found at: http://www.law.upenn.edu/bill/archives/ulc/umoifa/2006final_Act.htm

Thirteen states enacted the UPMIFA into law during its initial (2007) legislative year:
- Connecticut: SB 1143; C.S.G.A. § 36a-486 to 36a-498a
- Delaware: SB 139; 12 Del. C. § 4701 to 4710
- Idaho: SB 1016; I.C. § 33-5001 to 5010
- Indiana: HB 1505; IC § 30-2-12-1 to 30-2-12-18
- Montana: SB 424; M.C.A. § 72-30-101 to 110
- Nebraska: LB 136
- Nevada: SB 70
- Oklahoma: HB 1596; 60 Okla. Stat. Ann. § 300.11 to 300.21
- Oregon: HB 2905
- Tennessee: SB 0691; T.C.A. § 35-10-1 to 35-10-10
- Texas: HB 860; V.T.C.A. § 163.001 to 163.011
- South Dakota: SB 89; SDCL § 55-14A-1 to 55-14A-10
- Utah: SB 60; U.C.A. 1953 § 51-8-101 to 51-8-604

Submitted as:
Nebraska
LB 136

Comment:
Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) 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 fiscal year 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 fiscal year 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;

37
(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;

(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:
(28B-b) Check status of federal waiver to permit this. - According to Laura Otterbourg, Executive Assistant, Dept. of Health and Senior Services, this bill did not require a waiver.

Disposition: Comments/Note to staff:
CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action
SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires the Office of State Finance to develop and operate a specified website; enumerating information which shall be made available on such website by specified dates. The Act establishes the time period covered for information on such website; requires certain agencies to provide certain information; and limits the liability for disclosing certain information on the website.

Submitted as:
Oklahoma
SB 1
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes strategies to integrate and coordinate the state’s economic development, workforce development, and education systems through strategies designed to connect employers in need of a trained workforce with workers in need of training. These include:

- grants to any employer, consortium of employers, or contract with providers of training;
- creating a Workforce Education and Training Fund to fund the grants; and
- internships to provide work-based learning opportunities with Vermont employers for students from state colleges, public and private high schools, and regional technical centers.

The Act makes the commissioner of labor the leader of workforce development strategy and accountability. It directs the commissioner of labor to develop and report on the states’ progress toward achieving the goals outlined in the Act.

Submitted as:
Vermont
Act 46 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act directs that an employer shall not intentionally employ an unauthorized alien or knowingly employ an unauthorized alien. On receipt of a complaint that an employer allegedly intentionally employs an unauthorized alien or knowingly employs an unauthorized alien, the attorney general or county attorney shall investigate. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of the alleged unauthorized alien with the federal government pursuant to 8 United States Code Section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien's immigration status or work authorization status shall be verified with the federal government pursuant to 8 United States Code Section 1373(c). If, after an investigation, the attorney general or county attorney determines that the complaint is not frivolous the attorney general or county attorney shall notify the United States immigration and customs enforcement of the unauthorized alien. The attorney general or county attorney shall notify the local law enforcement agency of the unauthorized alien.

Submitted as:
Arizona
Chapter 279 of 2007
Status: Enacted into law in 2007.

Comment:
Sponsors: Representative Pearce, Representative Barnes, Representative Boone, et al.

HB 2779 contains provisions relating to identity theft, license eligibility of employers in Arizona, verification of the employment eligibility of employees and establishes the eight-member Employer Sanctions Legislative Study Committee. In addition, HB 2779 appropriates $2,600,000 from the state General Fund (GF) FY 2007-08 for carrying out the provisions of the bill.

History

Generally, 8 U.S.C. § 1324a prohibits a person or entity from knowingly hiring, recruiting, or referring for a fee, an unauthorized alien. 8 U.S.C § 1324a(h)(2) states the following: The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

In addition, 8 U.S.C. § 1324a(h)(3) defines an unauthorized alien as an alien that is not either lawfully admitted for permanent residence or authorized to be employed by Title 8, Chapter 12 of the U.S.C. or by the Attorney General.

The Basic Pilot Program (BPP) is jointly operated by the U.S. Citizenship and Immigration Services Bureau (USCIS) under the Department of Homeland Security (DHS) and the Social Security Administration (SSA). The BPP involves verification checks of SSA and DHS databases, using an automated system to verify the employment authorization of all newly hired employees. Currently, an employer’s participation in the BPP is voluntary, is free to participating employers and can be accessed via the Internet.
The BPP has been in operation since November 1997 and legislation signed by the
President of the United States on December 3, 2003, extended the BPP through November 2008.

Provisions

Identity Theft

- Modifies aggravated taking the identity of another person or entity by decreasing
  the amount of identities taken from five to three or more persons.
- Stipulates that a person who knowingly commits identity theft with the intent to
  obtain employment commits aggravated taking the identity of another person or entity.

Licensing Eligibility

- Defines agency, basic pilot program, employee, employer, intentionally,
  knowingly employ an unauthorized alien, license and unauthorized alien.
- Prohibits an employer from intentionally employing an unauthorized alien or
  knowingly employing an unauthorized alien.
- Requires the superior court to expedite any action under the false swearing
  provisions, including assigning the hearing at the earliest date.
- Requires the AG or county attorney, upon receipt of a complaint that an employer
  allegedly intentionally or knowingly employs an unauthorized alien, to investigate the complaint.
  The investigating body is required to verify the work authorization of the alleged with the federal
  government.
- After an investigation determines the complaint to be valid, the investigating body
  is required to:
  (1) Notify U.S. Immigration and Customs Enforcement of the unauthorized
      alien.
  (2) Notify the local law enforcement agency of the unauthorized alien.
  (3) If the investigation was completed by the AG, then the AG must notify the
      appropriate county attorney to bring an action against the employer.
- Prohibits the county attorney from prosecuting violations occurring before January
  1, 2008.
- For a first violation of knowingly employing an unauthorized alien, requires the
  court to order the employer to terminate the employment of all unauthorized aliens and to suspend
  the appropriate licenses unless the employer files a signed sworn affidavit with the county
  attorney within three business days that states that the employer has terminated the employment
  of all unauthorized aliens and that the employer will not intentionally or knowingly employ an
  unauthorized alien. If the affidavit is filed, the licenses are reinstated, if the affidavit is not filed
  the court may order the suspension of licenses, not to exceed ten business days. Violators are
  subject to a three-year probationary period.
- For a first violation of intentionally employing an unauthorized alien, requires the
  court to order the employer to terminate the employment of all unauthorized aliens and to suspend
  the appropriate licenses for a minimum of ten business days. Violators are subject to a five-year
  probationary period.
Stipulates that when suspending a license, the court shall base its decisions on the following:

1. The number of unauthorized aliens employed by the employer.
2. Any prior misconduct by the employer.
3. The degree of harm resulting from the violation.
4. Whether the employer made good faith efforts to comply with any applicable requirements.
5. The duration of the violation.
6. The role of the directors, officers or principals of the employer in the violation.
7. Any other factors the Court deems appropriate.

Requires the AG to maintain an online database consisting of the court orders issued as well as a list of violating employers.

Requires employers that have been placed on probation to file quarterly reports with the county attorney of new employees hired at the location where the unauthorized alien performed work.

For a second violation during the probationary period, requires appropriate licenses to be permanently revoked.

For determining whether a person is an unauthorized alien, the court must only consider the federal government’s determination pursuant 8 U.S.C. § 1373(c). The determination creates a rebuttable presumption of the person’s lawful status. The court may take judicial notice of the determination and request that the federal government provide automated or testimonial verification.

Specifies that proof of verifying the employment authorization of an employee through the BPP creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien.

Stipulates that an employer that has complied in good faith with the requirements of 8 U.S.C. § 1324b establishes an affirmative defense that the employer did not intentionally or knowingly employ an unauthorized alien.

Specifies that filing a false and frivolous complaint against an employer under these provisions is a class 3 misdemeanor.

Specifies that nothing is to be construed to require an employer to take action that they believe in good faith would violate federal or state law.

**Verification of Employees**

After December 31, 2007, requires every employer to utilize the Basic Pilot Program to verify employment eligibility.

**Employer Sanction Study Committee**

Establishes the Employer Sanctions Legislative Study Committee (Committee) consisting of eight members, including a citizen of Arizona appointed by the President of the Senate who owns a business in Arizona with no more than 30 employees and a citizen of Arizona appointed by the Speaker of the House of Representatives who owns a business in Arizona with more than 30 employees.
The Act specifies that the Committee shall:

• Examine the laws and regulations pertaining to employers sanctions in Arizona.
• Examine the effects of these laws and whether such laws are being properly implemented.
• Examine if the laws are being applied to all businesses in Arizona in a fair manner.
• Examine if the complaint process is being implemented in a fair and just manner.
• Submit a report of the Committee’s findings and recommendations to the Governor, the President of the Senate and Speaker of the House of Representatives on or before December 31, 2008 and submit a copy of the report to the Secretary of State and the director of the Arizona State, Library Archives and Public Records.

STATE OF ARIZONA
EXECUTIVE OFFICE
JANET NAPOLITANO
GOVERNOR
WWW.AZGOVERNOR.GOV
NEWS RELEASE
FOR MORE INFORMATION CONTACT:
PRESS OFFICE
(602) 542-1342
FOR IMMEDIATE RELEASE
Monday, July 2, 2007
GOVERNOR SIGNS EMPLOYER SANCTIONS BILL

PHOENIX – Governor Janet Napolitano today has signed a tough, new law that imposes penalties on employers who hire illegal immigrants. At the same time, the Governor announced she is willing to call for a special session of the Arizona State Legislature to repair defects in the bill.

In a written statement accompanying House Bill 2779, the Governor said she took the tandem action because Congress has failed miserably. She wrote, “Immigration is a federal responsibility, but I signed HB 2779 because it is now abundantly clear that Congress finds itself incapable of coping with the comprehensive immigration reforms our country needs. I signed it, too, out of the realization that the flow of illegal immigration into our state is due to the constant demand of some employers for cheap, undocumented labor.”

House Bill 2779 takes the most aggressive action in the country against employers who knowingly or intentionally hire undocumented workers. The new law requires employers to verify that the people they employ are present in the country legally; knowing or intentional failure to do so will cause the employer’s business licenses to be suspended. A second offense can result in the “business death penalty” – permanent revocation of an employer’s licenses to do business in Arizona.

Yet, the bill also contains flaws that must be addressed:

• The bill should protect critical infrastructure. Hospitals, nursing homes and power plants could be shut down for days because of a single wrongful employment decision.
• The revocation provision is overbroad, and could cause a business with multiple locations to face shutdown of its entire operation based on an infraction that occurred at only one location.
The bill is underfunded. Even though the Attorney General’s office must establish an entirely new database and must investigate complaints statewide, only $100,000 is appropriated for that purpose. Only $70,000 is appropriated to notify employers of the change in the law.

There is no expressed provision protecting Arizona citizens or legal residents from discrimination under the terms of this bill.

There is even a typo that has to be fixed. The bill cites the wrong portion of a federal law.

The Governor wrote, “We must not harm legitimate Arizona employers and employees as we seek to curb illegal employment practices.”

The bill’s provisions do not take effect until January of 2008, allowing ample time for the state legislature to pass the necessary improvements to the law. The Governor is willing to call for a special session to occur sometime this fall, but will not set the specific date until she has had the opportunity to consult with legislative leaders. The purpose of the special session will be clear: to correct and clarify the law, not to undercut it.

Today, the Governor also signed Senate Bill 1265 and House Bill 2467. SB 1265 deals with bail for illegal immigrants. Under the law, courts must deny bail to those charged with a felony and who are believed to be in the country illegally. This bill conforms Arizona law more closely to federal law, and aligns with the intent of Proposition 100 passed by voters last year. HB 2467 requires individuals to show documentation of legal citizenship to receive state services, per the provisions of Proposition 200, which was approved by voters in 2004.

Along with signing 2779, the Governor also sent a letter to U.S. Senate Majority Leader Harry Reid, and Speaker of the House Nancy Pelosi. In it, she asks for improvements to the ‘Basic Pilot’ program – the federal database used to verify legal status. The Governor has directed Leesa Morrison, Director of the Arizona Department of Homeland Security, and Roger Vanderpool, Director of the Arizona Department of Public Safety, to intensify efforts related to intercept fraudulent documents used in the business of illegal immigration, and to conduct training with businesses to aid them in detecting fraudulent documents.

Finally, in a letter to the Special Agent in Charge for Immigration and Customs Enforcement in Arizona, Alonzo Peña, the Governor asked that the state be notified when his officers encounter evidence of employers knowingly or intentionally employing illegal immigrants.

Copies of the signing statements and letters are attached. For more information about the Office of the Governor, please visit www.azgovernor.gov.
This Act creates the criminal offenses of recklessly employing an illegal alien, knowingly employing an illegal alien, and knowingly encouraging or inducing an illegal alien to enter the state for the purpose of employing such illegal alien.

It would be reckless employment of an alien if a person requested from the employee, received, and documented in the employee record, prior to the commencement of employment, lawful resident verification information that later proved to be falsified. A person would not be considered to have committed the offense of knowingly employing an illegal alien or recklessly employing an illegal alien if the person verified the immigrant status of the person prior to employment by using the federal electronic work authorization verification service provided by the United States department of homeland security pursuant to the federal Basic Pilot Program Extension and Expansion Act of 2003.

The offense of knowingly employing an illegal alien is a Class E felony punishable by a fine only of no more than $10,000. The offense of recklessly employing an illegal alien would be a Class A misdemeanor punishable by a fine only of no more than $2,500. The offense of knowingly encouraging or inducing an illegal alien to come into the state for the purpose of employing such illegal alien would be a Class D felony punishable by a fine only of no more than $50,000.

Submitted as:
Tennessee
Public Chapter No. 529
Status: Enacted into law in 2007.

Disposition: 11-29A-02A

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
Comments/Note to staff:

Disposition: 11-29A-02B

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This Act permits an electric utility, an affiliate of an electric utility, or a person unaffiliated with an electric utility to own, construct, maintain, and operate a broadband system and provide broadband services on an electric utility’s electric delivery system.

Submitted as:
Arkansas
Act 739 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
New York’s “Public Employee Ethics Reform Act of 2007” - reforms both the ethical standards that public officials must observe as well as the oversight bodies charged with enforcing those standards. These sweeping reforms are intended to ensure that New York State officials adhere to the highest possible ethical standards, in an effort to restore public trust and confidence in government. Those laws do not contain numerous provisions added by this bill, as further described below.

Most notably, this bill amends the State ethics laws in the following areas:

- **GIFTS** - eliminates a provision that allows gifts up to $75 under circumstances that could imply an intent to influence official conduct, and instead prohibits all such gifts having more than a nominal value;

- **HONORARIA** - bans honoraria paid to statewide elected officials, agency heads and legislators, except that legislators may accept honoraria for speeches on topics unrelated to their public office;

- **NEPOTISM** - prohibits any state officer or employee from participating in any hiring, termination, disciplinary or promotional decision concerning a relative; or any contracting decisions involving relatives and entities in which their relatives have a significant financial interest;

- **POLITICAL HIRING** - bars non-legislative employees from asking about the political affiliation, contributions or voting records of any prospective employees or contractors, except as necessary to comply with existing laws or policies the purpose of which are to insure diverse political representation on multi-member bodies;

- **SOLICITING POLITICAL CONTRIBUTIONS** - prohibits non-legislative state employees from using their authority or influence to “compel or induce” another employee to make political donations;

- **RUNNING FOR ELECTIVE OFFICE** - precludes agency heads from becoming candidates for any compensated elective office unless they resign or take an unpaid leave of absence;

- **REVOLVING DOOR ABUSES** - prohibits former legislative employees from directly lobbying the legislature for two years, effective December 31, 2008, and precludes Executive Chamber appointees from appearing before any state agency for two years;

- **TAXPAYER-FINANCED ADVERTISEMENTS** - prohibits elected officials and candidates for elected office from appearing in taxpayer-funded advertisements or promotions, including public or community service announcements, in any print or electronic media, and prohibits the use of taxpayer money to pay for such appearances (this prohibition only applies to media advertisements, and therefore does not prohibit agency reports or brochures, government websites, etc., nor does it prohibit the lawful expenditure of publicly funded campaign money);

- **PENALTIES** - increases the current $10,000 maximum civil penalty for violations of Public Officers Law S 73 to $40,000 plus the restitution of any associated gain, and for the first time authorizes the imposition of civil penalties (up to $10,000 plus such restitution) for violations of certain provisions of Public Officers Law S 74;

This bill also strengthens the standards and penalties applied to lobbyists and their clients, in the following areas:

- **GIFTS** - prohibits lobbyists and their clients from giving gifts of more than nominal value to public officials and their immediate families, including most travel, lodging and other
expenses; prohibits public officials from accepting such gifts; and prohibits a public official from permitting a third party to receive, accept or solicit a gift from a lobbyist under circumstances where it is reasonable to infer the gift was intended to influence the official (as where an official agrees with a lobbyist’s request to make a gift to charity in the official’s name or where a lobbyist gifts a car to an official’s spouse and the official agrees with or allows the gift);

DISCLOSURE - requires lobbyists and their clients to report lobbying of unpaid or per diem members of state boards, commissions and councils, and requires lobbyists who are otherwise required to register and report lobbying activities to disclose their lobbying for grants, loans or other disbursements of public funds over $15,000;

PENALTIES - increases the penalties for violating the Lobbying Law, and authorizes the suspension of lobbyists who repeatedly flout the law.

Finally, this bill restructures the State’s ethics oversight bodies. Specifically, the Act creates a State Commission on Public Integrity, which combines the jurisdiction and powers, as amplified by this bill, of the current State Ethics Commission and a Temporary State Commission on Lobbying. The new State Commission on Public Integrity will have 13 members appointed by the Governor, 7 on his own nomination, and 6 on the nomination of others, and one each by the Attorney General, the Comptroller, and the four legislative leaders.

The Act replaces the Legislative Ethics Committee with a Legislative Ethics Commission. The new Legislative Ethics Commission will have 9 members, a majority of whom must be members "independent" from the legislature - i.e., they cannot be present or former legislators, legislative employees, candidates for the legislature, political party chairs or lobbyists (or anyone who was a legislative employee, political party chair or lobbyist within the five years preceding their appointment). Each of the four legislative leaders will select two members, one legislator and one independent member, and the fifth independent member will be selected jointly by the Assembly Speaker and the Senate Majority Leader.

The Act requires each Commission to issue and accept referrals to the other where the referral suggests an ethics violation by an office holder not subject to the jurisdiction of the referring Commission. It also requires each Commission to make public all settlements of ethical violations, issue annual reports describing all complaints received, the status of open complaints, and the date and nature of any dispositions, and create a website to publicize each Commission’s mission, rules, jurisdiction, instructions on filing a complaint, opinions and results of contested matters.

Submitted as:
New York
Chapter 14, 2007
Status: Enacted into law in 2007.

Comment:
This bill is not in the packet because it is 44 pages long.
Disposition: 13-29A-01

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
New Jersey Chapter 92 of 2007 establishes a Defined Contribution Retirement Program for elected and certain appointed officials and for retired elected officials who choose to participate in the program. The program becomes operational on July 1, 2007. State and local government employers will contribute to the program three percent of the employee’s base salary; group life insurance and the option for disability benefits coverage will be provided to participants. Participants will contribute five percent of their salary. Participants in the program will be allowed to allocate their contributions and the contributions of their employer into investment alternatives as determined by the new program board. A Defined Contribution Retirement Program Board is established. Service credit earned in the defined contribution retirement program would be excluded from service required for employer-paid health care benefits in retirement.

The Act prohibits, effective January 1, 2008, a person performing professional services for a political subdivision of this State or of a board of education, or of any agency, authority or instrumentality thereof, under a professional services contract from becoming a member of the PERS. In addition, the bill provides that a person who performs professional services will not be eligible, on the basis of performance of those professional services, for membership in the PERS, if the person meets the definition of independent contractor as set forth in regulation or policy of the federal Internal Revenue Service for the purposes of the Internal Revenue Code. While a person performing professional services will continue to accrue service credit during the term of any current contract, the person will no accrue service credit for the performance of those services after the contract expires.

This Act requires the state Division of Pensions and Benefits to investigate increases in compensation reported for credit in the various State-administered retirement systems, which is a codification of a current regulation.

The Act closes the Workers Compensation Judges Part of the PERS to new members.

This Act removes language from existing law that permits the State Treasurer to reduce the amount of normal contributions needed to fund the various State-administered retirement systems when excess assets are available and requires each system to use consistent and generally-accepted actuarial standards. Any modification of the assumption or actuarial methodology at the direction of the State that changes asset values will require public disclosure and a financial impact analysis prior to adoption.

Section 31 of the Act requires the State Health Benefits Commission to ensure that every contract purchased by the commission provides benefits under the State managed care plans in SHIP provides disease and chronic care management for specified conditions meeting nationally recognized accreditation standards.

This Act eliminates a four percent fixed rate of interest for loans from the State-administered retirement systems and provides that the rate of interest will be set by the State Treasurer at a commercially reasonable rate as required by the Internal Revenue Code. It also permit the charging of an administrative fee for such loans.

The Act provides retirement system members with certain rights to their benefits, as required by the Internal Revenue Code for qualified governmental plans.

This Act limits at the local government and school district level, the payment of supplemental compensation to $15,000 at the time of retirement for unused sick leave for elected and certain appointed officials. Those who have accrued supplemental compensation based upon
unused sick leave at the time the bill is enacted, at the expiration of a contract in effect at that
time, or upon becoming such an elected or appointed official will be eligible to receive the
amount so accumulated or not more than $15,000, whichever is greater. The carry-forward of
unused vacation leave is also limited for these same local government and school district officials,
to one successive year.

The legislation extends a current authorization to all local public employers to provide
financial incentives to employees who waive coverage under the SHBP if the employee is eligible
for other health care coverage. Under current law, this option has been available to municipalities
since 1995, to municipal authorities since 2001, and to county colleges since 2003. The incentive
amount is currently limited to no more than 50 percent of the amount saved by the employer
through the employee’s waiver of coverage.

Submitted as:
New Jersey
Chapter 92 of 2007
Status: Enacted into law in 2007.

Comment:
This bill is not in the packet because it is 59 pages long.
May-10-07 Governor Signs Public Employee Benefit Reform Legislation
FOR IMMEDIATE RELEASE:
May 10, 2007 FOR MORE INFORMATION:
Press Office - 609-777-2600

GOVERNOR SIGNS PUBLIC EMPLOYEE BENEFIT REFORM LEGISLATION

TRENTON – Governor Jon S. Corzine has signed legislation cracking down on abuses of the
public employee benefit system. The bipartisan legislation, which emerged from this summer’s
special session on property taxes, is designed to ensure the system serves career public employees
rather than political appointees.

“Though I believe there are important reforms that still need to be undertaken, such as a
ban on dual-officeholding, this legislation marks an important step,” Governor Corzine said.
“Combined with the recently negotiated contracts with our public workers, this bill will help
protect the integrity of the retirement system and give the public faith that the benefits we provide
to our public workers are accounted for honestly.”

The bill, which contains many of the recommendations put forward by the Joint
Legislative Committee on Pension Benefits and Reform, removes elected and appointed public
officials from the public employee system. It establishes of a 401(k)-style defined contribution
program for all newly elected and appointed officials and excludes all professional service
contractors from membership in the Public Employee Retirement System (PERS).

“This is an important first step in providing long-term cost-savings and limiting abuses of
the state-administered pension systems. This is just one of the many long-term control measures
that we have implemented to help stem the growth of property taxes in the future and provide
relief for residents down the road,” said Senate President Richard J. Codey (D-Essex), a Senate
sponsor.
The bill also provides important reforms to the state health benefits program. For instance, it caps sick leave payments at $15,000 for all current elected and appointed officials at all levels of government.

“Throughout the Legislature’s special session on property taxes, I said that if we’re going to be serious about cutting the cost of government in New Jersey, we had to first look to our own house,” said Senator Karcher, (D-Monmouth, Mercer), who also sponsored the bill. “With today’s bill signing, we’re showing our commitment to the taxpayers of New Jersey, and setting a good example with fair and reasonable benefits for elected and appointed officials. Ultimately, our efforts to control runaway perks will mean savings for the taxpayers of the Garden State.”

Governor Corzine also recently announced a new contract with public employees that contained historic employee pension and healthcare contributions, raised the retirement age for new hires and created a defined contribution plan for public employees on earnings in excess of $97,200. Legislation will be introduced shortly to codify the reforms contained in that contract in statute.

“This measure cuts out the entrenched core of abuse that has been corrupting our pension and benefits systems from within, giving the system the power to once again serve the career, rank-and-file employees for whom it was designed,” said Assemblywoman Nellie Pou (D-Passaic), one of two co-chairs of the Joint Legislative Committee on Public Employee Benefits Reform who sponsored the legislation in the Assembly.

“Today, we are proving that elected and appointed officials can talk the talk and walk the walk on benefits reform,” said Assemblyman Thomas P. Giblin (D-Essex), a member of the Joint Legislative Committee on Public Employee Benefits Reform and an Assembly sponsor.

The bill (S-17/A-21) was also sponsored in the Assembly by Assemblymembers O’Toole (R-Bergen, Essex, Passaic), Van Drew (D-Cape May, Atlantic, Cumberland), and Greenstein (D-Mercer, Middlesex).

FISCAL ANALYSIS
EXECUTIVE BRANCH
OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services cannot determine the fiscal impact of this legislation due to the unknown number of public officials and employees to be impacted and the salaries, benefit costs, and current employment arrangements of these officials or employees; the future value of assets and liabilities of State-administered retirement systems; the existence of multiple variables; and the significance of decisions to be made in the future. However, revenue to the State-administered retirement systems will be generated by changing the loan rate from a fixed four percent to a commercially reasonable rate.

The fiscal impact to the State and local entities of the creation of the Defined Contribution Retirement Program for new elected and described appointed officials will depend on the number of such individuals who will become participants of the program and their salaries, the future assets and liabilities of the State-administered defined benefit retirement systems, and the cost of providing life insurance and a disability benefit option to program participants. Due to the way required participation in the program is structured, immediate employer reductions in retirement system contributions are not anticipated. This provision will serve to lower the rate of future increase in employer contributions to the defined benefit plans.

Based on fiscal estimates provided by the Division of Pensions and Benefits for similar legislation, there will be administrative start-up costs to implement this new program.
The savings to be realized by local governments and school boards though the exclusion from the PERS, under certain conditions, of person’s performing professional services will depend on the number of such persons and their current salaries and arrangements, which is not known at this time.

The fiscal impact of closing the Workers’ Compensation Judges Part of PERS to new members will depend on the rate and circumstances of persons becoming judges after the bill’s enactment. Some new workers’ compensation judges will remain in the PERS; some will be enrolled in the new defined contribution retirement program, which will require a lower employer contribution rate. Thus, the costs for the benefits provided by the Part will decrease over the long term as current members terminate service. Savings overall from this change in the near term may be limited due to the limited number of individuals this provision will impact.

The savings that may be realized by local governments or school boards from the authorization to offer a financial incentive to public employees who opt out of SHBP coverage will depend on the number of public employers who will make this incentive available, the number of employees who will accept the incentive, and the cost of SHBP coverage for an employee at the time the incentive is accepted. Participation by employees of those public employers that currently are able to offer the incentive is fairly low at this time.

Changing the rate of interest that may be charged for future loans from the State-administered retirement systems from a fixed four percent per year to a commercially reasonable rate as required by the Internal Revenue Code, and the authorization to impose an administrative fee for the granting of such loans, will result in a gain in the assets of the systems, although it should be noted that the amount of loans taken by system members may decrease from current levels due to the higher costs for such loans. The State-administered retirement systems assume a rate of return of 8.25 percent on investment of system assets. Currently, pension loans provide a rate of return approximately half of the assumed rate. Retirement system members pay $11 million for each one percentage point of interest, based on current loans outstanding.

The savings that will accrue to local government entities and school boards from the limits placed on the payment, at the time of retirement, of supplemental compensation for unused sick leave to elected and certain appointed officials, and on the carry-forward of vacation leave by such officials, will depend on the number of officials who will be impacted, their salaries, benefits, and current and future arrangements, which are not known. There is a lack of sufficient information on the number of local governments and school boards that already limit payments for unused sick leave and the carry-forward of vacation leave.

The fiscal impact, if any, to the State and local entities from the elimination of existing law that permits the State Treasurer to reduce the amount of normal employer contributions needed to fund the various State-administered retirement systems when excess assets are available, from the requirement that each system use consistent and generally-accepted actuarial standards, and from the requirement that the State Health Benefits Commission provide for disease and chronic care management as a plan benefit through the SHBP, will depend on multiple variables and the significance of decisions to be made in the future. To the extent that practice is in line with the provision, there will be no fiscal impact.
Disposition: 13-29A-02

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action
Comments/Note to staff:

SSL Committee Meeting: 2009A
(  ) Include in Volume
(  ) Defer consideration
    (  ) next task force mtg.
    (  ) next SSL mtg.
    (  ) next SSL cycle
(  ) Reject
Comments/Note to staff:
This Act creates a system of intrastate mutual aid between participating political subdivisions in the state. Each participant of this system recognizes that emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential for the protection of lives and property and for best use of available assets. The system shall provide for mutual assistance among the participating political subdivisions in the prevention of, response to, and recovery from, any disaster that results in a declaration of a local civil preparedness emergency in a participating political subdivision, subject to that participating political subdivision's criteria for declaration. The system shall provide for mutual cooperation among the participating subdivisions in conducting disaster-related exercises, testing or training activities.

Submitted as:
Connecticut
Public Act No. 07-56
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides a mechanism to resolve disputes over land use arising out of the rezoning of property to a more intense land use in conjunction with or subsequent to annexation in order to facilitate coordinated planning between counties and municipalities particularly with respect to areas contiguous to municipal boundaries.

Submitted as:
Georgia
HB 2 (Enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
The Act prohibits a local government from passing any ordinance or policy that would limit or prohibit a peace officer, local official, or local government employee from communicating or cooperating with federal officials with regard to the immigration status of a person within the state.

The Act requires a peace officer who has probable cause to believe that an arrestee for a criminal offense is not legally present in the United States to report the person to the federal 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, requires the sheriff to report the arrestee to the federal immigration and customs enforcement office. It exempts arrestees who are arrested for a suspected act of domestic violence.

The legislation requires each local government to provide notice to peace officers of the duty to report and to provide written confirmation of such notice and reporting statistics to the general assembly. It prohibits a local government that violates this provision from receiving any grants administered by the department of local affairs.

Submitted as:
Colorado
Chapter 177 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act makes English language the official language of the State. It requires all official business of the state be conducted in English. It directs that all official documents, regulations, orders, and publications be printed in English and all official programs, meetings, transactions, and actions conducted by or on behalf of this state and all its political subdivisions shall be in English.

Submitted as:  
Model legislation  
U.S. English  
Status: U.S. English reports this language was used in a ballot measure passed in Arizona in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:  
2009A  
( ) Include in Volume  
( ) Defer consideration to next task force meeting  
( ) Reject  
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A  
( ) Include in Volume  
( ) Defer consideration  
   ( ) next task force mtg.  
   ( ) next SSL mtg.  
   ( ) next SSL cycle  
( ) Reject

Comments/Note to staff:
This Act permits the governor to delay implementing the requirements of the Real ID Act until the Department of Homeland Security has issued regulations that the governor finds will adequately protect the interests of the citizens of the state.

The Act directs the state department of driver services to take the necessary steps to become a participant in the SAVE Program (Systematic Alien Verification for Entitlements), which is administered by the United States Bureau of Citizenship and Immigration Services, to use to help ensure that secure and verifiable identification is required in this state in order to obtain a driver’s license.

Submitted as:
Georgia
SB 5
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
According to Washington legislative staff, the federal Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require United States citizens and foreign nationals to present a passport or other secure document when entering the United States. In April 2005, the Departments of State and Homeland Security announced the Western Hemisphere Travel Initiative, which will require individuals entering or re-entering the United States to present a passport or other acceptable secure identification. The identification requirements of the Western Hemisphere Travel Initiative will take effect as early as January 1, 2008. When announcing the Western Hemisphere Travel Initiative, the Departments of State and Homeland Security identified the passport as the document of choice for entry or re-entry into the United States, but acknowledged that certain other documents might be acceptable in lieu of a passport.

This Act permits the state department of licensing (DOL) to enter into a memorandum of understanding with a federal agency to facilitate border crossing between the state of Washington and British Columbia. The DOL may enter into an agreement with British Columbia to implement a border crossing initiative. The DOL may issue an enhanced driver’s license or identicard to an applicant who, in addition to meeting all other driver’s license or identicard requirements, provides the DOL with proof of United States citizenship, identity, and state residency. The enhanced driver’s license or identicard must include a one-to-many biometric matching system. The DOL must adopt rules and may set fees for the issuance of enhanced drivers’ licenses and identicards.

Submitted as:
Washington
Chapter 7, Laws of 2007
Status: Enacted into law in 2007.

Comment:
Office of Governor Chris Gregoire
FOR IMMEDIATE RELEASE - March 23, 2007
Contact: Governor's Office, 360-902-4111
Governor Gregoire Signs Legislation to Keep Washington/B.C. Border Crossing Moving

Enhanced driver license is a passport alternative

OLYMPIA - Governor Chris Gregoire today signed into law a measure she requested for enhanced driver licenses that will keep British Columbia border crossings secure, fast and convenient for Washington citizens.

“Washington and B.C. have a long history of friendship and our shared border must permit the trade and tourism that supports our shared economy,” said Governor Gregoire. “We looked at the restrictions of the federal passport requirements and we came up with a solution that is secure, more affordable and allows more trade and tourism.”

The legislation authorizes enhanced driver licenses, issued on proof of citizenship, identity and residency, which can be used instead of a passport by citizens crossing the border between Washington and British Columbia. The new licenses will cost $40, a more affordable price than
the $97 cost for a passport, and will be available faster than the six to eight week wait for a passport.

The enhanced driver licenses are part of a pilot project developed by Governor Gregoire and British Columbia Premier Gordon Campbell. The pilot project is in response to the Western Hemisphere Travel Initiative that, after June 1, 2009, will require a federally issued passport or passport card document to cross the border. The new licenses offer citizens a more affordable and more convenient alternative to a passport and the pilot project will test the use of the enhanced licenses for border crossings.

Safe and convenient border crossings between Washington and British Columbia will become even more important when B.C. hosts the 2010 Winter Olympic Games, bringing unprecedented numbers of tourists to the region.

Department of Homeland Security Secretary Michael Chertoff will meet with Governor Gregoire today to authorize the pilot project. Washington is leading the nation as the only state that has developed a viable alternative to passports and other states that share borders and close ties to Canada will be watching closely.

Engrossed Substitute House Bill 1289, sponsored by Rep. Judy Clibborn (D-Mercer Island), passed the House with 94 votes and passed the Senate with 43 votes. The bill becomes effective immediately.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act grants localities the authority to operate traffic signal enforcement systems. Localities may install photo-monitoring systems at no more than one intersection for every 10,000 residents at one time. Provisions within the bill limit the use and retention of images recorded and provides other parameters and limitations for localities.

Submitted as:
Virginia
Chapter 836 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) 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 to procure, attempt to procure, solicit, or conspire with another to procure, a telephone record of any resident of this state without the authorization of the customer or by fraudulent, deceptive, or false means; sell, or attempt to sell, a telephone record of any resident of this state without the customer’s authorization; or receive a telephone record of any resident of this state when such record has been obtained without the customer’s authorization or by fraudulent, deceptive, or false means.

Submitted as:
North Dakota
SB 2255
Status: Enacted into law in 2005.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) 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 expedited franchising of cable and video services by the Secretary of State.

Submitted as:
Georgia
**Act 368**
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act prohibits the Board of Trustees of the state employees retirement system from paying retirement benefits (other than a return of contributions) to any member of the System who is convicted of a felony while the person is serving as a member of the System if the conduct the offense is based on is directly related to service as a member. The Act also amends the law to require members who have not vested in the legislative retirement system at the time the bill becomes law and are convicted of an offense to forfeit all benefits. Members who have vested at the time the bill becomes law and are convicted of an offense after that date are not entitled to creditable service accruing after the date the statute becomes law.

Submitted as:
North Carolina
Session Law 2007-179
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a task force on mental hygiene records and reports to study and make recommendations regarding access to mental hygiene patient records and reports concerning minors and others with legal guardians or surrogates. The law directs the state commission on quality of care and advocacy for persons with disabilities to serve as the clearinghouse for the rights of mental hygiene patients and their legal representatives with regard to access to records. It requires notification of the legal representative of a patient upon the occurrence of an incident involving such patient; establishes provisions for addressing child abuse and maltreatment in residential care; expands membership of the restraint and crisis intervention technique committee; provides for psychological screening of prospective direct care employees; restricts consecutive hours of work for direct care employees. This Act authorizes the imposition of $1,000 a day fine for violations by mental hygiene providers, provide that no such fine shall exceed $15,000 per violation.

Submitted as:
New York
A06846A / Chapter 24
Status: Enacted into law in 2007.

Comment:

FOR IMMEDIATE RELEASE:
May 6, 2007
JONATHAN’S LAW SIGNED
Statute Provides Parents Greater Access to Childrens’ Incident Reports

Governor Eliot Spitzer today announced the signing of “Jonathan’s Law,” which will provide parents and guardians better access to records and reports of incidents and abuse allegations involving their children in residential mental hygiene facilities.

Jonathan’s Law is named in honor of Jonathan Carey, a 13-year-old autistic boy who recently died while in the care of a state-run residential facility. Jonathan’s family has long championed this legislation after being refused full access to records and information related to his care and treatment.

Jonathan’s Law makes several important changes to state law. In particular, the new law will:

• require residential hygiene facilities to provide parents and guardians with telephone notification within 24 hours of incidents affecting the health and safety of their children;
• require such facilities to provide parents and guardians with a redacted incident report upon request; Require facility directors to meet with parents and guardians to discuss reported incidents;
• require facility directors to provide parents and guardians with written reports of actions taken in response to the incidents; and
• grant parents and guardians full access to records and documents pertaining to allegations and investigations into patient abuse or mistreatment, with redaction of patient and staff names.

In addition, a Task Force on Mental Hygiene Records will be established to examine existing laws regarding records access concerning individuals receiving care in facilities licensed or operated by the Office of Mental Health and the Office of Mental Retardation and Development Disabilities (OMRDD). The task force will be comprised of representatives from state agencies, private providers, parents, advocates and others.

The bill will also increase penalties to $1,000 per day or a maximum of $15,000 per violation for facilities licensed by OMRDD that fail to comply with applicable rules and regulations.

When signing the bill, Governor Spitzer noted several improvements that could be made to the law, and called upon the Legislature to enact those changes as soon as possible. These changes include: (1) adopting the current Mental Hygiene Law standard that protects information from release if such disclosure could “cause substantial and identifiable harm to the patient;”(2) creating a mechanism for parents and guardians to appeal denials of access to information; and (3) ensuring that the new law does not conflict with existing provision governing the reporting of child abuse.

“It is critical that parents and guardians of children housed in state facilities for the treatment of developmental disabilities and mental illness have access to records related to abuse allegations and other incidents,” said Governor Spitzer. “This bill allows them to better monitor the care their children receive.”

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires state agencies to verify that a person who is 18 years or older verify that they are lawfully present in the United States prior to receiving certain public benefits by producing:

- a state driver’s license or state identification card; or
- a valid driver’s license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or such other personal identifying information relating to the individual that the director of the department of health and welfare or, with regard to unemployment compensation benefits, the director of the department of commerce and labor finds, by rule, sufficient for purposes of this section; or
- a United States Military Card or A Military Dependent’s Identification Card; or
- a United States Coast Guard Merchant Mariner Card; or
- a Native American Tribal Document;
- a valid United States Passport; and
- a valid Social Security Number that has been assigned to the applicant; and
- attest, under penalty of perjury and on a form designated or established by the director of the department of health and welfare or, with regard to unemployment compensation benefits, by the director of the department of commerce and labor, that the applicant is a United States citizen or legal permanent resident or the applicant is otherwise lawfully present in the United States pursuant to federal law.

Submitted as:
Idaho

Chapter 79 of 2007 / Session Law Chapter 311
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2009A
( ) 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 secretary of human services and the commissioner of education to develop an interagency proposal for a coordinated, lifelong system of care designed to address the needs of residents with Autism Spectrum Disorders (ASD) and their families.

Submitted as:
Vermont
S121 / Act No. 35
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act allows victims of domestic violence or a representative to create a substitute address for them if there is a good reason to believe the victim’s safety is at risk. The address will remain confidential and guarded from databases to ensure further safety of victims. These addresses can be used by the victim when interacting with any public agency, like school districts or the Motor Vehicle Department. This helps ensure that an abuser is unable to track a victim through these agencies.

Submitted as:
New Mexico
HB 216 (enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates a Domestic Violence Homicide Review Team to review the facts and circumstances of domestic violence related homicides and sexual assault related homicide within the state. The team will determine the causes of death and their relationship to both government and non-government service delivery systems.

Submitted as:
New Mexico
SB 1092
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides for visitation or ongoing interaction between the children and siblings relating to children who are subject to a court order for a temporary or permanent out-of-home placement.

Submitted as:
Iowa
SF 480
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
(   ) Include in Volume
(   ) Defer consideration to next task force meeting
(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
(   ) Include in Volume
(   ) Defer consideration
(   ) next task force mtg.
(   ) next SSL mtg.
(   ) next SSL cycle
(   ) Reject

Comments/Note to staff:
This Act makes it a felony to knowingly transport, conceal or harbor an illegal alien. Anyone found in violation and convicted may receive up to one year in prison and/or a fine not less than $1,000. Since this is a new felony there is insufficient data available on the occurrence of this crime. The fiscal impact would be dependent upon the number of adjudicated cases.

The law requires all public employers to enter into a contract for the physical performance of services within this state or register and participate in the federal Status Verification System to verify the work authorization status of all new employees. The Department of Labor is required to prescribe forms and promulgate rules and regulations necessary to administer the program and post the rules and regulations on its web site. The Department of Labor estimates annual expenses to create, post, and mail forms at approximately $2,000.

The Act directs the Attorney General to negotiate the terms of a Memorandum of Understanding between the state and the United States Department of Justice or the United States Department of Homeland Security concerning the enforcement of federal immigration and custom laws, detention and removals, and investigations in the state.

Submitted as:
Oklahoma
HB1804
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act makes guardianship available as a permanent placement for children who are within the jurisdiction of the Child Protective Act. Prior to the Act, such guardianships were not available because under prior law, the guardianship was too susceptible to modification or termination after the close of the Child Protective Act case and therefore does not meet the requirement of “permanency.” If guardianships are more permanent, they can be ordered as the final placement in a Child Protective Act proceeding more often and children will be more likely to qualify for federal funding. In addition to making guardianship available as a permanency option, the section also eliminates the possibility that a guardianship might be used as an “end run” around the court’s jurisdiction in a Child Protective Act case and thereby better positions the CPA court to protect the child’s health and safety.

Submitted as:
Idaho
Chapter 5 / Session Law Chapter 72 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
19-29A-06 Custody and Visitation Upon Military Temporary Duty, Deployment, or Mobilization NC

This Act establishes procedures to use expedited hearings and electronic communications to expedite child custody and visitation issues for service members who are absent or about to depart for duty.

Submitted as:
North Carolina
Session Law 2007-175
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a Sibling Information Exchange Program (Program) within the state Administrative Office of the Courts (AOC) to facilitate contact between a former dependent child and their sibling or siblings. The Act funds the Program with fees collected in a Confidential Intermediary and Fiduciary Fund. The following people are eligible to participate in the Program:

- an adult who is a former dependent child;
- the adoptive parent, guardian or biological parent of a juvenile who is a former dependent child; and
- the adult sibling of a former dependent child.

The Act clarifies that only parents or guardians with legal custody can receive information through the Program.

The legislation requires the Court to provide adoptive parents with information about the Program at the time an adoption is finalized. The legislation requires the Court to provide information about the Program at periodic review hearings if the Court finds that a child is no longer a dependent. The Act requires the Court to provide guardians with information about the Program when legal guardianship is established.

This Act defines criteria for using a confidential intermediary when a party is searching for sibling information through the Program. It states that if a former dependent child does not want to be contacted by their sibling(s) they may file an affidavit with the Court to prevent them from being contacted by the confidential intermediary if a request has been made by a sibling. The affidavit can be revoked if a former dependent child eventually wishes to be contacted. The affidavit must be withdrawn in writing.

The bill defines a former dependent child as an individual previously under foster care, adopted, or adjudicated as a dependent in a court proceeding. It defines sibling as a person who shares a common biological parent, stepparent, or adoptive parent.

The Act requires the state Supreme Court to adopt rules to implement the Program.

Submitted as:
Arizona
Chapter 72
Status: Enacted into law in 2007.

Comment:

Disposition:
CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A ( ) Include in Volume ( ) Defer consideration ( ) Reject
( ) Include in Volume ( ) next task force mtg.
( ) Defer consideration to next task force meeting ( ) next SSL mtg.
( ) Reject
( ) No action ( ) next SSL cycle

Comments/Note to staff:
This Act establishes a Home Care Option Program for the Elderly and a Home Care Trust Fund, administered by the state comptroller. The program and the fund must help people plan and save for the costs of certain elderly services that (1) are either not covered by a long-term health insurance policy or supplement services covered by such a policy or by Medicare and (2) will allow them to remain in their homes or live in a non-institutional setting as they age.

The Act allows participants to establish individual savings accounts within the fund and allows an account's designated beneficiary to withdraw funds from it for qualified home care expenses. It exempts interest earned on fund accounts from the state income tax and makes any unspent funds remaining in an account when a beneficiary dies part of his or her estate.

The Act specifies the comptroller's duties and authority over the program and the trust fund, establishes standards for investing the fund's assets and for offering the fund to investors, and creates a 19-member advisory committee for the program.

Finally, the Act eliminates the 250-person limit on the number of participants in a state-funded pilot program that allows seniors to hire their own personal care assistance (PCA) attendants directly instead of going through a home health care agency.

The Act allows home care program account beneficiaries to withdraw funds from an account to pay for “qualified home care expenses,” which are expenses for instrumental activities of daily living, such as chore, homemaker, or companion services; adult day care; preparing meals; home-delivered meals; or transportation. They must be either (1) services performed by a Connecticut-licensed home care services provider, a homemaker or companion service registered with the Department of Consumer Protection, or a personal care assistant, or (2) licensed transportation services. They must also be recommended by a physician. Before a beneficiary can withdraw money from an account, a physician must certify to the fund that the beneficiary needs the qualified services to live independently in his or her home or another non-institutional setting.

The Act exempts interest a designated beneficiary earns on a home care program account from the state income tax. It does so by allowing the beneficiary to deduct any such interest includable in his or her federal adjusted gross income (AGI) when calculating his or her Connecticut AGI for state income tax purposes.
The Uniform Child Abduction Prevention Act (UCAPA) provides states with a valuable tool for deterring both domestic and international child abductions by parents and persons acting on behalf of the parents. The UCAPA compliments and strengthens the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which is law in 48 states, and the federal Parental Kidnapping Prevention Act (PKPA). The Act allows the court to impose measures designed to prevent child abduction both before and after a court has entered a custody decree.

Under the Act, an Action for abduction prevention measures may be brought either by a court on its own motion, by a party to a child-custody determination or an individual with a right to seek such a determination, or by a prosecutor or public attorney. The party seeking the abduction prevention measures must file a petition with the court specifying the risk factors for abduction as well as other relevant information. Courts will rule on the petition based on a variety of factors enumerated in the Act and impose appropriate mechanisms to prevent abduction. The Act also addresses the special problems involved with international child abduction by including several risk factors specifically related to international situations.

The Act was promulgated by the Uniform Law Commission in 2006. The model uniform act with official commentary (which also serves as legislative history) can be found at: http://www.law.upenn.edu/bll/archives/unl/ucapa/2006_finalAct.htm

Seven states enacted the UCAPA into law during its initial (2007) legislative year:
- Kansas: SB 18
- Louisiana: SB 73 (Partial Enactment)
- Nebraska: LB 341; Nev. Rev. Stat. 43-1230
- Nevada: AB 15
- South Dakota: SB 88

Submitted as:
Kansas
SB18
Status: Enacted into law on April 5, 2007

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
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SSL Committee Meeting: 2009A
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( ) Reject

Comments/Note to staff:
This Act provides tax credits to geotourism-supporting businesses, particularly in low-income areas. The Act defines geotourism as “tourism that sustains or enhances the geographical character of an area including without limitation, its environment, heritage, aesthetics, culture, natural resources, and well-being of its residents.”

Submitted as:
Arkansas
Act 518 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
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( ) Reject

Comments/Note to staff:
This Act directs that no person or entity conducting business in the state that accepts an access device in connection with a transaction shall retain the card security code data, the PIN verification code number, or the full contents of any track of magnetic stripe data, subsequent to the authorization of the transaction or in the case of a PIN debit transaction, subsequent 10 to 48 hours after authorization of the transaction. A person or entity violates the Act if its service provider retains such data subsequent to the authorization of the transaction or in the case of a PIN debit transaction, subsequent to 48 hours after authorization of the transaction.

Submitted as:
Minnesota
S.F. No. 1574, 2nd Engrossment
Status: Enacted into law in 2007.

Comment: According to a news report by Nicole Garrison-Sprenger, *Pioneer Press*, TwinCities.com-Pioneer Press, “This week, Minnesota became the first state to hold merchants more accountable for sensitive customer information, allowing card-issuing financial institutions to recoup losses from retailers that break the rules.”

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
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(   ) Reject
(   ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
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(   ) Reject

Comments/Note to staff:
The bill establishes an “agricultural enclave” designation and authorizes the landowners of such to apply for a Comprehensive Plan Amendment (CPA) that includes land uses and intensities of use consistent with uses and intensities of use of surrounding industrial, commercial, or residential uses. The bill provides that each application for a comprehensive plan amendment, for a parcel larger than 640 acres, must include appropriate new urbanism concepts to discourage urban sprawl while protecting landowner rights. The bill stipulates the property must meet greenbelt criteria, have been in agricultural production for the past five years and meet additional criteria. An agricultural enclave may not exceed 2,560 acres, unless the property is surrounded by existing or authorized residential development that will result in a build out density of at least 1,000 residents per square mile, in which case it should be determined urban and may not exceed 5,120 acres. The bill exempts the CPA from certain rules of the Department of Community Affairs (DCA) relating to urban sprawl.

The bill provides for good faith negotiations between the local government and landowner, with certain criteria to be met regarding the negotiations. Upon completion of negotiations, regardless of the outcome, the CPA must be transmitted to the DCA for review at the first available transmittal cycle. The bill forbids the DCA from using certain rules relating to urban sprawl as a factor in determining compliance of a CPA. If the landowner fails to negotiate in good faith, all DCA rules relating to urban sprawl apply to the CPA.

The bill provides economic protection to an agricultural lessee when property for which an agricultural lease exists is purchased by the state or an agency of the state. The bill requires the purchasing agency to allow the lease to remain in full force for the remainder of the lease term. Where consistent with the purposes for which the property was acquired, the purchasing agency must make reasonable efforts to keep lands in agricultural production which are in agricultural production at the time of the purchase.

The bill establishes in law that agricultural self-supplied water users have limitations on their ability to develop alternative water supplies. Furthermore, the bill requires water management districts to notify agricultural applicants for consumptive use permits of the right to apply for permits valid for 20 years.

By July 1, 2007, the bill requires each water management district to enter into a memorandum of agreement (MOA) with the Department of Agriculture and Consumer Services (DACS) to determine whether an existing or proposed activity qualifies for the agricultural wetlands exemptions set forth in law.

Submitted as:
Florida
Chapter 255 of 2006
Status: Enacted into law in 2006.

Comment:
Disposition: 24-29A-01

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
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( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
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( ) Reject

Comments/Note to staff:
SSL DOCKET 29A PART II

(01) CONSERVATION AND THE ENVIRONMENT
01-29A-01A Global Warming MA
01-29A-01B Global Warming WA
01-29A-02 Greenhouse Gas Emission Inventory WV
01-29A-03 Low Carbon Fuel Standard CA

(02) HAZARDOUS MATERIALS/WASTE
*02-28B-01 E-Recycling WA
(28B-a) add the CSG Eastern Regional Model bill to next docket
02-29A-01B Collection and Recycling of Covered Electronic Devices CT
02-29A-02A Metal Recycling Registry AL
02-29A-02B Purchasing Commodity Metals CO

(03) ENERGY
Note: Energy-related items are listed in the Energy Supplement docket 28AS for this meeting.

(04) SCIENCE AND TECHNOLOGY

(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY
*05-28B-01 Seaport Security FL
Defer to next Policy Task Force meeting
05-29A-01 Violent Felony Offenders of Special Concern FL
05-29A-02 Registry of Methamphetamine Manufacturing Sites and Precursor Sales Information IN
05-29A-03 An Act to Cover Extra Prescriptions During a State of Emergency or Disaster NC
05-29A-04 Senior Alert Program VA
05-29A-05 Minor Alcoholic Liquor Liability NE
*05-27B-02 Mine and Industrial Rapid Response System WV

(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE
17-29A-01 Prisoner Long-Term Health Care UT
17-29A-02 Innocence Protection VT
17-29A-03 Contempt by Juveniles NC
17-29A-04A Electronic Communications and Sex Offenders AZ
17-29A-04B Electronic Communications and Sex Offenders KS
17-29A-04C Electronic Communications and Sex Offenders VA
17-29A-05 Selling Stolen Property DE
17-29A-06A Organized Retail Theft DE
17-29A-06B Organized Retail Theft NV
17-29A-06C Organized Retail Theft TX
17-29A-06D Organized Retail Theft UT

(20) EDUCATION
*20-28B-02 Fast Track to College IN
Defer to Education Task Force
20-29A-01 Student Lending Accountability, Transparency and Enforcement NY
20-29A-02 Discounted Computers and Internet Access for Students FL
20-29A-03 K-8 Virtual Schools FL
20-29A-04 Special Needs Scholarships GA
20-29A-05 Two-Year College Transfer Grant Program VA
20-29A-06 Security Assessments and Assistance For Schools And Emergency Response Plans for Institutions of Higher Education CT
20-29A-07 Job Creation Through Educational Opportunity ME
20-29A-08 Tuition Guarantee OK

(21) HEALTH CARE
21-29A-01 Critical Access and Rural Hospital Endowment Challenge Account WY
21-29A-02A MRSA Screening and Reporting IL
21-29A-02B Prevention and Control of Multidrug-Resistant Organisms IL
21-29A-03 Requiring State Motor Vehicle Agencies to Share MVC Organ Donor Information with Federally Designated Organ Procurement Organizations NJ
21-29A-04 Wholesale Drug Distribution ID
21-29A-05 Woman’s Ultrasound Right to Know GA
21-29A-06 Newborn Umbilical Cord Blood Bank GA
21-29A-07 False Medicaid Claims GA
21-29A-08 Pharmacy Quality Assurance AZ
21-29A-09 Association Group Health Insurance IA
21-29A-10 Real-Time Electronic Logbook for a Pharmacy To Record Purchases of Pseudophedrine and Other Similar Substances AR
21-29A-11 Alzheimer’s Disease Coordinating Council NY
21-29A-12 Alzheimer’s Task Force TN
This Act sets strict greenhouse gas emissions limits for the entire Commonwealth: 20% below 1990 levels by 2020 and 80% below 1990 levels by 2050.

Specifically, this Act:

• charges the state environment department with monitoring, regulating, and reducing greenhouse gas emissions;
• directs the state environment department to adopt regulations that require the reporting and verification of statewide greenhouse gas emissions, by January 1, 2009;
• directs the state environment department to hold a public forum to determine what greenhouse gas emission levels were in 1990;
• directs the state environment department to adopt a greenhouse gas emissions limit that is equal to 20% below 1990 levels by 2020 and 80% below 1990 levels by 2050;
• directs the state environment department to make available to the public a list of discrete early emissions reduction measures that can be made prior to the measures adopted in Section 5 by July 31, 2008;
• directs the state environment department to adopt regulations to implement the measures on such list by January 1, 2009;
• directs the state environment department to develop a plan to achieve the greenhouse gas limits outlined above;
• requires the plant to identify direct emissions reduction measures, alternative compliance mechanisms, market-based mechanisms, and potential monetary incentives;
• directs the state environment department to evaluate total potential economic and non-economic benefits of adopting the plan for reducing greenhouse gas emissions;
• directs the state environment department to consult with other states, federal government, and other nations to identify the most effective strategies and methods for reducing greenhouse gas emissions;
• directs the state environment department, the Executive Office of Energy and Environmental Affairs (EOEEA), to ensure that rules, regulations and programs’ direct investments are directed towards the most disadvantaged communities;
• enables the state environment department to include any regulations that use market-based compliance mechanisms to achieve the greenhouse gas emissions reduction limits sought by the bill;
• requires the state environment department to monitor compliance and enforce and rule, regulation, order, emission limitation, emission reduction measure, or market-based compliance mechanisms pursuant to the Act; and
• requires the state environment department to ensure that reductions are real, permanent, quantifiable, verifiable, and enforceable.
This Act finds that:

- the state is especially vulnerable to climate change because of the state's dependence on snow pack for summer stream flows and because the expected rise in sea levels threatens our coastal communities;
- the state’s greenhouse gas emissions are continuing to increase;
- the state has been a leader in actions to reduce the increase of emissions, including the adoption of clean car standards, stronger appliance energy efficiency standards, increased production and use of renewable liquid fuels, and increased renewable energy sources by electrical utilities;
- the state has participated with other states in designing regional approaches to reduce greenhouse gas emissions;
- there is a need to assess the trend of emissions statewide over the next several decades, and to take sufficient actions so that the state meets its responsibility to contribute to the global actions needed to reduce the impacts and the pace of global warming;
- actions to reduce greenhouse gas emissions will spur technology development and increase efficiency; and
- numerous states and nations have adopted emission reduction goals to assist emission sources with planning for changes in practices and technologies.

The Act recognizes that companies that generate greenhouse gas emissions or manufacture products that generate such emissions are purchasing carbon credits from landowners and from other companies in order to provide carbon credits.

The bill intends to establish goals for the statewide reduction in greenhouse gas emissions and reduction in petroleum use, and to adopt a mechanism in an Executive Order to design and recommend a comprehensive set of measures to accomplish the goals.

The legislation declares that immediate actions be authorized in the electric power generation sector for the reduction of greenhouse gas emissions and to accelerate efficiency in the transportation sector.

The bill provides that the state climatologist has the following powers and duties:

- to serve as a credible and expert source of climate and weather information for state and local decision makers and agencies working on drought, flooding, climate change, and other related issues;
- to gather and disseminate, and where practicable archive, in the most cost-effective manner possible, all climate and weather information that is or could be of value to policy and decision makers in the state;
- to act as the representative of the state in all climatological and meteorological matters, both within and outside of the state, when requested by the legislative or executive branches of the state government;
- to prepare, publish, and disseminate climate summaries for those individuals, agencies, and organizations whose activities are related to the welfare of the state and are affected by climate and weather;
- to supply critical information for drought preparedness and emergency response as needed to implement the state's drought contingency response plan maintained by the state
department of ecology, and to serve as a member of the state's drought water supply and emergency response committees as may be formed in response to a drought event;

- to conduct and report on studies of climate and weather phenomena of significant socioeconomic importance to the state; and

- to evaluate the significance of natural and man-made changes in important features of the climate affecting the state, and to report this information to those agencies and organizations in the state who are likely to be affected by these changes.

Submitted as:
Washington
Chapter 307, Laws of 2007
Status: Enacted into law in 2007 (partial veto).

Comment: Partial Veto Summary: An unnecessary section, Section 6, is removed.

Veto message:

Engrossed Substitute Senate Bill 6001 entitled: "AN ACT Relating to mitigating the impacts of climate change."

Section 6 of this bill is unnecessary. It was inserted when the bill contemplated minor adjustments to the Energy Facility Site Evaluation Council's permit process. But those adjustments were ultimately removed from the bill. The Governor currently has ample existing authority without Section 6. For these reasons, I have vetoed Section 6 of Engrossed Senate Substitute Bill 6001. With the exception of Section 6, Bill 6001 is approved.

Other staff comments:

This Act defines Climate Change and Greenhouse Gases (GHG): The term "climate change" refers to any significant change in measures of climate, such as temperature, which last for decades or longer. Climate change may result from natural causes or human activities. The National Academy of Sciences, the Inter-Governmental Panel on Climate Change, and the United States' Climate Change Science Program have concluded that human activities, such as GHG production, are the likely cause of climate change during the last several decades.

GHG Emissions Targets: According to the Pew Center on Global Climate Change, 12 states have set GHG emissions targets, including Arizona, California, New Mexico, and Oregon. Most of the targets have been set by agencies or by executive order and typically use a 1990 baseline to measure reductions. The targets are usually characterized as "goals."

Governor Gregoire's Executive Order Setting GHG Emissions Goals: On February 7, 2007, the Governor issued an executive order establishing goals for GHG emissions reductions, for increasing clean energy sector jobs, and for reducing expenditures on imported fuel. The executive order also directs the Department of Ecology (DOE) and the Department of Community, Trade, and Economic Development (CTED) to lead stakeholders in a process that will consider a full range of policies and strategies to achieve the emissions goals.

GHG Emission Performance Standards: In 2006, the California Legislature enacted a law to prevent long-term investments in power plants with GHG emissions in excess of those produced
by a combined-cycle natural gas power plant. Among other things, the law prohibits electric utilities from making or renewing contracts of five years or longer for the purchase of baseload generation that does not comply with the GHG emissions performance standards to be established by the state Public Utilities Commission and the state Energy Commission.

Current Carbon Dioxide (CO2) Mitigation Requirements: In 2004, the Legislature established a policy to mitigate CO2 emissions from fossil-fueled thermal power plants with generating capacities of 25 megawatts or more. These power plants must mitigate 20 percent of their CO2 emissions over a period of 30 years. This requirement applies to: (1) existing plants that increase the production of CO2 emissions by 15 percent or more; or (2) new power plants seeking a site certificate through the Energy Facility Site Evaluation Council (EFSEC) or an order of approval under the Washington Clean Air Act.

Summary: I. Employment and GHG Emissions Goals: Establishing Goals to Reduce GHG Emissions: The following goals are established for statewide GHG emissions:

- by 2020, reduce emissions to 1990 levels;
- by 2035, reduce emissions to 25 percent below 1990 levels; and
- by 2050, reduce emissions to 50 percent below 1990 levels, or 70 percent below the state's expected emissions that year.

Establishing an Employment Goal: By 2020, increase the number of clean energy sector jobs to 25,000 from the 8,400 jobs the state had in 2004.

Requiring Emissions Reports: By December 31, 2007, DOE and CTED must report to the appropriate committees of the Legislature the total GHG emissions for 1990, and totals in each major sector for 1990. By December 31 of each even-numbered year beginning in 2010, DOE and CTED must report to the Governor and the Legislature the total GHG emissions for the preceding two years, and totals in each major source sector.

Requiring Policy Recommendations to Achieve GHG Emissions Reduction Goals: The Governor must develop policy recommendations on how the state can achieve the specified GHG emissions reduction goals. The recommendations must include such issues as how market mechanisms would assist in achieving the goals. The recommendations must be submitted to the Legislature during the 2008 Legislative Session.

II. GHG Emissions Performance Standard: Establishing a GHG Emissions Performance Standard: Beginning July 1, 2008, the GHG emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of 1,100 pounds of GHG per megawatt-hour; or the average available GHG emissions output as updated by CTED.

In general, all baseload electric generation that begins operation after June 30, 2008, and is located in Washington, must comply with the performance standard. The following facilities are deemed to be in compliance with the performance standard:

- all baseload electric generation facilities in operation as of June 30, 2008, until they are the subject of long-term financial commitments;
- all electric generation facilities or power plants powered exclusively by renewable resources; and
• all cogeneration facilities in the state that are fueled by natural gas or waste gas in operation as of June 30, 2008, until they are the subject of a new ownership interest or are upgraded.

The following emissions produced by baseload electric generation do not count against the performance standard:
• emissions that are injected permanently in geological formations;
• emissions that are permanently sequestered by other means approved by DOE; and
• emissions sequestered or mitigated under a plan approved by the EFSEC, as specified in the Act.

Requiring Agency Action: By June 30, 2008, DOE and EFSEC must coordinate and adopt rules to implement and enforce the GHG emissions performance standard, including the evaluation of sequestration and mitigation plans. In addition, CTED must consult with specified groups, such as the Bonneville Power Administration, and consider the effects of the standard on system reliability and the overall costs to electricity customers. In order to update the standard, CTED must conduct a survey every five years of new combined-cycle natural gas thermal electric generation turbines commercially available and offered for sale by manufacturers and purchased in the United States. CTED must use the survey results to adopt by rule the average available GHG emissions output. The survey results must be reported to the Legislature every five years, beginning June 30, 2013.

Enforcing the GHG Emissions Performance Standard: Electric utilities may not enter into long-term financial commitments for baseload electric generation unless the generation complies with the performance standard. For an investor-owned utility (IOU), the Washington Utilities and Transportation Commission (WUTC) must review a long-term financial commitment in a general rate case. The WUTC must also review an IOU's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity, upon application of the utility. The process for reviewing proposed decisions must be specified in rule and conducted under the Administrative Procedures Act. The WUTC must consult with DOE when verifying compliance with the performance standard. The WUTC must adopt all implementing rules by December 31, 2008.

For a consumer-owned utility, the governing board must review a long-term financial commitment in consultation with DOE, after which the State Auditor is responsible for auditing compliance with the performance standard and the Attorney General is responsible for enforcing compliance. The WUTC or the governing board of a consumer-owned utility, whichever is appropriate, may exempt a utility from the performance standard for unanticipated electric system reliability needs, catastrophic events, or threat of significant financial harm arising from unforeseen circumstances.

Allowing Cost Deferrals: An IOU may defer up to 24 months the costs associated with a long-term financial commitment for baseload electric generation.

Requiring Periodic Reviews of the GHG Emissions Performance Standard: DOE, in consultation with CTED, EFSEC, the WUTC, and the governing boards of consumer-owned utilities, must review the GHG emissions performance standard no less than every five years or upon the
implementation of a federal or state law or rule regulating CO2 emissions of electric utilities, and report to the Legislature.

Requiring a Tax Incentive Report: By December 31, 2007, the Governor must report to the Legislature the potential benefits of creating tax incentives to encourage baseload electric facilities to upgrade their equipment to reduce CO2 emissions, the nature and level of tax incentives likely to produce the greatest benefits, and the cost of providing such incentives.

Definitions: Various terms are defined. For example, "baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least 60 percent. "Electric utility" covers investor-owned and consumer-owned utilities. "Long-term financial commitment" means: (1) either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or (2) a new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state. "Renewable resources" means electricity generated from water, wind, and solar energy, among other things.

Findings: Various findings are made, including the vulnerability of the state to climate change, the evidence of the warming climate, and a recognition of Washington's pioneering efforts in adopting a carbon dioxide mitigation program for thermal power plants.

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Comments/Note to staff:

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SSL Committee Meeting: 2009A
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Comments/Note to staff:
This Act establishes a program to inventory emissions, reductions and carbon sequestrations of greenhouse gases; creating a voluntary registry for the reporting of voluntary reductions of greenhouse gas emissions if the reductions are made before they are required by law; clarifying that certain industries are exempt from reporting; providing public recognition of voluntary reduction or avoidance of greenhouse gases; providing definitions; and providing consideration of the reductions under future federal greenhouse gas emission reduction programs.

Submitted as:
West Virginia
SB337 SUB2 ENR
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
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Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
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Comments/Note to staff:
This bill would require the state air resources board to adopt, implement, and enforce a low-carbon fuel standard that achieves the maximum technologically feasible and cost-effective greenhouse gas emissions reductions, and at least a 10% reduction in, life cycle greenhouse gas emissions. The state air resources board, in consultation with other specified state agencies would be required to develop environmental reporting requirements to be imposed upon those subject to the low-carbon fuel standard. The California Environmental Protection Agency, in partnership with, and in consultation with, other state agencies would be required to issue an assessment on the actual and expected environmental impacts associated with implementation of the low-carbon fuel standard, and would be required to promulgate best management practices, standards, incentives, regulations, or certification programs to avoid or reduce to the maximum extent practicable negative environmental impacts associated with implementation of the low-carbon fuel standard. The bill would provide that fuel produced from biomass that is derived from certain sources would not meet the low-carbon fuel standard.
This Act establishes a 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 (partial veto)
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. XI 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:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This model legislation establishes a comprehensive recycling system to ensure safe and environmentally sound management of electronic devices and components, encourages the design of electronic devices and components that are less toxic and more recyclable; and promotes the development of a statewide infrastructure for collection and recycling of end-of-life electronics.

Covered electronic devices (CEDs) the model addresses include desktop/personal computers, computer monitors, portable computers (laptops), CRT-based televisions, non-CRT-based televisions. The model does not address motor vehicle components; industrial, commercial, or medical equipment, including diagnostic, monitoring, or control equipment; clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifiers; or telephones of any type unless they contain a video display area greater than 4” measured diagonally. Covered electronic devices (CEDs) are those purchased at retail.

To help fund the program, all manufacturers are required to pay a $5,000 annual registration fee and additionally, manufacturers must either pay a fee to cover the cost of collection, transportation, and recycling of their total obligation, or collect, transport, and recycle the equivalent amount themselves.

To determine the manufacturer obligation (or share), the state environmental agency sets a State recycling rate. The State recycling rate is equivalent to the ratio of the weight of total overall returns of CEDs in the State to the weight of total overall sales of CEDs in the State during the previous calendar year.

A manufacturer is required to either (a) pay a fee calculated as the State recycling rate multiplied by the weight of the manufacturer’s CEDs sold in the State during the previous calendar year, multiplied by no more than $0.50 per pound; or (b) collect, transport, and recycle a quantity of CEDs equal to the weight of the manufacturer’s CEDs sold in the State during the previous calendar year, multiplied by the State recycling rate.

In order to be eligible for option “b”, the manufacturer must submit a plan for such a program that is approved by the state environmental agency. If a manufacturer fails to comply with all of the terms of an approved plan, it must submit a payment to cover the cost of collecting, transporting, and recycling the unmet portion of its obligation, plus a 10% penalty. Manufacturers can obtain credits if they collect, transport, and recycle in excess of their obligation – and apply the credits to their obligation in the following year, or sell them. No end-of-life fees are permitted.

Manufacturers must annually report the total CEDs sold in State, by weight; pay an annual registration fee of $5,000 registration fee; pay an annual fee covering the cost of collection, transportation, and recycling of its obligation; or establish and implement a program that collects, transports, and recycles the total amount of its obligation. A manufacturer may establish a program in cooperation with other manufacturers.

Retailers can only sell products of manufacturers that are in full compliance with law and must post and provide public information that describes where and how to recycle the covered electronic device and opportunities and locations for the collection or return of the device.

Submitted as:
Model Legislation  
ERC/NERC
Northeast Regional Electronics Management Project

In February 2005, The Council of State Governments/Eastern Regional Conference (CSG/ERC) and the Northeast Recycling Council, Inc. (NERC) launched a collaborative project to develop a coordinated legislative approach to end-of-life electronics management in the Northeast. As part of the project, CSG/ERC and NERC facilitated an effort among state legislators, legislative and environmental agency staff from ten states, the U.S. Virgin Islands, Puerto Rico and Quebec to craft model legislation.

During the course of this effort, participants solicited input from nearly 100 stakeholders, including electronics manufacturers, retailers, recyclers, leasing companies, reuse organizations, environmental groups and local government representatives.

Following an intensive 14-month-long process, the group has released An Act Providing for the Recovery and Recycling of Used Electronic Devices.

As of February 2007, the CSG/ERC - NERC Model Electronics Legislation has been filed in the following states and territories:

- Connecticut: HB 7249
- New Jersey: A3572
- New York: A3200 / S7165
- Pennsylvania: HB7
- Puerto Rico: HB 2955
- Vermont: S.17

02-29A-01B Collection and Recycling of Covered Electronic Devices  CT

This Act creates a mandatory recycling program for discarded computers and televisions. Starting January 1, 2009, manufacturers must participate in a program to implement and finance the collection, transportation, and recycling of these covered electronic devices (CEDs). They may participate in the statewide program or a private program.

It requires each CED manufacturer to register with the Department of Environmental Protection (DEP) and pay an annual registration fee, which DEP must use to administer the program. Each registered manufacturer also must pay recyclers the reasonable costs of transporting and recycling its CEDs. The Act sets a maximum transportation and recycling reimbursement rate of 50 cents per pound.

The Act prohibits, with some exceptions, retailers from selling CEDs manufactured by noncompliant manufacturers. It requires municipalities to provide for the convenient recycling of CEDs generated within their borders and arrange for bringing CEDs to DEP-approved recyclers.

The Act prohibits, starting January 1, 2011, anyone (1) from knowingly discarding a CED at a solid waste disposal facility other than a transfer station, and (2) charging a fee to state residents bringing seven or fewer CEDs to a collector (apparently a transfer station or solid waste hauler) at any one time.

It creates two separate, nonlapsing accounts within the Environmental Quality Fund. DEP must use funds from the (1) “electronic device recycling program account” to carry out the Act's
provisions and (2) “covered electronic recycler reimbursement account” to reimburse recyclers
for their unpaid qualified expenses.

The commissioner must adopt regulations to implement the Act. The regulations must
include provisions establishing (1) annual registration and reasonable fees for administering the
program; (2) a process for approving recyclers; (3) a table of qualified reimbursable costs for
recyclers; (4) standards for the operation, accounting, and auditing of recyclers; (5) a list of CEDs
not limited to those the Act specifies, such as printers; and (6) any other requirements needed to
carry out the Act. The commissioner may help create and implement a regional, multi-state
organization or compact to help carry out its provisions.

Submitted as:
Connecticut
Substitute HB 7249 / Public Act No. 07-189
Status: Enacted into law in 2007.

Comment:
As of July 2007, Connecticut was among the first (and possibly, only) state to enact the
ERC/NERC model listed as 02-29A-01A on this docket.

Disposition: 02-29A-01A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 02-29A-01B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires secondary metal recyclers to require identification and maintain a registry of additional information with regard to each purchase of ferrous or nonferrous metals including copper, brass, aluminum, bronze, lead, zinc, and nickel. This allows state and local law enforcement agencies to place a hold on metal purchases by a secondary metal recycler if the metal purchased is suspected of being stolen by secondary metal recyclers.

The bill provides criminal penalties for thefts of metals and for secondary metal recyclers who fail to comply with these requirements. This Act exempts certain charitable organizations from these requirements, and does not apply to purchases of aluminum cans.

Submitted as:
Alabama
Act 2007-451
Status: Enacted into law in 2007.

Comment:

The bill:
• specifies that commodity metals must be valued at 50¢ per pound or more;
• changes the penalties related to failure to keep the required records of metals transactions; requires a statement regarding the source of the metals;
• specifies the types of documents that may be used to verify the identity of metals sellers; and
• exempts recycling centers from the bill's provisions.

“Commodity metals” are defined as “metal containing brass, copper, copper alloy, aluminum, stainless steel, or magnesium or another metal traded on the commodity market.”

Submitted as:
Colorado
HB 07-1141
Status: Enacted into law in 2007.

Comment:
Disposition: 02-29A-02A

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:
SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 02-29A-02B

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:
SSL Committee Meeting: 2009A
( ) 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 to 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:
Deferred from 28B to next policy task force meeting

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
(  ) Include in Volume
(  ) Defer consideration
   (  ) next task force mtg.
   (  ) next SSL mtg.
   (  ) next SSL cycle
(  ) Reject

Comments/Note to staff:
Florida legislative staff report “This Act addresses felony probation and community control violations by designating certain alleged probation or community control violators as “violent felony offenders of special concern” (VFOSC). A violent felony offender of special concern or a person who meets specified VFOSC requirements, but does not already have the status of a VFOSC, who is alleged to have violated felony probation or community control, other than a failure to pay costs, fines, or restitution, cannot be released from jail until the court has held a hearing to determine whether supervision was violated. If supervision is found to have been violated, the court must make a written finding as to whether the violent felony offender of special concern is a danger to the community. The court must also determine whether to revoke or continue the probation or community control. If it is determined that the violator is a danger to the community, the court must revoke probation or community control and sentence the offender up to the statutory maximum or longer if permitted by law.

The Criminal Punishment Code provides a point system to determine an offender’s minimum sentence. Currently, violation of felony probation or community control by commission of a new felony adds an additional 12 points to the score, and violation for any other reason adds 6 points. For a violent felony offender of special concern, the bill increases the additional points to 24 for a new felony conviction and 12 for other violations, except where the violation is solely for a failure to pay costs, fines, or restitution.”

Submitted as:
Florida
Chapter 2007-2
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act:

- requires law enforcement agencies that seize a methamphetamine laboratory to notify the criminal justice institute of the laboratory's location;
- requires the criminal justice institute to operate a web site containing a list of properties that have been the site of a methamphetamine laboratory;
- requires the criminal justice institute to remove a listed property from the web site when the property has been remediated or two years after seizure of the property, and provides that records of listed properties that have been removed are confidential;
- establishes a procedure for determining when to list certain rental properties in the process of remediation on the web site;
- requires the criminal justice institute to seek federal funds to establish and operate a methamphetamine precursor data base pilot project;
- specifies that the pilot project must connect persons who:
  1. sell a drug that contains the active ingredient of ephedrine or pseudoephedrine, and
  2. record drug sales information in an electronic log under current law, to an electronic monitoring system that transfers the drug sales information to a central data base at the same time the drug sales information is recorded in the electronic log;
- limits the pilot project to six counties;
- allows only certain law enforcement officers to have access to information in the central data base;
- requires persons who must collect and record sales information concerning drugs that contain ephedrine or pseudoephedrine in a paper or an electronic log to collect and record the information until June 30, 2012, instead of June 30, 2008; and
- permits, when necessary to avoid imminent danger to life or property, criminal intelligence assessments to be released to a government official or to:
  1. another individual whose life or property is in imminent danger;
  2. another individual who is responsible for protecting the life or property of another person; or
  3. another individual who may be in a position to reduce or mitigate the imminent danger to life or property.

Submitted as:
Indiana
SB 520
Status: Enacted into law in 2007.

Comment:

Suggested State Legislation
Disposition: 05-29A-02

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
05-29A-03 An Act to Cover Extra Prescriptions During a State of Emergency or Disaster

This Act requires health benefit plans and programs under the Teachers’ and State Employees’ Comprehensive Major Medical Plan (Plan), and other health benefit plans, to waive, during a declared state of emergency or proclaimed disaster by the Governor, practices that restrict a covered person under a benefit plan from refilling a prescription prior to when normally authorized by a plan. Prescription drugs are typically authorized on a “days supply” basis where the amount of medication is dispensed for a set number of days, typically a “30-day supply.” “Refill too soon” policies utilized by health benefit plans restrict covered persons from refilling prescription medications until within a few days of the end of the current supply of a covered person’s prescription. The legislation allows covered people in counties subject to a Governor’s declaration or proclamation to refill a current prescription under their health benefit plan without limitation, if the prescription was originally filled or re-filled within a period 29 or days or less from the declaration of an emergency or disaster.

Submitted as:
North Carolina
Session Law 2007-133
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) 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 for local, regional, or statewide notification of a missing senior adult. The bill defines a missing senior adult as an adult who is over 60 years of age, suffers from a cognitive impairment that renders him unable to provide care to himself without assistance (including a diagnosis of Alzheimer’s Disease or dementia), and whose whereabouts are unknown and whose disappearance poses a credible threat to his health and safety. The program is similar to the Amber Alert Program for missing children. The bill also provides that no police or sheriff's department shall establish or maintain any policy that requires a waiting period before a missing senior adult report will be accepted. Such departments are also required, within two hours of receiving such a report, to enter identifying and descriptive information about the missing senior adult into the Virginia Criminal Information Network and the National Crime Information Center Systems, forward the information to the Department of State Police, notify other law-enforcement agencies in the areas, and initiate an investigation of the report.

Submitted as:
Virginia
Chapter 486 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) 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 who sustains injury or property damage, or the estate of any person killed, as a proximate result of the negligence of an intoxicated minor shall have, in addition to any other cause of action available in tort, a cause of action against:

- a social host who allowed the minor to consume alcoholic liquor in the social host’s home or on property under his or her control;
- any person who procured alcoholic liquor for the minor, other than with the permission and in the company of the minor’s parent or guardian, when such person knew or should have known that the minor was a minor; or
- any retailer who sold alcoholic liquor to the minor.

The Act defines a social host as a person who knowingly allows consumption of alcoholic liquor in his or her home or on property under his or her control by one or more minors. Social host does not include (a) a parent providing alcoholic liquor to only his or her minor child and to no other minors or (b) a religious corporation, organization, association, or society, and any authorized representative of such religious corporation, organization, association, or society, dispensing alcoholic liquor as part of any bona fide religious rite, ritual, or ceremony.

Submitted as:
Nebraska
LB 573
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act:
• Creates the Mine and Industrial Accident Rapid Response System;
• Provides requirements for protective equipment in underground mines;
• Provides for criminal penalties for the unauthorized removal of or tampering with certain protective equipment;
• Provides for notification requirements in the event of an accident in or about any mine and imposing a civil administrative penalty for the failure to comply with such notification requirements;
• Provides rule-making authority; and
• Clarifies the responsibilities of county answering points.

Submitted as:
West Virginia
SB247 (enrolled version)
Status: Enacted into law in 2006.

Comment:
An SSL Committee member asked staff to put this West Virginia legislation back on an SSL docket because, apparently, the technology that is required by this Act to be put in mines exists, and doubts about the existence of such technology were a factor in rejecting this bill on a past SSL docket (see article below).

A Start on Wireless Mine Safety

Since the 2006 Sago Mine tragedy, coal-mining states and the federal government have sought safety standards that would include wireless tracking and communication for miners. In June, West Virginia became the first state to approve such a wireless system for use in its 170 underground coal mines, at a cost of $100,000 per mine. State officials plan to have the safety devices in every mine in the state by the end of 2008; the feds are requiring that wireless systems be set up in mines throughout the country by 2009.

The U.S. Mine Safety and Health Administration, however, has yet to sanction the West Virginia system and could approve something completely different, which might render the West Virginia system obsolete.

Heather Kleba, Governing, August 14, 2007
Disposition: 05-27B-02

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This bill requires certain actions by a corrections department or agency and by a nursing care facility or assisted living facility administrator to which an offender is released from prison or parole.

This bill provides that if an inmate is given an early release, pardon, or parole due to a chronic or terminal illness and is admitted as a resident of a nursing or assisted living facility, the department or another state’s agency placing the offender shall provide notice to the facility administrator, no later than 15 days prior to the offender’s admission as a resident of a facility and also provide contact information to the public on the Utah Department of Corrections' website, and upon request, regarding the offenders placed in health care facilities, including the name and address of the facility where the offenders reside, and the date the offenders were placed at the facility; and

The bill requires a training program for employees who work in facilities where offenders reside and it directs nursing or assisted living facility administrator to provide staff trained by the Department of Corrections in the safe management of offenders.

Submitted as:
Utah
HB 114
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes criteria for postconviction DNA testing; confidentiality of the testing and results; victim notification; discovery; choosing a lab to do the DNA testing; and procedures to address compensation for wrongful conviction.

Submitted as:
Vermont
Act 60 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes procedures and sanctions to address contempt by juveniles. It defines contempt as:

- willful behavior committed during the sitting of a court and directly tending to interrupt its proceedings;
- willful behavior committed during the sitting of a court in its immediate view and presence and directly tending to impair the respect due its authority;
- willful disobedience of, resistance to, or interference with a court’s lawful process, order, directive, or instruction or its execution;
- willful refusal to be sworn or affirmed as a witness, or, when so sworn or affirmed, willful refusal to answer any legal and proper question when the refusal is not legally justified;
- willful or grossly negligent failure to comply with schedules and practices of the court resulting in substantial interference with the business of the court;
- willful refusal to testify or produce other information upon the order of a judge acting pursuant to Article 61 of Chapter 15A of the General Statutes, Granting of Immunity to Witnesses; and
- willful communication with a juror in an improper attempt to influence the juror’s deliberations.

Submitted as:
North Carolina
Session Law 2007-168
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action
Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This Act:
- requires a person who is registering as a sex offender to provide any required online identifier and the name of any website or Internet communication service where the identifier is being used;
  - requires an offender to confirm the identifier each year and must notify a sheriff in person or electronically, within 72 hours excluding weekends and legal holidays, of any changes to the identifier and before use of the identifier;
  - requires a registered sex offender to provide their required online identifier and the name of any website or Internet communication service where the identifier is being used or intends to use the identifier with a sheriff from and after December 1, 2007, whether or not the person was required to register their identifier at their initial registration;
  - mandates that a sheriff must forward any changes of an offender’s required online identifier to the state department of public safety (DPS);
  - Requires the DPS must to update the offender’s identifier in the DPS database and requires the sheriff and the DPS to complete their requirements within 3 days;
  - directs the DPS to maintain a separate database and search function on the DPS sex offender website that contains the required online identifiers of any Level 2 or Level 3 sex offenders and the name of any website or Internet communication service where the required online identifiers are being used. This information must not be publicly connected to the name, address and photo of a registered sex offender on the DPS website;
   - allows the DPS to disseminate an offender’s required online identifier and name of any corresponding website or Internet communication service to a business/organization that offers electronic communication services;
   - enables a business/organization to use the identifier to compare with its information;
   - requires the business/organization to notify the DPS when a comparison shows that the offender’s required online identifier is being used on the business’s/organization’s system;
   - prohibits the business/organization from further disseminating the information that the person is a registered sex offender;
   - defines required online identifier as any electronic email address information or instant message, chat, social networking or other similar Internet communication name, but does not include Social Security number, date of birth or pin number;
     - contains a delayed effective date of from and after December 31, 2007;
     - contains an implementation section stating that DPS must begin collection of online identifier information no later than 90 days after this Act has been enacted; and
     - delays imposing penalties until January 1, 2008, but encourages sex offender registrants to submit current online identity information before this date.

Submitted as:
Arizona
Chapter 84 of 2007
Status: Enacted into law in 2007.
Comment:
This Act amends the state Offender Registration Act to:

- expand the definition of “offender” to include a person convicted of aggravated trafficking;
- require that prosecution of violations to registration requirements be held in the county in which the offender resides, in the county of temporary residence and registration, or in the county in which the offender is required to be registered;
- reduce registration and notification times for offenders from ten to three days;
- eliminate the requirement that the Kansas Bureau of Investigation (KBI) send letters to offenders every 90 days to verify information of residence, employment, school of attendance, and vehicle registration;
- require offenders to report in person to the sheriff’s office where they reside three times a year, which include his or her birthday month and every four months thereafter. Currently, offenders report two times a year. The sheriff’s office would verify and update information at each visit. The offender would also be photographed. Any updated information and photographs would be sent to the KBI;
- require that the $20 an offender pays each time he or she reports to the sheriff’s office be used only for law enforcement and criminal prosecution purposes;
- require a juvenile offender moving to Kansas to register, which would apply to convictions prior to June 1, 2006;
- require offenders who moved to Kansas prior to June 1, 2006 to register;
- require offenders to provide the registration number of each license plate assigned to a motor vehicle normally operated by the offender. The offender also would list all e-mail addresses and online identities used on the Internet; and
- require the KBI to provide access to sex offender safety and education resources on its registered offender website.

Submitted as:
Kansas
SB 204 (enrolled version)
Status: Enacted into law in 2007.
Comment:

This Act requires a sex offender to include in the registration information any electronic mail address and any instant messaging screen name that he uses or will use. A sex offender must register any changes in email addresses, instant message, or other identity information within 30 minutes of such information changing. The bill defines child pornography as sexually explicit visual material which utilizes or has as a subject a person less than 18 years of age. The bill establishes enhanced penalties for the production, distribution, solicitation, participation, financing, or photographing of child pornography. The bill also clarifies that, for purposes of punishing production, child pornography means sexually explicit visual material that uses an identifiable minor, and that for purposes of punishing possession or reproduction, a person
depicted by text or title or who appears to be less than 18 years of age in sexually explicit material is inferred to be less than 18 years of age.

Submitted as:
Virginia
Chapter 759 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition: 17-29A-04A
CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 17-29A-04B
CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This bill creates a Selling Stolen Property charge, which is used when a person receives stolen property and then sells it to another person. It is a class A misdemeanor unless the value of the property sold is $1,000 or more, or unless the seller has been convicted two or more times of Selling Stolen Property, in which cases it is a class G felony.

A class A misdemeanor is punishable by a fine of up to $2,300 or a term of imprisonment of up to 1 year, or both, and any fines, costs, or conditions that the Court orders. A class G felony is punishable by a term of imprisonment of up to 2 years and such other fines and penalties as the court considers appropriate.

Submitted as:
Delaware
HB 180
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Organized Retail Theft is a Class G felony offense if the merchandise is in excess of $1,000 or if the defendant has previously been convicted twice before of theft, otherwise it is a Class A misdemeanor. This legislation allows for the amount of goods stolen to be aggregated into one charge before the defendant goes to trial, rather than having multiple smaller charges, allowing for the grouping of multiple offenses together so that the $1,000 threshold ban be reached. This legislation imposes on those establishments that accept large amounts of items for resale the responsibility to make a reasonable attempt to determine if the items are stolen goods. If those establishments do not make a reasonable attempt, they can be held responsible.

Submitted as:
Delaware
HB 121
Status: Enacted into law in 2007.

Comment:
According to Delaware legislative staff, “HB 121 was signed into Delaware Law on July 5, 2007, and establishes the Organized Retail Crime Act. Organized retail crime, which is the obtaining by fraud and theft of merchandise from entities engaged in interstate commerce, is an ever increasing problem. In 2006 organized retail crime cost American companies $37 billion. Organized retail crime is separate and distinct from shoplifting in that it involves professional theft rings to steal large amounts of merchandise. Shoplifting is limited to items that are stolen by an individual for personal use or gain,” and “The Delaware State Police, the Attorney General's Office and the Delaware State Chamber of Commerce supported this legislation.”

This Delaware Act differs somewhat from the Organized Retail Theft Act in Part I of the 2008 SSL volume because this Delaware Act partially defines “Theft: Organized Retail Crime” as when a person takes control of merchandise “in quantities that would not normally be purchased for personal use or consumption.” The 2008 SSL draft, based on a 2006 Washington law, defines organized retail theft in part on the value of the stolen property. The SSL draft is listed below for comparison.

Organized Retail Theft

This Act creates three crimes. One addresses theft of property with a value of at least $250 from a mercantile establishment with intent to resell. Another makes it crime to possess stolen property from a mercantile establishment with a value of at least $250. The third addresses theft of property from a mercantile establishment when the person leaves through an emergency exit, uses a device designed to overcome security systems, or commits theft at 3 or more mercantile establishments within 180 days. Finally, this Act adds theft with intent to resell and organized retail theft to a list of offenses that can be “criminal profiteering” when punishable as a felony and by imprisonment for more than one year.

Submitted as:
Washington
Chapter 277, Laws of 2006
Status: Enacted into law in 2006.
Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act can be entitled “An Act Relating to Organized Retail Theft.”

Section 2. [Theft With Intent to Resell.]
(1) A person is guilty of theft with the intent to resell if he or she commits theft of property with a value of at least [two hundred fifty dollars] from a mercantile establishment with the intent to resell the property for monetary or other gain.
(2) The person is guilty of theft with the intent to resell in the first degree if the property has a value of [one thousand five hundred dollars] or more. Theft with the intent to resell in the first degree is a [class B felony].
(3) The person is guilty of theft with the intent to resell in the second degree if the property has a value of at least [two hundred fifty dollars, but less than one thousand five hundred dollars]. Theft with the intent to resell in the second degree is a [class C felony].
(4) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of [one hundred eighty days] may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the theft with the intent to resell involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the thefts occurred.

Section 3. [Organized Retail Theft.]
(1) A person is guilty of organized retail theft if he or she:
   (a) Commits theft of property with a value of at least [two hundred fifty dollars] from a mercantile establishment with an accomplice; or
   (b) Possesses stolen property, with a value of at least [two hundred fifty dollars] from a mercantile establishment with an accomplice. “Stolen” means obtained by theft, robbery, or extortion.
(2) A person is guilty of organized retail theft in the first degree if the property stolen or possessed has a value of one thousand five hundred dollars or more. Organized retail theft in the first degree is a [class B felony].
(3) A person is guilty of organized retail theft in the second degree if the property stolen or possessed has a value of [at least two hundred fifty dollars, but less than one thousand five hundred dollars].
(4) Organized retail theft in the second degree is a [class C felony].
(5) For purposes of this section, a series of thefts committed by the same person from one or more mercantile establishments over a period of [one hundred eighty days] may be aggregated in one count and the sum of the value of all the property shall be the value considered in determining the degree of the organized retail theft involved. Thefts committed by the same person in different counties that have been aggregated in one county may be prosecuted in any county in which one of the thefts occurred.

Section 4. [Retail Theft with Extenuating Circumstances.]
(1) A person commits retail theft with extenuating circumstances if he or she commits theft of property from a mercantile establishment with one of the following extenuating circumstances:
(a) To facilitate the theft, the person leaves the mercantile establishment through a designated emergency exit;

(b) The person was, at the time of the theft, in possession of an item, article, implement, or device designed to overcome security systems including, but not limited to, lined bags or tag removers; or

(c) The person committed theft at [three or more] separate and distinct mercantile establishments within a [one hundred eighty-day period].

(2) A person is guilty of retail theft with extenuating circumstances in the first degree if the theft involved constitutes theft in the first degree. Retail theft with extenuating circumstances in the first degree is a [class B felony].

(3) A person is guilty of retail theft with extenuating circumstances in the second degree if the theft involved constitutes theft in the second degree. Retail theft with extenuating circumstances in the second degree is a [class C felony].

(4) A person is guilty of retail theft with extenuating circumstances in the third degree if the theft involved constitutes theft in the third degree. Retail theft with extenuating circumstances in the third degree is a [class C felony].

Section 5. [Criminal Profiteering.] As used in this Act,

(1) “Criminal profiteering” means any act, including any anticipatory or completed offense, committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, and includes theft with the intent to resell, as defined in section 2 of this Act or organized retail theft, as defined in section 3 of this Act.

(2) “Pattern of criminal profiteering activity” means engaging in at least [three] acts of criminal profiteering, one of which occurred after [July 1, 1985], and the last of which occurred within [five years], excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the [three] acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events.

Section 6. [Severability.] [Insert severability clause.]

Section 7. [Repealer.] [Insert repealer clause.]

Section 8. [Effective Date.] [Insert effective date.]
17-29A-06B Organized Retail Theft    NV

This Act provides that a person who participates in an organized retail theft ring is guilty of a category B felony, punishable by imprisonment for (1) a minimum term of not less than 1 year and a maximum term of not more than 10 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is at least $2,500 but less than $10,000; or (2) a minimum term of not less than 2 years and a maximum term of not more than 15 years, if the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring during a period of 90 days is $10,000 or more.

Under the Act, an organized retail theft ring is defined as three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

Submitted As:
Nevada
Assembly Bill 421
Status: Enacted into law in 2007.

17-29A-06C Organized Retail Theft    TX

This bill creates the offense of organized retail theft. Conducting, promoting, or facilitating an activity in which a person receives, possess, conceals, stores, barters, sells, or disposes of stolen retail merchandise would constitute an offense under the provisions of this bill. Punishment for organized retail theft would range from a state jail felony (value of merchandise is $1,500 or more but less than $20,000) to a first degree felony ($200,000 or more) and would depend on the total value of the merchandise involved. Punishment for the offenses described in the proposal would be increased to the next higher category of offense for persons that organize, supervise, finance, or manage one or more other persons engaged in the activity.

The bill makes organized retail theft or theft punishable as a Class C or Class B Misdemeanor. Punishment for Class C or Class B Misdemeanor theft would be enhanced to the next highest category of offense if it is shown at trial the defendant caused an alarm to sound or otherwise activate in order to serve as a distraction from the commission of the offense. A Class C misdemeanor is punishable by a fine not to exceed $500. A Class B misdemeanor is punishable by a fine not to exceed $2,000 and confinement in jail of not more than 180 days, or both.

Submitted as:
Texas
HB 3584 (Enrolled version)
Status: Enacted into law in 2007.
This bill includes the criminal offense of retail theft in the definition of a pattern of unlawful activity and provides that persons found guilty of a pattern of unlawful activity may be ordered to pay restitution for property obtained through a pattern of unlawful activity.

Submitted as:
Utah
Session Law Chapter: 129
Status: Enacted into law in 2007.
Disposition: 17-29A-06A

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 17-29A-06B

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 17-29A-06C

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 17-29A-06D

CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) 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 non-classroom 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:
Deferred to Education Task Force at docket 28B meeting
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 The Committee on Suggested State Legislation: 2009A  
( ) Include in Volume  
( ) Defer consideration to next task force meeting  
( ) Reject  
( ) No action

Comments/Note to staff:  
SSL Committee Meeting: 2009A  
( ) Include in Volume  
( ) Defer consideration  
( ) next task force mtg.  
( ) next SSL mtg.  
( ) next SSL cycle  
( ) Reject  
Comments/Note to staff:
This Act establishes protections for students and parents from exploitation by the student loan industry and institutions of higher learning, which, with alarming frequency, have steered borrowers into student loans laden with conflicts of interest. Further, this legislation creates an account to be used for purposes of educating borrowers concerning the student loan process and reimbursing victims of inflated student loans.

The Act prohibits lenders from making gifts, defined as having not more than nominal value, to colleges and universities and their employees, in exchange for any advantage or consideration provided such lenders related to their educational loan activities; and engaging in the practice of revenue sharing.

This Act prohibits colleges and universities from soliciting, accepting or receiving gifts from lenders, in exchange for any advantage or consideration provided such lenders related to their educational loan activities; and engaging in the practice of revenue sharing.

The legislation prohibits employees of colleges and universities from soliciting, accepting or receiving gifts from lenders.

It prohibits employees of colleges and universities from receiving remuneration for serving as members or participants of lenders' advisory boards, or receiving any reimbursement of expenses for so serving.

The legislation prohibits lenders' employees and agents from being identified as employees or agents of colleges and universities; and staffing the financial aid offices of colleges and universities.

This bill requires colleges to disclose to borrowers and potential borrowers who consult a covered institution's financial aid office, all available financing options under federal law; and prohibits lenders and colleges and universities from entering into certain quid pro quo high risk loans that prejudice other borrowers or potential borrowers toward a particular type of loan, in exchange for benefits provided to the college or university or its students in connection with a different type of loan.

This legislation prohibits a covered institution to direct potential borrowers to any electronic master promissory notes or other loan agreements that do not provide a reasonable and convenient alternative for the borrower to complete a master promissory note with any federally approved lending institution offering the relevant loan in this state.

The Act requires a lender, upon request of a college or university, to disclose the default rates, rates of interest charged to borrowers, and number of borrowers receiving those rates from such college or university.

Submitted as:
New York
Chapter 41 of 2007
Status: Enacted into law in 2007.

Comment:

FOR IMMEDIATE RELEASE:
May 30, 2007
GOVERNOR SPITZER SIGNS LAW TO ADDRESS CONFLICTS OF INTEREST IN
STUDENT LOAN INDUSTRY
State Takes Lead in Setting Industry-wide Standard

Governor Eliot Spitzer and Attorney General Andrew M. Cuomo today announced the signing of landmark legislation to protect students and their families from abuses and conflicts of interest in the student loan industry. Under this legislation, New York becomes the first state to offer a comprehensive solution to widespread abuse in the student loan industry, which has affected millions of working and middle class families nationwide.

The Student Lending Accountability, Transparency and Enforcement (SLATE) Act of 2007, was passed unanimously by the Legislature earlier this month at the request of Attorney General Cuomo. The new law addresses problems exposed as a result of his ongoing investigation into the widespread conflicts of interest throughout the $85 billion-per-year student loan industry.

The measure codifies Cuomo’s College Loan Code of Conduct, which is the basis for settlements with the nation’s top lenders and dozens of schools across the country. Congressional leaders have endorsed the SLATE Act as a national model. The United States House of Representatives recently passed similar national legislation by a nearly unanimous vote. The U.S. Senate is expected to take up the issue soon.

“This legislation provides important protections to New York students and their families, too many of whom have been taken advantage of and cheated while in pursuit of quality higher education,” said Governor Spitzer. “I thank the Attorney General for his tireless investigation and for championing this important legislation.”

“I applaud the Governor for signing into law much needed protections for New York’s students and their parents grappling with how to pay for college. The passage of this first-of-its-kind legislation demonstrates New York’s growing legacy as a national leader in creating effective, progressive, high impact laws that not only move the state, but the entire nation forward,” said Cuomo. “The next step is for the U.S. Senate to take action, and move national legislation to the President’s desk as soon as possible.”

The Student Lending, Accountability, Transparency and Enforcement Act includes the following provisions:

- prohibits lenders from making gifts – including the practice of revenue sharing to colleges and universities or their employees in exchange for any advantage in loan activities;
- bans colleges and universities from soliciting, accepting or receiving any gifts whatsoever – including those construed as part of a revenue sharing practice – from lenders in exchange for advantageous loan consideration;
- bars college and university employees from receiving any advantage, reimbursement or benefit from serving as a member of a lender’s advisory board;
- prohibits lender employees and agents from posing as college or university employees, including staffing the school’s financial aid offices with lender employees;
- bans lenders and schools from agreeing to certain quid-pro-quo high-risk loans that prejudice other borrowers or potential borrowers; and
- dictates strict criteria that schools must abide by if they continue to use “preferred lender” practices.

Prior to the creation of the SLATE Act, 24 schools independently committed to Attorney General Cuomo’s “Code of Conduct,” eight of which have agreed to reimburse students more than $3 million for the cost of revenue sharing agreements. The Attorney General’s investigation,
which first began in 2006 under then-Attorney General Eliot Spitzer, has also resulted in agreements with the nation’s five largest student loan providers – Citibank, Sallie Mae, JP Morgan Chase, Wells Fargo and Bank of America – as well as Education Finance Partners (EFP) and CIT. Sallie Mae, Citibank, EFP, and CIT have also agreed to contribute a combined $9.5 million to a national fund for educating high school students and their families about the financial aid process.

Disposition: 20-29A-01

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A

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

Comments/Note to staff:

SSL Committee Meeting: 2009A

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

Comments/Note to staff:
20-29A-02 Discounted Computers and Internet Access for Students FL

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 directs the state Department of Education to negotiate terms with computer manufacturers, certain nonprofit corporations, and broadband Internet access providers to accomplish the goals of the Act. The bill requires the State Board of Education to adopt rules, including rules for provision of technical training to students, and it requires a state Digital Divide Council to implement a pilot project to help low-income students buy discounted computers and Internet access services. The legislation requires the council to identify eligibility criteria for participation in 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: 2009A
(    ) Include in Volume
(    ) Defer consideration to next task force meeting
(    ) Reject
(    ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
(    ) Include in Volume
(    ) Defer consideration
    (    ) next task force mtg.
    (    ) next SSL mtg.
    (    ) next SSL cycle
(    ) Reject

Comments/Note to staff:
This bill establishes a K-8 Virtual School Program to deliver academic instruction using online and distance learning technology to full-time students in kindergarten through eighth grade. The bill provides program requirements for student and school eligibility, conditions for participating in the program, funding, and student assessment. The bill also provides for school accountability and grounds for nonrenewal and termination of contracts with participating schools.

Submitted as:
Florida
Chapter 48 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides for scholarships for public school students with disabilities to attend other public or private schools. It provides for qualifications and criteria for the scholarship program and establishes certain requirements for schools that participate in the scholarship program.

Submitted as:
Georgia
SB 10
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act establishes a Two-Year College Transfer Grant Program to provide higher education grants of up to $2,000 per year to domiciles of Virginia who have successfully completed an acceptable associate degree program at a public two-year institution of higher education. The State Council of Higher Education (SCHEV) must promulgate necessary and appropriate regulations for its administration. To be eligible to receive a grant, a student must have received an associate degree at a Virginia two-year public institution of higher education, have enrolled in an in-state four-year public or private institution of higher education by the fall following the award of the associate degree, have applied for financial aid, and have financial need. Eligibility is limited to three academic years or 70 credit hours.

Submitted as:
Virginia
Chapter 850 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires any school district applying for a state school construction grant for a new school or a major alteration, extension, renovation, or replacement of a school that involves a school entrance, to include in the project plans security infrastructure for the entrances. The Act bars the State Department of Education (SDE) from approving plans for such projects if they do not include entrance security infrastructure. The new requirement covers school construction applications for projects to be included on priority lists submitted to the General Assembly for approval on or after July 1, 2008 (i.e., project priority lists for 2009 and thereafter).

The Act establishes a competitive state grant for FY 08 to improve security infrastructure in schools, install security systems in schools' primary entryways, purchase portable security devices, and train school personnel to use the devices and the infrastructure. The grants reimburse school districts for 20% to 80% of the eligible expenses for such security measures incurred after the Act's effective date. The reimbursement percentage is based on the district's wealth. To receive a grant, a district must show that it (1) has conducted a uniform security assessment of its school entrances and any security infrastructure; (2) has an emergency plan at its schools developed with applicable state and local first-responders; and (3) periodically practices the plan. The security assessment must be carried out under the supervision of the district’s local law enforcement agency and use the Safe Schools Facilities Check List published by the National Clearinghouse for Educational Facilities.

Finally, the Act requires colleges, universities, and private occupational schools to (1) by October 1, 2007, have emergency response plans and (2) by that date and annually thereafter, submit their plans to the public safety (DPS) and emergency management and homeland security (DEMHS) commissioners and local first-responders. Institutions must consult local first-responders in developing their plans. Each plan must include a method for notifying the institution's students, employees, and visitors of emergency information.

Submitted as
Connecticut
Public Act 07-208
Status: Enacted into law in 2007.
Comment:

Disposition:
CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration
( ) Reject
( ) No action

SSL Committee Meeting: 2009A
( ) 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 reimburse education-related costs for residents who obtain an associate degree or a bachelor’s degree in the state, and live, work and pay taxes in the state thereafter.

Submitted as:
Maine
Chapter 428 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Generally, this Act guarantees resident undergraduate tuition rates for a period of not less than four years for incoming students. Specifically, the Act:
- specifies application of tuition limits;
- directs the State Regents for Higher Education to anticipate certain revenue needs for certain period;
- directs institution to provide a guaranteed tuition rate to certain students for certain period;
- makes guaranteed tuition rate optional for students;
- requires institutions to provide certain information prior to enrollment;
- limits tuition charged for certain period to participating students to amount charged upon initial enrollment;
- specifies limits for guaranteed rate;
- provides for extension of guaranteed time period for certain undergraduate program;
- provides for extension of guaranteed time period for students who withdraw for certain reasons; provides for an increase in tuition upon transfer to another institution;
- provides for tuition rate upon a change in majors or certain transfers;
- requires participating students to be enrolled full-time;
- provides for determination of full-time enrollment;
- directs the boards of regents to adopt certain instructional material policies;
- specifies contents of instructional material policies; and
- prohibits bookstores from engaging in the trade of certain instructional materials.

Submitted as:
Oklahoma
HB 2103
Status: Enacted into law in 2007.
Comment: Governor’s signing message attached.

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates an endowment program for Wyoming critical access and rural hospitals. “Critical access” or “rural hospital” means a county hospital or special district hospital that is certified to receive cost-based reimbursement from Medicare or has no more than forty beds, or which meets either of those requirements and is operated by a nonprofit entity in a county without a hospital meeting those requirements.

The Act appropriates $4 million from the general fund for a matching endowment program, with the limitation that not more than $2 million can be transferred to the challenge accounts in the 2008 fiscal year, with the balance for the 2009 fiscal year.

The entire appropriation is to be divided into separate accounts for each of the qualifying hospitals. Those accounts are to be used to match gifts, subject to certain limitations. The gift must be received by the hospital from July 1, 2007 through June 30, 2013. The gift and the match provided by this Act are to be deposited in an account for investment by the hospital's foundation, with only the earnings used. Matches are provided for gifts equaling at least $10,000 (or for lesser amounts from specified taxes).

Submitted as:
Wyoming
Act 86
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act requires every hospital to establish a Methicillin-Resistant Staphylococcus Aureus (MRSA) Control Program, and sets forth items that must be included in such a program. The bill provides that for all hospital patients who are identified with Nosocomial S. Aureus Bloodstream Infection or Asymptomatic Colonization due to MRSA, the Department of Public Health shall require the annual reporting of such cases as a communicable disease or condition. The legislation requires the department to compile aggregate data from all hospitals for all such patients and to make such data available on its website and in all reports on health statistics and reportable communicable disease cases in the state.

The legislation directs that the state Hospital Licensing Act include provisions to report Nosocomial Staphylococcus Aureus Bloodstream Infections Asymptomatic Colonization due to MRSA.

Submitted as:
Illinois
Public Act 095-0312
Status: Enacted into law in 2007.

Comment:

21-29A-02B Prevention and Control of Multidrug-Resistant Organisms

This Act requires the Department of Public Health to perform certain functions in relation to the prevention and control of Multidrug-Resistant Organisms (MDROs). In particular, requires the Department to: (1) adopt rules for all health care facilities subject to licensure, certification, registration, or other regulation by the Department requiring compliance with the 2006 recommendations of the U.S. Centers for Disease Control and Prevention for the prevention and control of MDROs; (2) conduct a public information campaign for health care providers not subject to regulation by the Department; (3) create and administer a training program for health care providers; and (4) recommend and approve tests or testing procedures used in determining, preventing, and controlling MDRO infection. Requires hospitals and Department of Human Services mental health and developmental disability facilities to implement comprehensive interventions and routine testing procedures.

Submitted as:
Illinois
Public Act 095-0282
Status: Enacted into law in 2007.

Comment:
Disposition: 21-29A-02A

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:

Disposition: 21-29A-02B

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
Generally, applicants for new driver licenses and license renewals in New Jersey can designate whether they wish to donate all or any of their body organs or tissues, upon their deaths, for the purposes of transplantation, therapy, medical research, or education. This Act requires the state MVC to share its organ donor information with the federally designated private-sector organ procurement organizations (OPOs) operating in this State, which are charged with the responsibility of effectively procuring and equitably distributing donated organs and tissues within the state.

This Act requires the Chief Administrator of MVC, in consultation with the OPOs, to establish and provide an annual education program for agency employees and personnel. The program is to focus on the benefits associated with organ and tissue donations, the scope and operation of the state’s donor program, and how MVC employees and personnel can effectively inform the public about the donor program and best assist those wishing to participate in the donor program.

The legislation directs the MVC to electronically record and store all organ donor designations and identification information and provide real time electronic access to the organ donor designation information that it collects, in the course of issuing and renewing driver licenses, to the two OPOs designated by the federal government pursuant to 42 U.S.C. s.273 to serve the state. The OPOs will not be required to incur an aggregate cost in excess of $50,000 for these purposes.

Submitted as:
New Jersey
Chapter 80 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration
( ) Include in Volume
( ) Deferral consideration to next task force meeting
( ) Reject
( ) No action
Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Next task force mtg.
( ) Next SSL mtg.
( ) Next SSL cycle
( ) Reject
Comments/Note to staff:
Since 2000, an increasing number of counterfeit drugs have made their way into the wholesale distribution chain and ended up in the hands of American consumers. This legislation will limit the opportunity to introduce counterfeit drugs into the U.S. market via the wholesale transfer process. The legislation accomplishes this by tightening the rules around the licensing of prescription drug wholesalers and establishes pedigree requirements to ensure the authenticity of prescription drugs within the distribution system. The legislation also establishes penalties for violators.

Submitted as:
Idaho
Session Law Chapter 319 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act amends state law to require for all cases in which an ultrasound is performed prior to conducting an abortion or a pre-abortion screen:

(A) The woman shall at the conclusion of the ultrasound be offered the opportunity to view the fetal image and hear the fetal heartbeat. The active ultrasound image shall be of a quality consistent with standard medical practice in the community, contain the dimensions of the unborn child, and accurately portray the presence of external members and internal organs, including but not limited to the heartbeat, if present or viewable, of the unborn child. The auscultation of fetal heart tone shall be of a quality consistent with standard medical practice in the community; and

(B) At the conclusion of these actions and prior to the abortion, the female certifies in writing that:
   (i) she was provided the opportunity described in subparagraph (A) of this paragraph;
   (ii) whether or not she elected to view the sonogram; and
   (iii) whether or not she elected to listen to the fetal heartbeat, if present.

Submitted as:
Georgia
Act 207 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act creates a Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid and creates a Commission for Saving the Cure. The legislation directs the Commission for Saving the Cure to develop a program to educate pregnant patients with respect to the banking of postnatal tissue and fluid. The program shall include:

- notice of the existence of the Newborn Umbilical Cord Blood Bank;
- an explanation of the difference between public and private banking programs;
- the medical process involved in the collection and storage of postnatal tissue and fluid;
- the current and potential future medical uses of stored postnatal tissue and fluid; the benefits and risks involved in the banking of postnatal tissue and fluid; and the availability and cost of storing postnatal tissue and fluid in public and private umbilical cord blood banks.

The Act directs that beginning June 30, 2009, all physicians and hospitals in the state shall inform pregnant patients of the full range of options for donation of postnatal tissue and fluids no later than 30 days from the commencement of the patient’s third trimester of pregnancy or at the first consultation between the attending physician or the hospital, whichever is later; provided, however. The Act directs that it shall not be construed to require the participation of any physician who objects to the transfusion or transplantation of blood on the basis of bona fide religious beliefs.

Submitted as:
Georgia
SB 148
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act provides a partial remedy for false Medicaid claims by providing specific procedures whereby the state, and private citizens acting for and on behalf of the state, may bring civil actions against people and entities who have obtained state funds through the submission of false or fraudulent claims to state agencies. This Act, in its provision for double and sometimes treble damages, is remedial in purpose, and is intended not to punish, but insofar as possible to make the state treasury whole for both the direct and indirect losses caused by the submission of false or fraudulent claims resulting in payments by this state or state agencies. By receiving a portion of the recovery in civil actions brought under the Act, “whistle blowers” are encouraged to come forward when they have information about the submission of false claims to the state Medicaid program, and rewarded when their initiative results in civil recoveries for this state.

Submitted as:
Georgia
HB 551
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act:
• requires pharmacies to implement or participate in a continuous quality assurance program (Program);
• stipulates that the Program is to review pharmacy procedures in order to identify methods for addressing pharmacy medication errors;
• specifies that the state board of pharmacy shall prescribe requirements to document compliance and any other provisions necessary for the administration of the Program;
• indicates that records generated for the Program are for peer review only and not subject to discovery in a civil proceeding;
• clarifies that patients maintain the right to access their own records, and that the limitations on discovery pertain only to records generated solely for the Program;
• exempts hospital pharmacies from the Program if they hold certain licenses and accreditations; and
• stipulates that before the Board adopts rules pertaining to the Program, the Board shall appoint an advisory committee to advise the Board regarding the proposed rules to include representatives from the following:
  1. an association that represents pharmacists;
  2. an association that represents pharmacies;
  3. a health services administration;
  4. a hospital association;
  5. a health care association; and
  6. a health system that represents hospital pharmacists.

Submitted as:
Arizona Chapter 121 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) 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:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This Act enables small employer insurance carriers to offer premium credits or discounts to small companies whose employees participate in wellness or disease management programs.

Submitted as:
Iowa
**HF 790**
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
21-29A-10 Real-Time Electronic Logbook for A Pharmacy
To Record Purchases of Pseudophedrine and Other Similar Substances AR

This Act directs the state crime center to develop and operate a real-time electronic logbook to enable pharmacies to record purchases of ephedrine, pseudoephedrine, and phenylpropanolamine. The Act requires pharmacies to enter such purchases in the electronic logbook.

Submitted as:
Arkansas

Act 508 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This legislation requires that the state’s Alzheimer’s disease coordinating council review and report upon the use of clinically recognized, scientifically based, cognitive impairment screening tools used to identify signs of and individuals at-risk for cognitive impairment. This includes Alzheimer's disease or other dementias, in all settings of the health continuum. The legislation authorizes tools approved and/or recognized by The Joint Commission on Accreditation of Healthcare Organizations, (JCAHO), Agency for Healthcare Research and Quality (AHRQ), the Centers for Medicare and Medicaid Services (CMS), and others as determined by the council which are used by health care providers, across all settings of the health continuum.

Submitted as:
New York
Chapter 290 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation: 2009A
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject

Comments/Note to staff:
This legislation requires the state to bring together state leaders, long-term care industry representatives, social services organizations serving persons with dementia, and families living with dementia to create a comprehensive state government strategy to serve persons with dementia. The strategy is required to identify service gaps and provide date-specific recommendations, including suggested legislation, in order to fill those service gaps.

Submitted as:
Tennessee
Public Chapter 566
Status: Enacted into law in 2007.

Comment:

According to the person who submitted this legislation, this Act does not simply require a task force to study the issue of Alzheimer’s disease, but requires the task force to recommend date-specific legislative measures to address gaps in Alzheimer services.

Disposition:

CSG policy task force recommendations to The Committee on Suggested State Legislation:
2009A
(  ) Include in Volume
(  ) Defer consideration to next task force meeting
(  ) Reject
(  ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009A
(  ) Include in Volume
(  ) Defer consideration
   (  ) next task force mtg.
   (  ) next SSL mtg.
   (  ) next SSL cycle
(  ) Reject

Comments/Note to staff: