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

CSG COMMITTEE ON
SUGGESTED STATE LEGISLATION

2009 CYCLE
DOCKET BOOK B
Final Version

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Aging of the Population

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

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

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

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

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

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

2. Immigration

During the last decade, the foreign-born population grew by almost 60 percent as compared with a 9.3 percent increase in the native population. This growth can primarily be attributed to
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 work force and 20 percent of the low-wage work force. Immigrants are especially important in certain sectors, such as health care. Because of immigration restrictions since Sept. 11, some areas of the United States are experiencing doctor shortages, especially many rural areas that rely heavily on foreign-born care workers.

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

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

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

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

3. Population Growth Patterns

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

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

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

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

4. Globalization

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

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

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

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

5. New Economy

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

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

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

6. Information Dissemination

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

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

Another interesting concept in information dissemination is the ability for people to only hear what they want to hear. Because there are 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 experienced 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 may 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

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<th>Title</th>
<th>State/source</th>
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**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
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(01) CONSERVATION AND THE ENVIRONMENT

| 01-29B-01 Establishing Standards for Surface Water | TX |
| 01-29B-02 Water Conservation | TX |
| 01-29B-03 Land Conservation and Stewardship | IL |
| 01-29B-04A Green Cleaning Schools | IL |
| 01-29B-04B Procurement/Use of Environmentally Sensitive Cleaning and Maintenance Products in Schools |

(02) HAZARDOUS MATERIALS/WASTE

| 02-29B-01 Recycling Plastic Carryout Bags | CA |
| 02-29B-02 Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program | TX |

(03) ENERGY

(04) SCIENCE AND TECHNOLOGY

(05) PUBLIC, OCCUPATIONAL AND CONSUMER HEALTH AND SAFETY

| 05-29B-01 Model State Missing Persons Act | NIJ |
| 05-29B-02 Cybercrimes Against Children | FL |
| 05-29B-03A Phthalates in Children’s Products | CA |
| 05-29B-03B Toxic Chemicals in Children’s Products | WA |
| 05-29B-04 Freedom to Report Terrorism | NY |
| 05-29B-05 Food Choking | NY |
| 05-29B-06 Mine Families First | PA |

(06) PROPERTY, LAND AND HOUSING/INFRASTRUCTURE, DEVELOPMENT/PROTECTION

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| 06-29B-02 Mortgage Debt Collection and Servicing | NC |
| 06-29B-03 Covered Loans – Consumer Protection | NC |
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| 06-29B-05A Recording Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property | MD |
| 06-29B-05B Prohibition on Foreclosure Rescue Transactions | MD |
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| 06-29B-06A Save the Dream | MI |
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| 06-29B-06C Recapture Tax Fund | MI |
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(16) ELECTIONS/POLITICAL CONDITIONS
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(17) CRIMINAL JUSTICE, THE COURTS AND CORRECTIONS/PUBLIC SAFETY AND JUSTICE
17-29B-01 Immigrant Survivors of Human Trafficking and Other Serious Crimes  FL
17-29B-02 Internet Dating  NJ
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(18) PUBLIC ASSISTANCE/HUMAN SERVICES

(19) DOMESTIC RELATIONS/DEMOGRAPHIC SHIFTS/SOCIAL AND CULTURAL SHIFTS
19-29B-01 Religious Viewpoints Antidiscrimination Act  TX
19-29B-02 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act  UT

(20) EDUCATION
20-29B-01 Reduced Tuition During Off-Peak Hours  TX
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20-29B-07 Safe-2-Tell Program  CO
20-29B-08 Freedom of Speech in School-Sponsored Media  OR
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(21) HEALTH CARE
21-29B-01 Medical Transparency  CO
21-29B-02 Prescription Medication Integrity  GA
21-29B-03 Nurse Home Visitor Program  TN
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21-29B-05 Comprehensive Cancer Control  WY
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21-29B-08A Confidentiality of Prescription Drug Information  ME
21-29B-08B Prescription Drug and Medical Device Marketing Restriction and Disclosure  MODEL
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(22) CULTURE, THE ARTS AND RECREATION

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24-29B-01 Agricultural Biomass and Landfill Diversion TX
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(25) CONSUMER PROTECTION
25-29B-01 Prevention of Abusive and Deceptive Debt Collection Practices CT
25-29B-02 Secret Warranties on Automobiles MD
25-29B-03 Anti-Caller ID Spoofing OK
25-29B-04 Vehicle Protection Product MS
25-29B-05 Alternative Rapid Anticipation Loans NJ
25-29B-06 Funeral Trust Funds IN
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(26) MISCELLANEOUS
26-29B-01 Pet Store Animal Care CA
26-29B-02 Animal Torture and Cruelty UT
This Act creates an administrative process to determine the environmental flow needs in rivers, bays, and estuaries in the state. After establishing these environmental needs, the bill requires the state environmental quality commission to adopt rules to provide environmental flow standards, including set-asides in basins where unappropriated water was available.

The Act charges the environmental quality commission with:

- determining the environmental flow standards that are necessary to support the ecological environment of each river basin and bay system in the state;
- establishing an amount of unappropriated water to be set aside to satisfy the environmental flow standards; and
- creating a process for reducing the amount of water available under a water rights permit in order to protect environmental flows.

After determining environmental set-asides in basins with unappropriated water rights, TCEQ can grant an appropriation of water that interfered with those set-asides. After an environmental flow set-aside is determined, any new water permit or new amendment to an existing water right increasing the size of that water right must include conditions for the protection of the environmental flow set-asides.

Environmental flow standards will consist of flow quantities that reflected seasonal and yearly fluctuations that could vary geographically by location in a river basin and bay system. The environmental quality commission must take these actions in response to recommendations from a structure of advisory groups operating in an administrative process created under the bill.

In adopting environmental flow standards for a river basin and bay system, the environmental quality commission must consider multiple criteria, including:

- the geographical definition of the river basin and bay system;
- the schedule established for adopting environmental flow standards for the river basin and bay system;
- environmental flow analyses and recommended environmental flow regimes developed by the river basin and bay system expert science team;
- recommendations from the river basin and bay system stakeholders committee;
- comments from the environmental flows advisory group;
- specific characteristics of the river basin and bay system;
- economic factors;
- other competing water needs in the river basin and bay system; and
- scientific information, including information provided by the science advisory committee.

The bill prohibits the environmental quality commission from issuing a new permit for in-stream flows dedicated to environmental needs or bay and estuary inflows. The commission can approve an application to amend a permit or certificate of adjudication to change a use to environmental needs or bay and estuary inflows.

Four new types of entities contribute to the administrative process established under this Act:

- an environmental flows advisory group;
- an environmental flows science advisory committee;
environmental flows stakeholders committees for each river basin and bay system in the state; and
expert science teams for each river basin and bay system in the state.

The Act directs the environmental flows advisory group to examine the balance between the water needs of the state’s population and the protection of environmental flows of the state’s river, bay, and estuary systems. The advisory group must consider the ecological concerns of river, bay, and estuary systems as they relate to the administration, enforcement, and allocation of water rights in the state. The advisory group will also work to encourage voluntary conversion of water rights for environmental flow protection. The advisory group must issue a biannual report about its activities and progress in developing environmental flow regime recommendations initiated under this bill. The advisory group will be abolished when environmental quality commission adopts environmental flow standards for all of the state’s river basin and bay systems in the state.

The environmental flows science advisory committee will help the environmental flows advisory group evaluate the environmental flows. The science advisory committee will consist of between five and nine specialists appointed by the environmental flows advisory group.

The Act directs the environmental flows advisory committee to appoint a river basin and bay area stakeholders committee for each river basin in the state. These committees will consist of at least 17 members from interest groups concerned with environmental flows in the basin.

Under the Act, each river basin and bay area stakeholders committee must establish an expert science team comprising technical experts with specific knowledge about the basin or about developing environmental flow regimes.

The bill establishes a deadline for the environmental flows advisory group to geographically define each river basin and bay system in the state for the purpose of studying and making recommendations about environmental flows. It also grants special priority to certain river basins to expedite their flow studies.

For a river basin in which a watermaster had been appointed, the executive director of environmental quality commission will appoint a watermaster advisory committee consisting of between nine and 15 members. Such a committee will make recommendations to the environmental quality commission executive director about activities to benefit water rights holders in the basin, review and comment on the annual budget of the watermaster operation, and perform other advisory duties recommended by the executive director. A member of the committee must hold a water right or represent a person who holds a water right in the river basin.

Submitted as
Texas
CSHB 3
Status: Enacted into law in 2007.

Comment: This bill is not in the packet because it is 62 pages long.

SUPPORTERS SAY:

CSHB 3 would mark an historic step toward protecting the environment by dedicating instream flows for rivers and freshwater inflows for bays and estuaries. Currently, no state law provides designated protection to ensure a minimum of flow in rivers and into bays and estuaries.
Instead, priority is given to other uses such as agricultural, commercial, and residential uses. Water rights in several river basins have been overpermitted, and other basins likely will follow suit. CSHB 3 would provide a means to balance agricultural, commercial, and residential needs with important environmental considerations.

While important for the environment, instream flows do more than support fish, aquatic organisms, and wildlife. River flows provide recreation, dilute and disperse treated wastewater, and support commercial activity. Aquatic species need sufficient flows of water to facilitate their life cycles. Coastal wetlands rely upon freshwater flows from rivers to sustain their unique habitats. These bays and estuaries support the economy of the Texas Gulf Coast through the tourism industry and commercial fishing and shrimping. For these reasons and many more, environmental flows are crucial to Texas’ economy and quality of life.

In order to determine standards and set-asides for environmental flows, CSHB 3 would establish a consensus-based process relying upon the best available science to determine the amount of flows needed for environmental considerations. The bill would allow input from stakeholders from every group with a substantial interest in water rights and flows, while expert science teams would report the environmental needs of river basins and bays directly to TCEQ. Under this process TCEQ could balance the best available science with the other water needs of Texas’ growing population. In this manner, the process would resemble the successful regional water planning process established under SB 1, enacted by the 75th Legislature in 1997. Because water is a vital resource for so many diverse interests, it is important that the environmental flow planning process be as inclusive as practicable.

The planning process established under CSHB 3 would create set-asides in rivers where unappropriated water still existed. The bill would not infringe on the water rights of existing water rights holders. A “reopener” clause would only enable the limited adjustment of water rights that were pending or approved on or after the bill’s effective date. The bill would include protections for other beneficial uses in case a drought or emergency situation required diversion of environmental flows for other needs.

The issue of environmental flows is complex, and while CSHB 3 would not finally solve this issue in every river basin in the state, it would establish a robust framework for progress to be made. By strengthening the Texas Water Trust, an important program that serves to retire unused water rights for environmental purposes, the bill would facilitate voluntary conversion of water rights in river basins that are over-appropriated. In addition, the bill would establish market-based methods to allow a permit holder seeking a permit for more water to purchase and convert under utilized water rights for environmental purposes. Further, the bill would leave open the option to the state of buying back water rights from private water rights holders in the future.

Concerns that CSHB 3 would create a complicated bureaucracy are off base. The different advisory, stakeholder, and science groups established under the bill would be abolished when TCEQ had adopted environmental flow standards in each river basin and bay system. The bill would not create a permanent layer of bureaucracy. While it may seem complicated at first blush, the administrative process established under CSHB 3 vitally would recognize the importance of consulting with local stakeholders and scientists who possess immediate knowledge about their river basins and bay and estuaries.

CSHB 3 would provide the certainty needed by water supply interests that struggle under the current system. Under current law, TCEQ considers environmental flow needs on a permit-by-permit basis, and agreed-upon environmental flow standards are lacking. Adoption of uniform
environmental flow standards and set-asides would help water suppliers plan for the future and account for the needs of their customers.

OPPONENTS SAY:

CSHB 3 would establish an unnecessarily complicated tangle of bureaucracy. The bill would create two new statewide committees as well as stakeholder and science boards in every river basin and bay system in the state. Recommendations made by these four groups would have to work their way up to TCEQ, which would make the final determination on environmental flow standards and set-asides. Aside from the elected officials on the environmental flows advisory board, the majority of members on these policymaking bodies would not be accountable to the voters. These bodies would be granted excessive influence, a serious concern since the bill would contemplate seizing water rights for what could be marginally important purposes. Such important and binding determinations should not be delegated by the Legislature to TCEQ.

OTHER OPPONENTS SAY:

CSHB 3 would not go far enough in protecting environmental flows. The bill would provide no remedy for the many basins in which all available water has been permitted. In addition, the provision enabling diversion of environmental flows during an emergency is problematic. When a drought strikes — precisely the time that instream flows are so crucial to river and bay ecosystems — environmental flow set-asides would be available for diversion to other uses. The only reasonable method for reliably protecting environmental flows would be to buy back more senior water rights from private interests and keep those flows in the river. If the Legislature fails to appropriate funds for this purpose, it is unlikely that CSHB 3 would substantially benefit river basins that are most desperately in need of a base level of flows.

Rather than allowing for a limited reopener of pending and future water rights, CSHB 3 should institute a moratorium on new water rights while the process established under this bill takes place. By the time TCEQ adopts environmental flow standards in each river basin, the commission might not have enough room to meet the standards under the allowable 12.5 percent adjustment for new permits and amendments under the bill.

Disposition:

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

SSL Committee Meeting: 2009B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This Act creates a water conservation advisory council from a variety of state agencies and interest groups to promote conserving water. The Act directs the council to:

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

The Act directs the state water board to implement a statewide public awareness program to educate residents about water conservation.

This Act requires retail public utilities providing potable water service to 3,300 or more connections to submit to the state water board administrator a water conservation plan based on specific goals generated in accordance with best management practices developed by the state environmental quality council and state water board.

The Act directs the state higher education coordinating board to encourage higher education institutions in the state develop a curriculum and provide instruction about systems to reclaim water, including rainwater harvesting, condensate collection, or cooling tower blow down.

The bill requires design standards for new or substantially renovated state office buildings and state universities include on-site reclaimed system technologies to use non-potable indoor water and landscape water. These standards apply to the design and construction of each new building with a roof of at least 10,000 square feet and any other state building for which such systems were feasible.

The Act directs the state environmental quality council to adopt rules directing that a structure that is connected to a public water supply system and also has a rainwater harvesting system for indoor use, must have safeguards to prevent contamination between the public water system and the non-potable water system. These standards don’t apply to people harvesting rainwater for domestic use and whose property is not connected to a public drinking water supply system.

This Act enables home-rule municipalities to enforce ordinances requiring water conservation in the municipality and by customers of a municipally owned water and sewer utility who are located in the municipality's extraterritorial jurisdiction.

The Act directs the state environmental quality council to adopt and enforce standards governing:

- the design, installation, and operation of irrigation systems;
- water conservation; and
• the duties and responsibilities of licensed irrigators.

The environmental quality council must consult with the water conservation advisory council when adopting these rules.

Submitted as:
Texas
HB 4
Status: Enacted into law in 2007.

Comment:

SUPPORTERS SAY:

CSHB 4 would establish and expand several important programs to encourage conservation of water resources in the state. Many of these recommendations were studied and agreed upon by the Water Conservation Implementation Task Force, a diverse group of governmental, commercial, environmental, and public interest entities that met during the interim of the 78th Legislature. Other recommendations were approved by the Texas Rainwater Harvesting Evaluation Committee, which was created under HB 2430 by Puente, 79th Legislature. The proposals in CSHB 4 would incorporate state-of-the-art industry standards and techniques to realize efficient use of water resources. The bill would recognize the importance of such strategies as private land stewardship and residential conservation measures, while moving cities toward more efficient use of the state's limited water resources.

Water conservation is an increasingly important strategy for addressing the water needs of Texas' growing population and expanding economy. In the 2007 State Water Plan, conservation accounts for nearly 23 percent of the amount necessary to achieve the state's water needs in 2060. Water conservation is the most efficient and cost-effective method for meeting water demands, and such strategies could reduce the need for more costly and ecologically disruptive water supply projects.

The bill would direct TCEQ to establish a statewide water conservation public awareness program to educate Texans about the importance of conserving water resources. This program would be similar to the Department of Transportation's "Don't Mess With Texas" campaign, which so effectively has encouraged Texans not to litter. Research commissioned by TWDB has indicated that Texans are responsive to water conservation appeals when they are well informed about the origin and scarcity of their local water resources. A statewide public awareness program would be a cost effective way to educate Texans across the state about the needs for prudent use of a limited resource.

The requirement that retail public utilities develop a water conservation plan would be an essential strategy to ensure that municipal water conservation goals are achieved. The bill is not prescriptive with respect to specific strategies that a utility would have to use, allowing for flexibility regarding the types of strategies a utility would have to incorporate or the amount of savings a utility would have to realize. The requirement simply would ensure that a utility formally recognized the importance of conservation and developed the vision and capacity to incorporate successful conservation solutions into its planning process.
Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This law establishes two new property tax classifications to reduce the assessed value of qualifying land that is conserved. Qualifying land includes prairies, wetlands and vacant and undeveloped land not used for residential or commercial purposes.

The Act:
- requires interested landowners submit a conservation stewardship plan to the state department of natural resources specifying conservation and management practices designed to preserve and/or restore their land;
- values qualified land at 5 percent of market value; and
- requires a minimum of five acres to get the reduced assessment.

Submitted as:
Illinois
Public Act 095-0633
Status: Enacted into law in 2007.

FOR IMMEDIATE RELEASE
October 1, 2007
Gov. Blagojevich signs new law encouraging land conservation stewardship

SB 17 provides tax incentives for conservation management of woodlands, prairies, wetlands and other undeveloped lands

SPRINGFIELD – Governor Rod R. Blagojevich today signed a new law that encourages landowner conservation and protection of woodlands, wetlands, prairies and other undeveloped land. Senate Bill 17, sponsored by State Senator John Sullivan (D-Quincy) and State Representative Dan Reitz (D-Sparta), provides property tax incentives for landowners who develop and follow conservation management plans for woodlands, prairies, and wetlands.

“Prairies, wetlands and other undeveloped areas are some of our most precious resources,” said Gov. Blagojevich. “I'm happy to sign this law that will encourage landowners to protect these valuable native lands.”

SB 17 was drafted after the state created the Wooded Land Assessment Task Force that studied issues related to the financial impact on landowners experiencing significant increases in assessments and property tax bills.

“This legislation ensures that woodlands and prairies – places still untouched by human development, remain for our children,” said Rep. Reitz. “I am proud to be a part of this bill that will ensure generations to come may enjoy untouched wildlife. This legislation will also protect taxpayers who own wooded land.”

The new law establishes two new divisions within the state Property Tax Code involving Conservation Stewardship and a Wooded Acreage Assessment Transition. Provisions of the new law include:
- Eligible land for preferential assessment includes woodlands, prairies, wetlands or other vacant and undeveloped land that is not used for any residential or commercial purposes.
Landowners will be required to submit a Conservation Stewardship Plan to the Illinois Department of Natural Resources that specifies conservation and management practices that are designed to preserve and/or restore the land.

Unimproved property for which a stewardship plan is approved by IDNR staff will be valued and 5 percent of market value.

A minimum of five acres is required for enrollment.

If the landowner does not comply with the stewardship management plan, they will be required to pay the difference between the actual property taxes paid and what the taxes would be without the reduced valuation.

The sale or transfer of properties enrolled does not affect the valuation of the land unless the acreage requirement is not met or the land use changes.

Illinois Department of Natural Resources staff will draft rules on the requirements of management plans which can be written by consultants, biologists, landowners as long as they meet the requirements. IDNR staff will approve the plans and shall re-approve every 10 years.

Notification of approval will be provided annually to the Illinois Department of Revenue for property assessment purposes.

Submission of an application for a management plan shall be treated as compliance with the requirements of the plan until IDNR can review the application.

“The new law will encourage owners of woodlands and other open lands to work closely with the Department of Natural Resources to manage their property to provide enhanced wildlife habitat and outdoor recreation opportunities,” said IDNR Acting Director Sam Flood. “These incentives help us retain woods, grasslands and wetlands that help control soil erosion, improve air and water quality, and enhance the quality of life for all of us.”

SB 17 becomes effective immediately.

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires a state green government coordinating council to establish guidelines and specifications to use environmentally sensitive cleaning and maintenance products in schools. It requires elementary and secondary public and non-public schools buy and use environmentally sensitive cleaning products. However, schools can deplete existing cleaning and maintenance supply stocks and implement the requirements the school year following the implementations of the guidelines and specifications.

Submitted as:
Illinois
Public Act 095-0084
Status: Enacted into law in 2007.

This Act requires elementary and secondary schools buy and use environmentally sensitive cleaning and maintenance products in accordance with guidelines prescribed by, the commissioner of the state office of general services.

The Act:
- requires the commissioner of the office of general services to establish guidelines and specifications for cleaning and maintenance products to be used in elementary and secondary schools.
- requires the commissioner to provide public notice and an opportunity to comment on the proposed guidelines and specifications.

The Act defines "elementary and secondary schools" as all school districts, including special school districts, city school districts with a population of 125,000 or more, boards of cooperative educational services, charter schools, approved private schools for the education of students with disabilities, state-supported schools for the deaf or blind, and all private and parochial schools. It defines "environmentally sensitive cleaning and maintenance products" as cleaning and maintenance products that minimize adverse impacts on children's health and the environment as determined by the commissioner.

The bill requires the state education department, in consultation with the office of general services, to issue a report analyzing the impact of the guidelines and specifications on the procurement and use of environmentally sensitive cleaning and maintenance products by elementary and secondary schools.

The Act authorizes the commissioner to maintain the sample list of firms that produce or sell environmentally-sensitive cleaning and maintenance products that are in the form, function and utility generally used by elementary and secondary schools.

Submitted as:
New York
S5435
Status: Enacted into law in 2005.
Disposition: 01-29B-04A

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

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

Disposition: 01-29B-04B

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

SSL Committee Meeting: 2009B
(   ) Include in Volume
(   ) Defer consideration
   (   ) next task force mtg.
   (   ) next SSL mtg.
   (   ) next SSL cycle
(   ) Reject
Comments/Note to staff:
This Act requires store operators to establish recycling programs enabling customers to return clean plastic carryout bags to the store. The bill requires plastic carryout bags provided by stores to have information displayed on the bags about the program. It requires stores to place a collection bin in the store that is visible and easily accessible to the consumer. The legislation also requires the store operators to sell reusable bags.

This Act requires manufacturers of plastic carryout bags to develop educational materials to encourage reusing and recycling of plastic carryout bags and to make those materials available to stores.

The bill prohibits cities, counties, or other public agencies from adopting ordinances or other regulations governing recycling plastic carryout bags, except as specified in the Act.

Submitted as:
California
Chapter 845 of 2006
Status: Enacted into law in 2006.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
Texas established a Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) in 2001. The program was designed to address air quality by providing an incentive to repair or replace the oldest, dirtiest vehicles in non-attainment areas. LIRAP is tied to vehicle emission inspection and maintenance (11M) requirements. Counties that require 11M are eligible for LIRAP. Owners of vehicles that fail the 11M test are notified that they may qualify for financial assistance through LIRAP. The program provides $600 for vehicle repair and $1,000 for vehicle replacement. In order to qualify for LIRAP funds, the owner of the vehicle must have an annual income that is equal to or less than 200% of the federal poverty level and must provide proof of a valid inspection sticker.

Since enactment, LIRAP has been underutilized. This Act expands the LIRAP by:

- increasing the income threshold from 200% of the federal poverty level to 300% in order to broaden the LIRAP-eligible population;
- partnering with automobile manufacturers and automobile dealers to market LIRAP and restrict use of state funds for the purpose of marketing;
- partnering with the steel industry to scrap vehicles that are replaced and to provide proof of scrappage;
- increasing the replacement amount from $1,000 to $2,500 and requiring an owner of a LIRAP-eligible vehicle to replace the vehicle with a calendar year model or newer vehicle;
- working with the automobile industry, the steel industry, the state Commission on Environmental Quality (TCEQ), and participating counties to enhance the enforcement and fraud protection components of LIRAP.
- directing the state Commission on Environmental Quality to review emission cut-point levels and allowing the agency to make LIRAP available to owners of vehicles that do not meet a more stringent emission cut-point standard.
- allowing participating counties to leverage state funds based on local matching dollars to support LIRAP and related activities.

Submitted as:
Texas
S 12
Status: Enacted into law in 2007.
Comment:

Disposition:

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

Comments/Note to staff:
According to NCSL, this model state legislation developed by the National Institute of Justice:
- requires all law enforcement agencies to accept any report of a missing person and to share it within the state and region;
- requires law enforcement officers to notify the family about how the case will be handled;
- suggests ways to improve the collection of information about missing persons and prioritize high-risk cases;
- ensures prompt dissemination of critical information to other law enforcement agencies and the public that can improve the likelihood of a safe return;
- lays out an approach for collecting data that can later be used to help identify human remains;
- suggests ways to improve death scene investigations and ensure the delivery of human remains to the proper examining entity; and
- ensures the timely reporting of identifying information to national databases.

Submitted as:  
NIJ Model legislation
Status: see “Comment”

Comment:

According to the National Institute of Justice, five states, California, Kansas, Nevada, New Mexico, and Texas, have laws that focus on locating missing persons and identifying human remains. In 2005, NIJ brought together Federal, State, and local law enforcement officials, forensic scientists, victims advocates, legislators, and families of missing persons to draft model State legislation on the prompt collection, analysis, and dissemination of evidence to help solve these cases. Alabama, Arizona, Hawaii, Illinois, Maryland, Ohio, and Washington and the District of Columbia introduced bills that use the proposed legislation as guidance.

The National Clearinghouse for Science, Technology and Law reports “Lastly, a model state policy for implementing missing person identification programs was published by the National Institute of Justice in 2005. Several states, Texas, California, Kansas, Nevada, New Mexico, have written laws implementing identification programs, while numerous other states, Alabama, Arizona, Hawaii, Illinois, Maryland, Ohio, Washington, were inspired by the model policy to draft bills proposing procedures for solving human identification cases.”

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

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

Comments/Note to staff:
This Act:

- enhances penalties for existing crimes related to possession of child pornography when the offender possesses ten or more images and at least one image includes a child under the age of five; sadomasochistic abuse, sexual battery or sexual bestiality involving a child; or any video or live movie involving a child;
- expands the scope of state law to include using the Internet to seduce, solicit, lure or entice a child or a person thought to be a child to commit certain acts relating to sexual abuse of children;
- expands the scope of state law to include all acts of sexual conduct with a child or a person thought to be a child, actions directed at persuading the child’s guardian to consent to the child’s participation in sexual conduct;
- provides that each separate contact is a separate offense;
- creates a new second degree felony that applies to offenders who misrepresent their age in the course of committing an offense;
- creates a new felony offense of traveling to meet a minor for the purpose of committing specified crimes of sexual abuse of a child or any other unlawful sexual conduct with a child, or attempting to persuade the child’s guardian to consent to the child’s participation in sexual conduct;
- requires sexual offenders and sexual predators register any e-mail address and any instant message name they use with the state department of law enforcement and to update any changes to that information to the state department of law enforcement.
- requires the state department of law enforcement establish a method for offenders to register e-mail addresses and instant message names online.
- authorizes the state department of law enforcement to provide the e-mail addresses and instant message names of sexual offenders and sexual predators to commercial social networking websites;
- enables operators of such sites to screen for those users;
- expressly states that it does not impose civil liability on commercial social networking websites;
- authorizes prosecutors to charge an act that relates to sexual performance of a child or child pornography under any other applicable statute, including one with greater penalties;
- expands investigative and prosecutorial authority of certain law enforcement officials when a crime is facilitated by or connected to use of the Internet or an electronic data storage or transmission device;
- authorizes alternative venues for trial of any crime facilitated by communication by mail, telephone, newspaper, radio, television, Internet, or other means of electronic data communication; and
- updates statutes to incorporate new technologies used to facilitate sexual abuse of children and transfer of images of sexual abuse of children.

Submitted as:
Florida
Chapter 2007-143
Status: Enacted into law in 2007.
Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act prohibits the manufacture, sale, or distribution of certain toys and child care articles after January 1, 2009, if those products contain phthalates in concentrations exceeding 1/10 of 1%. The bill also requires manufacturers to use the least toxic alternative when replacing phthalates in their products and prohibits manufacturers from replacing phthalates with certain carcinogens and reproductive toxicants.

Submitted as:
California
Chapter 672
Status: Enacted into law in 2007.

Comment: According to a study reported in *PEDIATRICS* Vol. 121 No. 2 February 2008, pp. e260-e268 (doi:10.1542/peds.2006-3766), *Baby Care Products: Possible Sources of Infant Phthalate Exposure*, “Phthalate exposure is widespread and variable in infants. Infant exposure to lotion, powder, and shampoo were significantly associated with increased urinary concentrations of monoethyl phthalate, monomethyl phthalate, and monoisobutyl phthalate, and associations increased with the number of products used. This association was strongest in young infants, who may be more vulnerable to developmental and reproductive toxicity of phthalates given their immature metabolic system capability and increased dosage per unit body surface area.”

This Act:
- provides that, beginning January 1, 2009, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state a children's product or product component containing the following:
  - Lead or cadmium at more than .004 percent by weight (forty parts per million);
  - Phthalates, individually or in combination, at more than .01 percent by weight (one hundred parts per million);
- requires, by January 1, 2009, the department of ecology to identify high priority chemicals that are of high concern for children after considering a child's or developing fetus's potential for exposure to each chemical;
- requires a manufacturer of a children's product, or a trade organization on behalf of its member manufacturers, to provide notice to the department that the manufacturer's product contains a high priority chemical;
- requires a manufacturer of products that are restricted under this Act to notify people that sell the manufacturer's products in this state about the provisions of this Act no less than ninety days prior to the effective date of the restrictions; and
- requires, before certain prohibitions under this Act take effect, the department of ecology to prepare and distribute information to in-state and out-of-state manufacturers, to the maximum extent practicable, to assist them in identifying products prohibited for manufacture, sale, or distribution under this Act.
Gov. Gregoire signs legislation improving toy safety
Action will protect health and safety of children

OLYMPIA – Gov. Chris Gregoire today signed landmark legislation to protect children from unsafe toys. House Bill 2647, the Children’s Safe Products Act, was sponsored by Rep. Mary Lou Dickerson, D-Seattle.

Surrounded by youngsters and other bill supporters, the governor noted that the health of young Washingtonians is one of her top priorities.

“Nothing is more important than the health and safety of our children,” Gregoire said. “The toys and products we give them must meet the highest possible standards of product safety. Parents, doctors, public officials, toy makers and retailers in Washington state all share these goals.”

Gregoire cited federal inaction on product safety as a motivator to improve safety standards in Washington state.

“This should also be a top priority of our federal government — it should set safe standards for children’s products sold across the United States,” the governor said. “However, the toy recalls from last year make it clear: We can’t wait any longer for the federal government to take action. For these reasons, I am pleased to sign legislation that will lead to high standards for toys and other children’s products sold in Washington state. Our children need and deserve nothing less.”

To strengthen the protections for children, minimize bureaucracy and protect good businesses that want to sell good toys, the governor vetoed the narrow sections of the measure on its scope and timing of regulations.

Before the law goes into effect in summer 2009, Gregoire pledged to convene an advisory group composed of children’s advocates, doctors and toxicologists, manufacturers and toy store representatives or owners to guide implementation of the bill in a manner that makes sense for Washington. The group will be charged with helping to develop additional legislation for the governor to pursue during the 2009 legislative session.

To improve upon the bill in the short term, Gregoire requested the drafting of administrative rules to clarify some provisions of the bill. She will ask the advisory group to look at standards for the outer surface and inside of toys, and to consider timelines needed for the industry to implement new standards.
Gregoire expressed her commitment to developing the right scientific standards that protect children without putting good companies out of business and without removing great toys from the shelf.

“While we are increasing protections, we must also avoid eliminating the many interactive and educational toys that have internal electronics. Without modification of this law, those would be taken off the shelf,” she said.

Gregoire also expressed concern with reporting and testing requirements that could make it difficult for small toy makers and independent toy retailers to provide specialty toys in our state, many of which are made to the highest standards of quality and safety.

The governor has instructed the state Department of Ecology to:

• Prepare expedited rules to clarify that the bill does not apply to internal electronic components that are not accessible to children, such as chip boards and wiring, similar to the internal parts of a television remote control; and
• Determine how Washington fits with national, international and other state standards so our reporting and testing protocols are tailored to maximize protection to children and allow good businesses to compete.

“We must make sure that parents have confidence that the toys they give their children are doing no harm,” said Gregoire.

A March 13, 2008 press release from the Phthalates Information Center, states:

“The American Chemistry Council today expressed disappointment over the inclusion of vinyl softeners – known as phthalates – in legislation passed by both houses of the Washington State Legislature banning the sale or distribution of children's products or components of children's products containing phthalates. If signed by the governor, the legislation would become effective July 1, 2009. ACC believes that banning phthalates from children's products is unnecessary to protect children's health. ACC Vice President of Products Divisions, Sharon Kneiss, issued the following statement:

"We all share a mutual interest in the need to protect the health of children, and ACC believes that banning phthalates from children's products will not achieve this objective. There is no reliable evidence that phthalates have ever caused any harm to any human in more than fifty years of use. Phthalates are an important part of our every day life. It is not practical or advisable to regulate phthalates at the state or local level. The Consumer Product Safety Commission has already determined that vinyl products containing phthalates designed for use by children have no demonstrated health risk. Our children's health and safety is too important to rush through product bans without understanding their full consequences - including unintended and possibly detrimental effects."

"The Washington State legislation incorrectly states that phthalates have been shown to cause harm to children's health and the environment. Phthalates are among the most thoroughly studied products in the world, and have been reviewed by multiple regulatory bodies in the U.S. and Europe. The Consumer Product Safety Commission's review of the safety of phthalates in vinyl toys included the unequivocal statement that there is ‘no demonstrated health risk.’ After all this study and review, no reliable scientific evidence has found phthalates to cause adverse human health effects."

America's leading chemical companies have taken the steps to go above and beyond government rules and regulations with American Chemistry Council's flagship program, the
Responsible Care® performance initiative. The U.S. chemistry industry continues to invest heavily in the application of improved technologies to ensure the safe production and use of essential chemical products. Today, people are living longer, safer and healthier lives through the essential benefits provided by the business of chemistry.”

Disposition: 05-29B-03A

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

Comments/Note to staff:

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

Comments/Note to staff:

Disposition: 05-29B-03B

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act provides civil liability protection to people who report suspicious, potentially terrorist behavior to authorities.

Submitted as:
New York
Chapter 651 (S4383C)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
(  ) 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 department of health to:

• establish criteria for determining which foods pose a significant and unacceptable choking hazard, especially for children;
• produce and distribute educational materials about food choking hazards; and
• set up and maintain a database about food choking incidents.

Submitted as:
New York
Chapter 628
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act establishes a program to help people whose family members are trapped, injured or waiting rescue during an underground mine emergency.

Submitted as:
Pennsylvania
Act No. 57 (HB 483)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
Connecticut Public Act No. 07-141 of 2007 restricts taking property by eminent domain under redevelopment plans used for blighted areas, municipal development plans used for economic development, and Manufacturing Assistance Act plans (MAA) plans used for economic development. The bill:

- prohibits taking property by eminent domain for the primary purpose of increasing local tax revenues,
- requires a public hearing on a plan and certain findings about taking property,
- requires the town legislative body to approve proposed takings by a two-thirds vote of its members for takings under the municipal development and MAA statutes,
- imposes an overall 10-year deadline for completing a taking,
- allows owners to ask the Superior Court to enjoin a taking if the implementing agency did not follow the correct statutory procedures,
- gives the former owner of property taken by eminent domain the right of first refusal to buy it back if it is not used for its intended purpose or another public purpose,
- expands the kind of information and analyses the agency must include in the project plan,
- bases compensation on the average value of two independent appraisals for takings under a redevelopment plan and requires compensation for takings under the municipal development and MAA statutes to equal 125% of that value, and
- requires relocation benefits paid to property owners and tenants when the actions of a state or municipal agency force them to relocate to be the higher of those under state or federal law when their property is acquired or taken under these statutes.

The Act prohibits towns from taking property under the general municipal powers statutes for private commercial development and, in doing so, allows takings for this purpose only under the development statutes described above.

It also makes it an unfair trade practice for a person negotiating to acquire real property to represent in the negotiation that they have the power to acquire the property by eminent domain, unless that person is an appointed or elected public official of an agency with eminent domain powers.

Submitted as:
Connecticut
Public Act No. 07-141
Status: Enacted into law in 2007.
Comment: This bill is not in the packet because it is 46 pages long.
Disposition:
CSG policy task force recommendations to
The Committee on Suggested State Legislation: 2009B
( ) Include in Volume
( ) Defer consideration to next task force meeting
( ) Reject
( ) No action
Comments/Note to staff:
This Act amends the statutory limitation to recover for usury. It amends the state long-arm statute to allow courts to exercise personal jurisdiction over certain nonresidential defendants. It also requires a notice of foreclosure to contain certain information and provides for mortgage debt collection and servicing.

Submitted as:
North Carolina
Session Law 2007-351 (HB 1374)
Status: Enacted into law in 2007.

Comment:

State of North Carolina
Office of the Governor
Michael F. Easley
Governor

Release: IMMEDIATE Contact: Seth Effron
Date: 8/16/2007 Phone: (919) 733-5612

GOV. EASLEY SIGNS BILLS TO PROTECT BORROWERS
New Laws Require Lenders To Disclose More Information, Prevents Sub Prime Loan Abuses

Raleigh - Gov. Mike Easley announced today he has signed legislation to reign in abusive lending practices, provide consumers with more information and protect unsuspecting homebuyers and tenants from unfair fees and penalties. The three bills signed into law are:

House Bill 1374: "An act to overturn the Shepard case and amend the limitation regarding actions to recover for usury; to overturn the Skinner case and amend the long-arm statute to allow North Carolina courts to exercise personal jurisdiction over certain nonresidential defendants; to require that a notice of foreclosure contain certain information; and to provide for mortgage debt collection and servicing."

House Bill 1817: "An act to protect consumers regarding covered loans and to increase the Banking Commissioner’s disciplinary authority over licensees under the Mortgage Lending Act."

House Bill 947: "An act to require that notice of sale in foreclosure proceedings be sent to certain tenants residing in the property to be sold, to allow those tenants after receiving the notice to terminate the rental agreement upon ten days written notice to the landlord, to require that those tenants be given thirty days notice of an application for an order of possession, and to clarify that the proceeds in the automation enhancement and preservation fund may be used for the preservation and storage of public records."

"Purchasing a home is the most significant, and often most confusing, financial obligation most North Carolinians will ever make," said Easley. "Our state has been the national leader in protecting home ownership. Our 1999 predatory lending law was the nation’s first, and is still the national standard. But the volatile sub-prime lending market has presented new challenges. These
new laws will give North Carolinians additional protections from unfair and deceptive lending practices."

The new laws:

-- Limit the ability of mortgage brokers to charge customers above market rates and prepayment penalties,
-- Protect borrowers from abusive adjustable rate mortgages,
-- Ensure that lenders take into account the ability of borrowers to repay the loans, and
-- Protect homeowners from abusive mortgage servicing companies that misapply mortgage payments, charge illegal fees and mishandle escrow accounts.

If a homeowner is unable to meet the mortgage payments, loan servicers are now required to give a detailed accounting of the sums claimed to be owed, and to protect the borrower’s interest during the foreclosure proceedings.

The legislation also moves to clarify two recent state Supreme Court decisions that made it harder for borrowers to sue for illegal lending practices. The new law now makes it easier for borrowers to sue than would have been the case if the bill had not addressed the court rulings. "If unscrupulous lenders break the law, this will ensure that they pay the price," Easley said.
This Act directs that no prepayment fees or penalties shall be charged or collected on a rate spread home loan. It directs that no lender shall make a rate spread home loan unless the lender reasonably and in good faith believes at the time the loan is consummated that one or more of the obligors, when considered individually or collectively, has the ability to repay the loan according to its terms and to pay applicable real estate taxes and hazard insurance premiums. If a lender making a rate spread home loan knows that one or more mortgage loans secured by the same real property will be made contemporaneously to the same borrower with the rate spread home loan being made by that lender, the lender making the rate spread home loan must document the borrower's ability to repay the combined payments of all loans on the same real property.

Submitted as
North Carolina
Session Law 2007-352 (HB 1817)
Status: Enacted into law in 2007.

Comment: See Comment section of 06-29B-02 from the NC Governor’s Office for additional information concerning this bill.

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires that notice of sale in foreclosure proceedings be sent to tenants residing in the property to be sold to allow those tenants to terminate their rental agreement. It also requires such tenants be given thirty days notice of an application for an order of possession.

Submitted as:
North Carolina
Session Law 2007-353 (HB 947)
Status: Enacted into law in 2007.

Comment: See Comment section of 06-29B-02 from the NC Governor’s Office for additional information concerning this bill.

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
06-29B-05A Recording Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property  

This Act lengthens the foreclosure process from 15 days to approximately 150 days. It requires a lender to wait 90 days after default before filing the foreclosure action and to send a uniform Notice of Intent to Foreclose to the homeowner 45 days prior to filing an action. It also requires personal service to notify a homeowner of impending foreclosure action and requires that a sale may not occur for 45 days after service. A lender must produce proof of ownership when filing a foreclosure action. The bill codifies the right to cure, which will allow a homeowner to stop foreclosure by paying what is owed up until one business day before the sale.

Submitted as:  
Maryland  
Chapter 2, 2008  

06-29B-05B Prohibition on Foreclosure Rescue Transactions  

This Act bans foreclosure rescue transactions that scam homeowners out of their homes and the equity they’ve built. The bill as passed also provides additional consumer protections for people who are trying to sell their homes because they are in default.

This Act:  
• prohibits a foreclosure consultant from engaging in or arranging a foreclosure rescue transaction or receiving a commission or money under certain circumstances;  
• requires a foreclosure consultant to be licensed as a real estate broker and to provide certain research to a homeowner under certain circumstances  
• authorizes a homeowner to cancel rescind a contract for the sale or transfer of a residence in default under certain circumstances;  
• requires a contract for the sale or transfer of a residence in default to contain certain notices and attachments under certain circumstances;  
• imposes certain prohibitions on a purchaser of a residence in default; and  
• makes violating this Act an unfair or deceptive trade practice under state law.

Submitted as:  
Maryland  
Chapter 6, 2008  

06-29B-05C Mortgage Fraud Protection  

This Act creates a comprehensive mortgage fraud statute with criminal penalties and authorizes the Attorney General, a State’s Attorney, and the Commissioner of Financial Regulation to take action to enforce the statute. The bill also authorizes a private right of action for violations of the statute in specified circumstances.
Governor O'Malley Signs Emergency Legislation to Protect Homeownership
Lengthens the Foreclosure Process for Homeowners, Makes Mortgage Fraud a Crime

ANNAPOLIS, MD (April 3, 2008) – Governor Martin O’Malley joined with Senate President Thomas V. Mike Miller Jr., House Speaker Michael E. Busch, Lieutenant Governor Anthony G. Brown, community advocates and other officials today to sign emergency legislation that would help thousands of Maryland homeowners who are at risk of losing their homes and to prevent future generations of homeowners from losing their homes due to foreclosure.

“One want to thank President Miller and Speaker Busch for working with the Administration during this session, as we put forward a legislative package to protect homeownership in Maryland,” said Governor O’Malley. “The financial security of our families as well as the strength and health of our communities depends on our ability to help preserve and sustain homeownership in our State. These bills help ensure that we keep people in their homes.”

The emergency bills signed today include:

The Real Property – Recordation of Instruments Securing Mortgage Loans and Foreclosure of Mortgages and Deeds of Trust on Residential Property bill. The legislation significantly lengthens the foreclosure process from 15 days to approximately 150 days making it fairer for homeowners and providing them with more time and notice before a foreclosure sale. It requires a lender to wait 90 days after default before filing the foreclosure action and to send a uniform Notice of Intent to Foreclose to the homeowner 45 days prior to filing an action. It also requires personal service to notify a homeowner of impending foreclosure action and requires that a sale may not occur for 45 days after service. A lender must produce proof of ownership when filing a foreclosure action. The bill codifies the right to cure, which will allow a homeowner to stop foreclosure by paying what is owed up until one business day before the sale.

The Real Property - Maryland Mortgage Fraud Protection Act is a comprehensive criminal mortgage fraud statute that makes mortgage fraud a crime for anyone involved in the mortgage transaction. The bill provides for significant fines and imprisonment for violators, and it also gives the court authority to order restitution and forfeiture and enhanced penalties for cases involving vulnerable adults. The bill also authorizes the Attorney General, a State’s Attorney, and the Commissioner of Financial Regulation to take action to enforce the statute. The bill allows victims of mortgage fraud to bring private action against violators.

The Protection of Homeowners in Foreclosure - Prohibition on Foreclosure Rescue Transactions – Enforcement is an emergency bill that bans foreclosure rescue transactions that scam homeowners out of their homes and the equity they’ve built. The bill as passed also provides
additional consumer protections for people who are trying to sell their homes because they are in default.

“These administration bills strike the appropriate balance between the responsibility of both lenders and borrowers to ensure that everyone works together to avoid foreclosure,” said Lt. Governor Anthony Brown. “When homeowners are forced into foreclosure it hurts everyone: borrowers, lenders and the larger community where the home is located.”

“Governor O’Malley’s leadership and swift action to save homeowners from the foreclosure crisis puts Maryland in the forefront of protecting consumers,” said Senate President Thomas V. “Mike” Miller. “The immediate impact of this legislation will protect homeowners facing troubles now, and will go a long way towards preventing future crises.”

“Purchasing a home is the single most important investment a family makes,” said Speaker Michael E. Busch. “It was incumbent on the legislature to act quickly to protect Maryland families from more harm resulting from the housing crisis. I commend Governor O’Malley for his leadership in helping to provide stability in Maryland’s housing market.”

Foreclosure rates have risen dramatically across the nation, and Maryland has not escaped the trend. In the fourth quarter of 2007, Prince George’s, Montgomery, Washington and Worcester Counties saw the number of foreclosure events double from previous quarter. In other counties, such as Kent, Garrett and Somerset, the numbers nearly tripled. Statewide, Maryland saw 9,722 foreclosures, compared to 7,001 in the previous quarter, an increase of 2,721 foreclosure events statewide.

The bills signed today are part of a comprehensive package of initiatives and reforms introduced by Governor O’Malley to address the drastic rise in foreclosures in Maryland. Other reforms include a bill that would improve the regulation of mortgage industry professionals and reform lending practices by banning pre-payment penalties for mortgage loans, requiring verification of a borrower’s ability to repay a loan, and strengthening the mortgage licensing requirements, including increasing the surety bond requirement for mortgage lender licensees and instituting a minimum net worth requirement.

“This package of reforms will go a long way toward protecting homeowners from the irresponsible and unscrupulous lending practices we’ve seen in recent years,” said Secretary of Labor of Licensing Thomas E. Perez. “We now have the tools to crack down on bad apples in the mortgage industry and to combat scams that prey on distressed homeowners. I applaud members of the General Assembly for their overwhelming support for these measures.”

Governor O’Malley earlier this year also announced the “Bridge to HOPE” Loan Program, which will provide small gap loans at zero percent interest to homeowners facing difficulty, giving them time to get back on their feet or find a solution. The statewide program is administered by the Maryland Department of Housing and Community Development’s Community Development Administration (CDA). Families and individuals facing the possibility of foreclosure should call 1-877-462-7555 or visit www.MDHOPE.org for assistance.
“These bills will ensure more time for homeowners faced with foreclosure to take action to save their homes and will help protect them from unscrupulous mortgage brokers,” said Raymond A. Skinner, Secretary of the Department of Housing and Community Development. “At last, Maryland borrowers involved in the mortgage process may rely on a comprehensive set of laws and regulations to keep them from becoming victims of mortgage fraud.”

Governor Martin O’Malley also called on and met with mortgage loan servicers in emergency work-sessions to work toward a public agreement to set a standard for consistent, timely and sustainable loss mitigation services for Maryland homeowners. The work-sessions were called to help find real solutions to the foreclosure crisis and protect middle class families from losing their homes. Talks with servicers are ongoing.

“More than any other federal or state efforts around the country, Governor O'Malley’s legislative package is the result of meaningful consensus among each of the responsible interest groups and will have an immediate effect of preserving homeownership in the near- and far-term.,” said Phillip Robinson, Executive Director & Attorney for Civil Justice, Inc. “I want to give kudos to the Governor and his leadership team for a job well done!”

“The Maryland Bankers Association and our members were very pleased to bring our industry’s perspective to the Governor’s Homeownership Preservation Task Force and contribute to the Administration’s comprehensive mortgage lending and foreclosure reform measures,” said Kathleen Murphy, President and CEO of the Maryland Bankers Association. “The legislation being signed into law today strikes the right balance in creating new and stronger borrower protections while maintaining an environment where responsible lenders can meet the needs of Maryland’s residents and communities.”
Disposition: 06-29B-05A

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

Comments/Note to staff:

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

Comments/Note to staff: Disposition:

Disposition: 06-29B-05B

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

Comments/Note to staff:

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

Comments/Note to staff:

Disposition: 06-29B-05C

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

Comments/Note to staff:
This Act permits the state housing authority to:

- establish a housing development revolving fund;
- establish a land acquisition and development fund;
- establish a rehabilitation fund;
- establish a conversion condominium fund;
- create certain other funds and provide for the expenditure of certain funds;
- authorize the making and purchase of loans, deferred payment loans, and grants to qualified developers, sponsors, individuals, mortgage lenders, and municipalities;
- establish and provide acceleration and foreclosure procedures;
- provide tax exemptions;
- authorize payments instead of taxes by nonprofit housing corporations, consumer housing cooperatives, limited dividend housing corporations, mobile home park corporations, and mobile home park associations.

Submitted as:
Michigan SB948

Comment:

The bill is one of several Michigan enacted to implement its Save the Dream Program, which is a program allowing homeowners and certain owners of rental units with adjustable rate mortgages, and those who had missed a payment, to refinance their homes. These bills are tie-barred.

Senate Bills 948 and 1133 allow the state housing authority to make, purchase, or participate in loans made to individual purchasers for acquisition and long-term financing of newly rehabilitated, newly constructed, or existing 1- to 4-unit housing units intended to provide housing for low income or moderate income persons in all or a portion of those units. Both bills would allow housing authority to refinance these projects. If the loan were made for refinancing of a one- to four-unit housing unit, including a residential condominium unit, one of the units would have to be occupied by the borrower. The authority for housing authority to make, purchase, or participate in loans for refinancing under the bills expires three years after the bills' effective date.

In addition, to qualify under this provision, the purchase price of the unit must be under the caps established in the act. Senate Bill 948 specifies that in the case of a refinancing, the appraised value could not exceed the currently listed caps. Senate Bill 1133 raises the cap on purchase prices or, in the case of refinancing, the appraised values, as follows:

- With respect to a one- or two-family unit, $224,500 (instead of three times the income limit).
With respect to a three-family unit, $261,625 (instead of three and one-half times the income limit).

With respect to a four-family unit, $299,000 (instead of four times the income limit).

Further, Senate Bill 1133 increases the limit on a borrower's family income to $108,000 for all borrowers, instead of the limits currently in the act that are based on whether the property is located in a distressed area and that currently are set at $65,000 for property located in a non-distressed area and $74,750 for a distressed area. Also, under current law, if the Act's income or purchase price limit exceeds an applicable limit prescribed by the Internal Revenue Code, the Code limit applies. Senate Bill 1133 specifies this would be the case if the loan would be financed with the proceeds of a tax-exempt bond.

Submitted as:
Michigan
SB1133

06-29B-06C Recapture Tax Fund MI

This Act creates a Recapture Tax Fund under the jurisdiction and control of the state housing authority. The bill enables money in the Fund to be used to reimburse borrowers for any taxes the borrowers paid and for which they were liable under Section 143(m) of the Internal Revenue Code. Money in the Fund could also be used for any similar recapture taxes applicable to programs that the housing authority administers.

Submitted as:
Michigan
SB950

06-29B-06D Refinancing Mortgages MI

The bill adds a new legislative determination that there is a pressing need for the creation of programs to assist low and moderate income individuals and families with the refinancing of single-family mortgages in order to prevent families from losing their homes and to help stabilize the housing market in the state. The bill says that "economic conditions and single-family home mortgage market standards, activities, and practices, including forms of predatory and abusive mortgage loan financing, have resulted in an increase in the incidence of mortgage loan default and mortgage foreclosure in the state" (giving rise to the need for the refinancing programs).

Submitted as:
Michigan
SB951
This Act directs the state housing authority, with respect to bonds, other than refunding bonds, issued to finance single-family homes, for the first 60 days following the announcement of a program funded by the proceeds of those bonds, 50% of the proceeds available to make loans must be reserved for applicants with gross annual incomes at or below 60% of the statewide median gross income. In addition, not more than 50% of the proceeds of those bonds may be used to finance single-family homes for homebuyers who previously have had an ownership interest in a residence. Under the bill, those provisions would not apply to bonds issued to refinance single-family homes.

Submitted as:
Michigan
HB 5443
Disposition: 06-29B-06A

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

Comments/Note to staff:

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

Comments/Note to staff:

Disposition: 06-29B-06C

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

Comments/Note to staff:

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

Comments/Note to staff:

Disposition: 06-29B-06B

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

Comments/Note to staff:

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

Comments/Note to staff:

Disposition: 06-29B-06D

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

Comments/Note to staff:

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

Comments/Note to staff:
Disposition: 06-29B-06E

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act authorizes business tax credits to people or companies who rehabilitate historic property used for residential and commercial purposes. The rehabilitated property must house people and operate a business, and the residential portion must comprise at least 33% of its total floor area. The credit increases if a portion of the rehabilitated housing units are reserved for low- and moderate-income people.

An individual, limited liability companies, nonprofit and for-profit corporations, and other businesses are eligible if they have title to the property and rehabilitate it. They qualify for credits based on the property's historic status and how the property will be used after rehabilitation.

The property must be a certified historic commercial or industrial property either individually listed, or located in an historic district that is listed, on the national or state Register of Historic Places. In addition, the state commission on culture and tourism must certify that the property contributes to the district's historic character.

Submitted as:
Connecticut
Public Act No. 07-250 (SB 1435)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act prohibits first and second mortgage lenders and brokers from engaging in unfair or deceptive acts or practices when soliciting a mortgage secured by residential property in the state if the solicitation is based on a mortgage trigger lead. It makes a violation of its provisions an unfair or deceptive trade practice under the state Unfair Trade Practices Act.

The Act defines a “mortgage trigger lead” as a consumer report that is obtained in accordance with the provisions of the federal Fair Credit Reporting Act (FCRA) governing the issuance of consumer reports when the transaction is not initiated by the consumer and issued as a result of an inquiry to a consumer reporting agency in connection with a consumer's credit application. The Act excludes from the definition a consumer report obtained by a lender that holds or services the applicant's existing debt.

The Act makes it an “unfair or deceptive act or practice” to:
- fail to clearly and conspicuously state in the initial phase of the solicitation that a solicitor is not affiliated with the lender or broker with which the consumer initially applied and the solicitation is based on information about the consumer purchased from a consumer reporting agency without the initial lender's or broker's permission or knowledge;
- fail to comply with FCRA's provisions on pre-screened offers of credit; or
- knowingly or negligently use information from a mortgage trigger lead to solicit consumers who have, in accordance with FCRA, opted-out of receiving pre-screened offers of credit or who are on the federal or state “Do Not Call” list.

Submitted as:
Connecticut
Public Act No. 07-118 (Substitute HB 7073)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:
This Act allows the state banking commissioner to participate in a national mortgage licensing system. It
- requires mortgage originators be licensed;
- allows the system to process mortgage lender, broker, and originator licenses in the state and receive and maintain related records; and
- makes a number of conforming changes regarding confidentiality, criminal history record checks, and license fees.

The Act defines the National Mortgage Licensing System as the system that the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators is implementing under their Uniform Mortgage Licensing Project.

Submitted as:
Connecticut
Public Act No. 07-156
Status: Enacted into law in 2007.

Comment: According to the Conference of State Bank Supervisors:

“CSBS/AARMR
Nationwide Mortgage Licensing System

Improving Supervision of the Mortgage Industry through Collaboration and Technology

In order to protect their citizens and bring greater accountability and transparency to the mortgage industry, state mortgage regulators have been working together since 2004 to develop the Nationwide Mortgage Licensing System (“The System”). The System will increase and centralize information available to state regulators, the mortgage industry and the general public about the people and companies that originate and make home mortgages. Supervision of the mortgage industry began at the state level and, last year alone, state mortgage regulators took over 3,500 enforcement actions against mortgage companies and professionals. The modern evolution of the mortgage industry and the increased importance of protecting consumers and neighborhoods, though, are signs that states’ historic role demands new tools and authorities.

Building a Modern System of Oversight for the Mortgage Industry

State regulators have worked through their professional organizations, the Conference of State Bank Supervisors (CSBS) and the American Association of Residential Mortgage Regulators (AARMR), to develop four uniform mortgage licensing forms that gather comprehensive information about mortgage lenders, bankers, and brokers, as well as these companies’ owners and executive officers, branches, and loan officers:
- Uniform Mortgage Lender/Mortgage Broker Form (Form MU1)
- Uniform Mortgage Biographical Statement & Consent Form (Form MU2)
- Uniform Mortgage Branch Office Form (Form MU3)
- Uniform Individual Mortgage License/Registration & Consent Form (Form MU4)
Starting in January 2008, each state licensed mortgage lender, banker, and broker company will be able to electronically complete a single Form MU1 (regardless of the number of states they are licensed in) and each of their owners and executive officers will be able to complete a single Form MU2 (regardless of the number of companies they are affiliated with). This information will be housed in a centralized database available to state mortgage regulators. Licensees will be able to electronically access their own record over a secure website to make amendments, renew their licenses, or apply for a new license.

Likewise, each mortgage company branch and each loan officer will electronically complete a single Form MU3 or Form MU4 (respectively) for use in those states that require branch and/or loan officer licensing.

Increasing Transparency and Accountability in the Mortgage Industry

As each mortgage company, owner or executive officer, branch and loan officer completes a record for themselves and submits it to their regulator, the Nationwide Mortgage Licensing System will assign that record a unique identifying number. This number will be permanently assigned to the entity or person in perpetuity and will allow state regulators to definitively track companies and persons across states and over time. Additionally, consumers and the mortgage industry will be able to check on the license status and license history of the companies and/or persons with which they wish to do business.

Contact

If you would like more information about the nationwide licensing system, please contact Tim Doyle at (202) 728-5728 or tim.doyle@csbs.org or Bill Matthews at (202) 728-5711 or bill.matthews@csbs.org

The Status of the Nationwide Mortgage Licensing System

As of October 2007, 40 state agencies have signed onto a Statement of Intent indicating their commitment to participate in the CSBS/AARMR Nationwide Mortgage Licensing System. The System will begin operations on January 2, 2008. It is expected that 4-6 state agencies will begin using the System on approximately a quarterly basis during 2008 and 2009. Each state will individually announce its participation date and communicate with licensees in advance of its participation in the System.

In 2005, CSBS and AARMR formed a Residential Mortgage Regulator Taskforce (RMRT) that has met monthly to create the uniform applications and discuss functionality and regulatory matters that are being incorporated into the System. Currently, twelve states are using the MU Forms in paper format.

In 2006, a contract was signed with the Financial Industry Regulatory Authority (FINRA), formerly known as the National Association of Securities Dealers (NASD), to build the System. FINRA has tremendous experience in operating national licensing and database systems for the securities and investment advisory industries and has an impeccable record of managing and protecting information.

In September 2006, CSBS formed a wholly owned operating subsidiary called the State Regulatory Registry LLC (SRR) to develop and operate the System. SRR is governed by a Board
of Managers comprised of five state mortgage regulators that are members of CSBS and AARMR. In March 2007, the SRR Board of Managers amended the operating agreement to create a Mortgage Advisory Council comprised of industry companies and associations. The purpose of the Mortgage Advisory Council is to advise and assist the SRR Board of Managers by providing substantive input on appropriate areas of SRR activities.

**Raising Standards and Garnering Efficiencies**

A result of states’ collaborative efforts in building the Nationwide Mortgage Licensing System is the raising and standardizing of licensing requirements. In adopting the uniform forms, states have consolidated their requirements- accepting higher reporting standards incorporated into the forms and eliminating unnecessary requirements. Additionally, states are increasingly expanding their authority to conduct criminal background checks on their licensees.

Additionally, the SRR announced in the Fall of 2006 an initiative to improve and standardize educational and testing requirements across states. The initiative, named the Mortgage Industry Nationwide Uniform Testing and Education System (MINUTES), is a complementary initiative of the Nationwide Mortgage Licensing System that will increase standardization of educational and testing requirements and improve compliance.

More information about the Nationwide Mortgage Licensing System can be found at: [www.csbs.org](http://www.csbs.org)

Disposition:

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

( ) Include in Volume

( ) Defer consideration to next task force meeting

( ) Reject

( ) No action

Comments/Note to staff:

SSL Committee Meeting: 2009B

( ) 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 department of economic development to set up a program to attract venture capital to help fund potential high-growth businesses in the state. The Act directs the department of economic development to hire a non-profit organization to manage the program.

Submitted as:
Nebraska
LB 425
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This bill supplements existing municipal project application review criteria with a comprehensive impact study specifically related to the impact of large-scale retail development. It requires an applicant seeking a permit to build a large-scale retail development that is larger than 75,000 square feet to pay for a comprehensive impact study, a public hearing and related municipal staff support in order to estimate the positive and negative economic and environmental effects of the project on the local area prior to permit approval. The study must be presented at a public hearing before the municipal reviewing authority held simultaneously with its review of the permit application.

In order for approval for the application to be given, the municipal reviewing authority must determine, based on the comprehensive impact study, other materials and a public hearing, that the project would have no undue adverse impact on the local area.

This bill ensures that municipalities that do not have a site plan ordinance or zoning ordinance have the ability to assess the projected impacts of a large-scale retail development without having to pay for the study.

Submitted as:
Maine
Public Law / Chapter 347 (LD 1810)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act generally prohibits health insurers and HMOs from rescinding, canceling, or limiting coverage based on information submitted with or omitted from an insurance application if the insurer or HMO did not perform a thorough medical underwriting process before issuing the policy, contract, or certificate. It prohibits, without exception, such action after coverage has been effective for more than two years.

Submitted as:
Connecticut
Public Act No. 07-113 (Substitute SB 1214)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) 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, prior to adopting any proposed regulation that may have an adverse impact on small businesses or licensees:

- prepare a statement about the estimated number of small businesses and licensees that may be affected, the estimated impact, and alternative methods to achieve the proposed purpose of the regulation;
- prepare a regulatory flexibility analysis in which the agency considers utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing the adverse impact on small businesses and licensees; and
- notify the department of economic and community development of its intent to adopt the proposed regulation.

This bill contains a list of methods to reduce the impact of proposed regulations on small businesses that agencies must consider, such as the establishment of less stringent compliance requirements and the consolidation of requirements.

The Act also requires each agency to review its rules that are in existence as of this bill's effective date to determine which should be retained, amended, or abolished to minimize the impact on small businesses and licensees. The agencies have two years from the bill's effective date to conduct the review. This deadline may be twice extended for one year at a time. Rules adopted after this bill's effective date will be reviewed within five years of the publication of the final rule by the secretary of state and every five years thereafter.

Submitted as:
Tennessee
Chapter No. 464 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act specifies standards for developing and presenting a disclosure document and buyer's guide when selling annuities.

Submitted as:
Montana
Chapter 476 (SB 535)
Status: Enacted into law in 2007.

Comment:

The SSL Committee voted to include 09-29A-01, Suitability In Annuity Transactions, based on North Dakota SB 2155, in the 2009 SSL Volume at its Docket 29A meeting in Oklahoma City in November, 2007.

Montana SB 535 is included for the Committee’s review and consideration on this docket, based on Sections 7-13 of this bill, the “Montana Annuity Disclosure Act.”

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act regulates removing vehicles on private property without the owner’s consent. This bill requires all tow truck operators register with the state division of consumer affairs and abide by guidelines as licensed operators. The operators must also provide a list of their fees and services to the director of the division of consumer affairs.

Submitted as:
New Jersey
Chapter 193, Public Laws of 2007
Status: Enacted into law in 2007.

Comment:
Oct-24-07 Governor Signs Predatory Towing Prevention Act
GOVERNOR SIGNS PREDATORY TOWING PREVENTION ACT

FAIRLAWN - In order to create a coordinated and comprehensive framework to establish minimum standards for tow truck operators, Governor Jon S. Corzine today signed the Predatory Towing Prevention Act.

"This legislation will prevent rogue tow truck operators from taking advantage of vulnerable citizens and holding their vehicles hostage for exorbitant fees," Governor Corzine said. "In addition, legitimate tow truck operators can be confident that their profession will not be sullied by the unscrupulous actions of those who would take advantage of the very clients that they are trying to assist."

Under the new legislation, if a motor vehicle is to be towed from private property without the vehicle owner's consent, there must be conspicuous warning signs posted detailing parking rules and towing conditions. Vehicles parked in front of single-family homes or owner occupied multi-unit structures containing six units or less or blocking access to a driveway will be exempt from the bill's signage requirement. Property owners or their representative will be required to be present and give written authorization as well as confirmation of the violation if the non-consensual towing occurs during normal business hours.

Furthermore, vehicle storage facilities must be secure, well lit from dusk until dawn and open at least five days per week between 8 am and 6 pm. They must also provide reasonable accommodations for after-hours release of stored vehicles and are prohibited from charging an additional fee for releasing a vehicle after normal business hours.

"Some tow-truck operators had taken a Wild West mentality toward their work, engaging in overly aggressive practices that venture into the realm of price gouging and extortion," said Assemblyman Robert Gordon (D-Bergen). "More and more, motorists were finding their cars being held hostage, with ransoms totaling hundreds of dollars or more."

"It's time rogue towers were held to a uniform, higher level of accountability," said Assemblywoman Nilsa Cruz-Perez (D-Camden), chairwoman of the Assembly Consumer Affairs Committee. "New Jersey needs tough rules in place so unscrupulous tow truck operators won't continue to ply their trade as they see fit, to the detriment of motorists everywhere."

Towing companies will be required to submit an annual application for registration with the Division of Consumer Affairs, listing the address of the towing company's principal location and the address of any of its storage facilities as well as a list of the type of towing services the company will provide, insurance information, and any information related to the criminal history.
of individuals owning a substantial interest in the company. In addition, each company will be required to submit a list of prices and fees to the Division of Consumer affairs and will be prohibited from charging fees in excess of 150 percent of the average towing fee in the county of the company's principal location.

Each tow truck must affix a decal stating that the truck is registered with the Division of Consumer Affairs, that the customer is entitled to a written schedule of the fees charged for towing and storage services before they are provided and a telephone number for the Division of Consumer Affairs that the customer could use to report an attempt to charge fees in excess of the schedule.

Finally, the bill will make it unlawful to give an advantage or preference to any person who provides information about vehicles parked for unauthorized purposes on privately owned property. The bill will require operators to release a vehicle subject to non-consensual towing if the vehicle had not yet been removed from the property. If this occurs, the towing company must charge no more than a "decoupling" fee. The bill also prohibits refusal to accept payment for towing services by debit or credit card, if the towing company regularly accepts these forms of payment.

The legislation (A-4053/S-2759) was sponsored in the Assembly by Assemblypersons Robert M. Gordon (D-Bergen), Nilsa Cruz-Perez (D-Camden/ Gloucester), Joseph R. Malone (RBurlington/Mercer/Monmouth/Ocean), Gordon M. Johnson (D-Bergen), and Louis M. Manzo (D-Hudson).

Disposition: 09-29B-04

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act makes it illegal to make a small loan to any person physically located in the state through the Internet, facsimile, telephone, kiosk, or other means without first obtaining a small loan endorsement from the state.

Submitted as:
Washington
Chapter 81, Laws of 2007 (SB 5199)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires businesses send rebates to consumers within 60 days after getting the consumers’ completed rebate forms as required by the businesses. The Act also requires rebate forms include the telephone number and email address of the business offering the rebate, the terms of the rebate, the requirements for a valid claim, and the expiration of the rebate offer. A consumer must have at least 30 days after the purchase in which to submit a rebate form.

Submitted as:
North Carolina
Session Law 2007-170 (SB 1055)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires businesses disclose an “automatic renewal clause” in their contracts and make cancellation procedures clear and conspicuous in the contract language. Failure to do this generally renders an automatic renewal clause void and unenforceable.

Submitted as:
North Carolina
Session Law 2007-288 (SB 527)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act sets criteria for the state public retirement system to notify system participants when the retirement system determines it is mistakenly overpays a participant. The Act also creates a process by which plan participants can appeal a system ruling that a participant is overpaid.

Submitted as:
Texas
HB 155 (enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act creates a loan program to help towns fund employee pension liabilities. The Act directs the state treasurer to administer the program, compile a list of eligible towns, and develop a system to rank the towns by need.

Submitted as: Connecticut
Public Act No. 07-204 (Substitute SB 848)
Status: Enacted into law in 2007.

Comment: 

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
According to Connecticut legislative staff, Connecticut Public Act 07-1 establishes a State Contracting Standards Board (SCSB) as an independent Executive Branch state agency. The new board has various responsibilities associated with the state contracting processes, including reviewing, monitoring, and auditing state contracting agencies' procurement processes. “State contracting agencies” are state Executive Branch agencies, boards, commissions, departments, offices, institutions, or council. These do not include the Judicial Branch, the Legislative Branch, or the offices of the Secretary of the State, the State Treasurer, the State Comptroller or the Attorney General with respect to their constitutional functions, or any state agency with respect to contracts specific to the responsibilities of the Office of the State Treasurer.

The bill prohibits anyone from working for the board if the person has a state or municipal position or serving in a non-clerical position, or his or her spouse, child, stepchild, parent, or sibling is associated with any business that does business with the state. An associated business is one owned by an official, employee, or immediate family member, or where any one of them serves as an officer, director, or compensated agent or owns at least 5% of the stock in any class.

This Act requires board members and employees to file with the board and the Office of State Ethics annual statement of financial interest required by the State Ethics Code, by May 1. The financial statement is a public record and subject to disclosure under the Freedom of Information Act (FOIA). Any board employee or member who violates the employment prohibition or fails to file the statement violates the State Ethics Code and may be subject to the code's penalties, including a fine of up to $10,000.

The bill requires the board to adopt any rules it deems necessary to conduct its internal affairs, including appellate rules of procedure and reviews of appeals by bidders.

The bill allows the SCSB to disqualify contractors and state agencies to suspend them. It requires all state contracts that take effect on or after the bill's passage to contain provisions to ensure accountability, transparency, and results-based outcomes, as the SCSB prescribe.

Contract” or “state contract” means an agreement or a combination or series of agreements between a state contracting agency or quasi-public agency and a business for:

• a project for the construction, reconstruction, alteration, remodeling, repair or demolition of any public building, public work, mass transit, rail station, parking garage, rail track or airport;

• services, including, but not limited to, consultant and professional services;

• the acquisition or disposition of personal property;

• the provision of goods and services, including, but not limited to, the use of purchase of services contracts and personal service agreements;

• the provision of information technology, state agency information system or telecommunication system facilities, equipment or services;

• a lease or a licensing agreement;

“Contract” or “state contract” does not include a contract between a state agency or a quasi-public agency and a political subdivision of the state.

The bill requires the Judicial and Legislative branches to prepare their own procurement codes by February 1, 2011 and state constitutional officers to each adopt one by June 1, 2011.

The bill requires the Department of Administrative Services (DAS) to maintain a single electronic portal for posting most contracting opportunities in the state.
The board is responsible for:

- recommending the repeal of repetitive, conflicting, or obsolete state procurement laws;
- making recommendations regarding information systems for state procurement including data element and design and the state contracting portal;
- developing a guide to state statutes and regulations concerning procurement for use by all state contracting agencies;
- helping state contracting agencies to comply with state laws and regulations by providing guidance, models, advice, and practical assistance to their staff related to
  - (a) buying the best service at the best price;
  - (b) properly selecting contractors; and
  - (c) drafting contracts that achieve state goals of accountability, transparency, and results-based outcomes and protect taxpayers' interests; and
- adopting regulations and policies to carry out state procurement laws in order to facilitate consistent application and require the implementation of best procurement practices.

The board must review and make recommendations concerning proposed legislation and regulations on procuring, managing, controlling, and disposing of supplies, services, and construction, including:

- prequalification, suspension, debarment, and reinstatement of prospective bidders and contractors;
- small purchase procedures;
- conditions and procedures for delegating procurement authority, procuring perishables and items for resale, using source selection methods authorized by statute or regulation, emergency procurements, and selecting contractors by processes or methods that restrict full and open competition;
- opening or rejecting bids and offers and waiving errors in bids and offers;
- confidentiality of technical data and trade secrets submitted by actual or prospective bidders;
- partial, progressive, and multiple awards;
- supervision of storerooms and inventories, including determining appropriate stock levels and the management, transfer, sale, or other disposal of publicly owned supplies;
- definitions and classes of contractual services and procedures for acquiring them;
- regulations for conducting cost and price analysis;
- use of payment and performance bonds;
- guidelines for using cost principles in negotiations, adjustments, and settlements; and
- identifying procurement best practices.

The board must train and oversee the procurement and contracting officers in each state contracting agency.

The bill requires the head of each state contracting agency to appoint an agency procurement officer to act as a liaison between the agency and the chief procurement officer on the agency's procurement activities. The activities include implementing and complying with statutes and regulations on procurement and any policies or regulations the board adopts and coordinating the training and education of agency procurement employees. The agency procurement officer must assure that contractors are properly screened before a contract is
awarded, evaluate their performances during and at the end of a contract, submit written evaluations to a central data repository that the board designates, and create a project management plan that includes annual reports to the board on the agency's procurement projects.

This Act requires the board to review and certify that a state contracting agency's procurement processes comply with procurement statutes and regulations. It must accomplish this by

- establishing procurement and project management education and training criteria;
- certifying agency procurement and contracting officers; and
- approving, in consultation with the Office of State Ethics, an ethics training course, including a course for state employees involved in procurement and prequalified state contractors and substantial subcontractors.

The Office of State Ethics or any person, firm, or corporation may develop and provide the training, but the board must approve the course. Employees must maintain the certification in good standing at all times while performing procurement functions.

The board must recertify each state contracting agency's procurement processes at least every three years, notify them of any certification deficiency, and exercise its enforcement authority if it finds noncompliance.

This Act requires the board to “define the contract data reporting requirements to the board for state agencies.” It is unclear what this means. However, it may mean that the board must inform state agencies of their duties to report data on:

- the number and type of state contracts of each state contracting agency currently in effect statewide;
- the contracts' terms and dollar values;
- their client agencies;
- services purchased under such contracts;
- contractor names;
- their evaluations of contractors' performances, including records on suspensions or disqualifications and assurances that the information is available on the state contracting portal; and
- all contracts and contractors awarded without full and open competition, including the reasons for the decisions and the names of the authorities that approved them.

The SCSB, with the advice and assistance of the administrative services commissioner, must develop a standardized state procurement and project management education and training program. The board must adopt implementing regulations.

The program must develop education, training, and professional development opportunities for state contracting agencies' employees with procurement responsibilities. It must educate the employees on general business acumen and on proper purchasing procedures as established in procurement statutes and regulations. The program must emphasize ethics, fairness, consistency, and project management.

The bill requires state contracting agencies' employees responsible for buying, purchasing, renting, leasing, or otherwise acquiring any supplies, service, or construction to participate in the program. The board must give employees who complete the program a document acknowledging their participation. It must give the governor and legislature an annual status report on the training and education program.

The bill requires the board to audit state contracting agencies at least once every three years and report on their compliance with procurement statutes and regulations. During the audit,
the bill gives the board access to all of the agencies' contracting and procurement records and authority to interview people responsible for awarding and negotiating contracts or procurement. The board can contract with the state auditors to conduct the audit.

The board must identify in the compliance report any process or procedure that is inconsistent with procurement laws and regulations and corrective measures to achieve compliance. It must deliver the report, which is a public record, to the contracting agency within 30 days after the audit is completed.

The board may review, terminate, or recommend to a state contracting agency terminating a contract or procurement agreement for cause after consulting with the attorney general and giving the agency and contractor 15 days notice. “For cause” means (1) engaging in activities prohibited under the State Ethics Code as determined by the Citizen's Ethics Advisory Board; (2) wanton or reckless disregard of any state contracting and procurement process by anyone substantially involved in the contract or with the state contracting agency; or (3) notification from the attorney general to the state contracting agency that a whistleblower investigation indicates that the contract process was compromised by fraud, collusion, or any other criminal violation.

The decision to terminate a contract must be preceded by the board's consultation with the contracting agency to determine the impact of an immediate termination and a joint decision by the board and the agency that immediate termination will not cause imminent peril to public health, safety, or welfare. The board's decision to terminate must be approved by a two-thirds vote of its members present and voting, including at least one board member appointee by a legislative leader. The board must notify the state contracting agency and the contractor of the opportunity for a hearing under the UAPA.

The bill establishes a Contracting Standards Advisory Council consisting of representatives from the Office of Policy and Management; the departments of transportation, administrative services, public works, and information technology; three other contracting agencies that the governor designates, including one human services-related state agency; and the chief procurement officer who serves as chairperson.

The council must meet at least four times a year to discuss state procurement issues and recommend improvements to the procurement process to the SCSB. It may conduct studies, research, and analyses, and make reports and recommendations with respect to matters within SCSB's jurisdiction.

On or before July 1, 2010, the board must submit to the governor and legislature necessary legislation to permit state contracting agencies, other than quasi-publics, institutions of higher education, and municipal procurement processes using state funds to comply with procurement laws and regulations. Within the next year, the board must submit legislation necessary to have procurement statutes apply to constituent units of higher education and privatization and procurement statutes and regulations apply to quasi-public agencies. By July 1, 2012, the board must submit legislation to governor and legislature necessary to have procurement statutes and regulations apply to municipalities when state funds are involved.

This Act requires the Judicial and Legislative branches to prepare their procurement codes for their use when contracting for, buying, renting, leasing, or otherwise acquiring or disposing of supplies, equipment, or services, including consultant, personal, and construction services. The codes must:

- establish uniform contracting standards and practices;
• ensure the fair and equitable treatment of all businesses and people involved in the procurement system;
• include a process for maximizing the use of small contractors and minority business enterprises;
• provide increased economy in procurement activities and maximize purchasing value to the fullest extent possible;
• ensure that they procure supplies, materials, equipment, services, real property, and construction in a cost-effective and responsive manner;
• include a process to ensure accountability between contractors and the Judicial and Legislative branches;
• simplify and clarify contracting standards and procurement policies and practices, including procedures for competitive sealed bids or proposals, small purchases, and sole source, special, and emergency procurements; and
• provide a process for competitive sealed bids and proposals, small purchases, sole source, emergency, and special procurements, best-value selection, and qualification-based selection, and the conditions for their use.

“Best-value selection” means a process to award contracts based on quality, timeliness, and costs. “Qualification-based selection” means a process to award contracts based primarily on contractor qualifications and a fair and reasonable price. “Emergency procurements” are those necessary because of a sudden, unexpected occurrence that poses a clear and imminent danger to public safety or that requires immediate action to prevent or reduce loss or impairment of life, health, property, or essential public services, or needed in response to a court order, settlement agreement, or other similar legal judgment.

This Act also establishes a procedure for privatizing state contracts. The procedure includes a requirement for cost-benefit analyses and business cases. Before privatizing any state service that is not currently privatized, a state contracting agency must develop a cost-benefit analysis and a business case. A “state contracting agency” is an Executive Branch agency and constituent unit of the state system of higher education. Any affected party may petition the SCSB to review the contract. The requirement does not apply

- to a privatization contract for a service currently provided at least in part by a non-state entity or if the state contracting agency determines the contract is required because of an imminent peril to public health, safety, or welfare,
- the agency states, in writing, its reasons for such finding, and
- the governor approves the finding in writing.

The cost-benefit analysis must document the direct and indirect costs, savings, and qualitative and quantitative benefits of the privatization contract. The analysis must (1) specify the minimum schedule required to achieve any estimated savings and (2) clearly identify any cost factor. Cost factors must be supported by all applicable records and reports. The state contracting agency's head must certify that, based on the data and information, all projected costs, savings and benefits are valid and achievable. “Costs” means all reasonable, relevant and verifiable expenses, including salary, materials, supplies, services, equipment, capital depreciation, rent, maintenance, repairs, utilities, insurance, travel, overhead, interim and final payments and the normal cost of fringe benefits, as calculated by the comptroller. “Savings” means the difference between the current annual direct and indirect costs of providing the service and the projected, annual direct and indirect costs of contracting to provide them in any succeeding state fiscal year during the term of such proposed privatization contract.

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If such cost-benefit analysis identifies a cost savings of less than 10%, the contract will not diminish the quality of services, and there is a significant public policy reason to privatize, the state contracting agency may develop a business case to evaluate the feasibility of entering the contract and to identify its potential results, effectiveness, and efficiency.

If the contract would result in at least 100 layoffs, transfers, or reassignments, after consulting with unions, the contracting agency must notify the affected employees after the cost-benefit analysis is completed, give them the opportunity to reduce the costs of providing the services to be privatized, and give them resources to encourage and help them organize and bid on the contract. The state contracting agency retains sole discretion in determining whether to proceed with the privatization contract if the SCSB approves the business case.

Any business case must include:

- the cost-benefit analysis;
- a detailed description of the service or activity that is the subject of such business case;
- a description and analysis of the state contracting agency's current performance of such service or activity;
- the goals to be achieved through the proposed privatization contract and the rationale for such goals;
- a description of available options for achieving such goals;
- an analysis of the advantages and disadvantages of each option, including potential performance improvements and risks attendant to terminating or rescinding the contract;
- a description of the current market for the services or activities that are the subject of the business case;
- an analysis of the quality of services as determined by standardized measures and key performance requirements, including compensation, turnover, and staffing ratios;
- a description of the specific results-based performance standards that must be met to ensure adequate performance by any party performing the service or activity;
- the projected time frame for key events from the beginning of the procurement process through the expiration of a contract, if applicable;
- a specific and feasible contingency plan that addresses contractor nonperformance and a description of the tasks involved in and costs required for implementing the plan; and
- a transition plan, if appropriate, for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communications with affected stakeholders, such as agency clients and members of the public, if applicable.

The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state or employed by the contractor.

If the primary purpose of the proposed privatization contract is to provide a core governmental function, the business case must also include information sufficient to rebut the presumption that the core governmental function should not be privatized. The presumption cannot be construed to prohibit a state contracting agency from contracting for specialized technical expertise not available within the agency; however, the agency must retain responsibility for the core governmental function. “Core governmental function” means a function for which the primary purpose is (A) to inspect for adherence to health and safety standards because public health or safety may be jeopardized if the inspection is not done or is not done in a timely or proper manner; (B) to establish statutory, regulatory, or contractual standards for a regulated person, entity, or state contractor; (C) to enforce public health or safety statutory,
regulatory, or contractual requirements; or (D) criminal or civil law enforcement. If any part of the business case is based upon evidence that the state contracting agency is not sufficiently staffed to provide the core governmental function required by the privatization contract, the state contracting agency must also include within the business case a plan to remediate the understaffing to allow the services to be provided directly by the state contracting agency in the future.

Once the business case is completed, the state contracting agency must submit it to the SCSB. If the privatization contract is projected to cost in excess of $150 million annually or $600 million over the life of such contract, the state contracting agency must also submit the business case to the governor, the Senate president pro tempore, the House speaker, and any collective bargaining unit affected by the proposed privatization contract. Each state contracting agency that submits a business case for review must give the board all information, documents, or other material required by the privatization contract committee to complete its review and evaluation of such business case. The SCSB cannot engage in any ex parte communications with a lobbyist, contractor, or union representative during the review.

Upon receipt of any such business case from a state contracting agency, the SCSB must immediately refer it to a five-member privatization contract committee, which must employ a standard process for reviewing, evaluating, and approving business cases. The process must include due consideration of: (A) the state contracting agency's cost-benefit analysis; (B) the agency's business case, including any facts, documents, or other materials that are relevant to the business case; (C) any adverse effect that the privatization contract may have on minority, small, and women-owned businesses that do, or are attempting to do business with the state; and (D) the value of having services performed in the state and within the United States.

The privatization committee must evaluate the business case and submit its evaluation to the SCSB for review and approval. During the review or consideration, no board member can engage in any ex parte communication with any lobbyist, contractor, or union representative.

Within 60 days after receiving a business case, the SCSB must transmit a report detailing its review, evaluation, and disposition to the state contracting agency that submitted it and, in the case of a privatization contract with a projected cost of at least $150 million dollars annually or $600 million dollars over the life of the contract, also send the report to the governor, the Senate president pro tempore, the House speaker, and any collective bargaining unit affected by the proposed privatization contract. The 60 days may be extended for an additional 30 days upon a majority vote of the board or the privatization contract committee and for good cause shown. A business is deemed approved if the SCSB does not act on it within the 60 days, except that no business case may be approved because the board fails to meet.

The board's report must include the business case, the privatization contract committee's evaluation of the business case, the reasons for approval or disapproval, any recommendations of the board, and sufficient information to help the state contracting agency determine if additional steps are necessary to move forward with a privatization contract.

Generally, a majority vote of the board is required to approve a business case. However, a two-thirds vote, including the vote of at least one board member appointed by a legislative leader, is required to approve a business case to privatize a core governmental function. Before approval, the state contracting agency must provide sufficient evidence to rebut the presumption that the core governmental function should not be privatized and there is a significant policy reason to approve the business case. In no case can a state contracting agency's staffing level constitute a significant policy reason to approve a business case for privatizing a core governmental function.
Any state contracting agency may request an expedited review if there is a compelling public interest for doing so. If the board approves the agency's request, the review must be completed not later than 30 days after receipt. If the board fails to complete an expedited review within the 30 days, the business case is deemed approved.

A state contracting agency may publish notice soliciting bids for a privatization contract only after the board approves the business case. A contract that is estimated to cost in excess of $150 million dollars annually or $600 million or more over its life must also be pre-approved by the legislature. The legislature, by a majority vote in either chamber, must either reject or approve the contract in its entirety. If the legislature is in session, it must approve or reject the contract within 30 days after it is filed. If the legislature is not in session when the contract is filed, the contract must be submitted not later than 10 days after the first day of the next regular session or special session called for that purpose.

A contract is deemed approved if the legislature fails to vote to approve or reject it within the 30 days, which period cannot begin or expire unless the legislature is in regular session. Any contract filed with the clerks within 30 days before the start of a regular session is deemed to be filed on the first day of such session.

Not later than 30 days after the board decides to approve a business case, any collective bargaining agent of any employee adversely affected by the proposed privatization contract may file a motion for an order to show cause in the Hartford Superior Court on the grounds that the contract fails to comply with the bill's substantive or procedural requirements regarding privatization. The court may: (1) deny the motion; (2) grant the motion if it finds that the proposed contract would substantively violate the bill's privatization provisions; or (3) stay the effective date of the contract until any substantive or procedural defect has been corrected.

The SCSB may review existing privatization contracts and must review at least one contracting area each year that is currently privatized. During the review, no board member can engage in any ex parte communication with any lobbyist, contractor, or union representative. For each privatization contract that the board selects for review, the appropriate state contracting agency must develop a cost-benefit analysis. Any affected party may petition the board to review the business case of any existing privatization contract. The SCSB cannot engage in any ex parte communications with a lobbyist, contractor, or union representative during the review.

If the cost-benefit analysis identifies cost savings of at least 10% and the contract does not diminish the quality of the service provided, the state contracting agency must develop a business case to renew the contract. The board must review the contract just as it does proposed privatization contracts and may approve the renewal by the applicable vote of the board, provided any renewal that is estimated to cost in excess of $150 million annually or $600 million dollars or more over the life of the contract must also be pre-approved by the General Assembly. If the renewal is approved by the board and the General Assembly, if applicable, the bill's provision on proposed amendments applies.

If the cost-benefit analysis identifies a cost savings of less than 10%, the state contracting agency must prepare and begin to implement a plan to have the service provided by state employees. However, (1) after the plan is prepared but before it is implemented the state contracting agency may develop a business case for the privatization contract that achieves at least a 10% cost savings and must submit the plan to the SCSB for review and approval; (2) the privatization contract cannot be renewed with the vendor currently providing the service unless there is a significant public interest in doing so and the renewal is approved by a two-thirds vote of the board, including the vote of at least one member appointed by a legislative leader; (3) until
the state contracting agency implements the plan, it may contract for the services for up to one year; and (4) funds may be transferred from the General Fund to allocate necessary resources to carry out this provision upon the governor's recommendation and after approval of the Finance Advisory Committee.

Renewal of a privatization contract with a nonprofit organization cannot be denied if the cost of increasing compensation to employees performing the privatized service is the only reason for the contract not achieving a 10% cost savings.

This Act directs that when an affected party suspects collusion or other anticompetitive practices among any bidders or proposers for a state contract, the party must give the attorney general notice of the relevant facts. Affected parties include the state contracting agency or a bidder or proposer. A proposer is a business submitting a proposal in response to a request for proposals or other competitive sealed proposal by a state contracting agency.

The bill allows the SCSB to disqualify any contractor, bidder, or proposer from bidding on, applying for, or participating as contractor or subcontractor under state contracts. The disqualification can run for up to five years.

In order to disqualify a contractor, bidder, or proposer, the board must (1) consult with the relevant contracting agency and the attorney general; (2) provide reasonable notice and hold a hearing; and (3) act through a subcommittee of three members, including at least one legislative appointee, appointed by the board’s chairperson. In determining whether to disqualify a contractor, bidder or proposer, the board must consider the seriousness of the affected party's acts or omissions and any mitigating factors.

Grounds for disqualification include:
- conviction of, or entry of a plea of guilty or nolo contendere (no contest) or admission to the commission of a criminal offense in connection with obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract; the violation of any state or federal law for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property or other offenses indicating a lack of business integrity or honesty that affects responsibility as a contractor; or a violation of any state or federal antitrust, collusion or conspiracy law arising from the submission of bids or proposals on a public or private contract or subcontract;
- accumulation of two or more suspensions under the uniform procurement code within a 24-month period;
- a willful, negligent or reckless failure to meet the terms of one or more state contracts or subcontracts, agreements, or transactions;
- a history of failure to perform or of unsatisfactory performance on one or more state contracts, agreements, or transactions;
- a willful violation of a statutory or regulatory provision or requirement applicable to a state contract, agreement of transaction;
- a willful or egregious violation of State Ethics Code provisions on prohibited activities and prohibited activities by consultants and independent contractors as determined by the Citizen's Ethics Advisory Board; or
- any other cause or conduct the board determines to be so serious and compelling as to affect responsibility as a state contractor.

The last category includes: (1) disqualification by another state for cause; (2) the existence of an informal or formal business relationship with a contractor who has been disqualified from bidding or proposing on state contracts of any state contracting agency; and (3) the fraudulent or
criminal conduct of any officer, director, shareholder, partner, employee or other individual associated with a contractor, bidder or proposer, if the conduct was connected with the individual's performance of duties for, or on behalf of, the contractor, bidder or proposer and the contractor, bidder or proposer knew or had reason to know of the conduct.

This bill establishes a process for bidders or proposers on state contracts to contest the way the contracts were solicited or awarded or to contest an unauthorized or unwarranted, noncompetitive selection process. A bidder may contest to a SCSB subcommittee consisting of three members, including at least one legislative appointee, appointed by the chairperson. The contest must be in writing and submitted within 14 days after the bidder knew or should have known about the facts forming the basis for the contest. The contest must be limited to the solicitation or awarding procedures or claims of unauthorized or unwarranted noncompetitive selection.

The bill authorizes the subcommittee to resolve or settle the contest. If the complaint is not resolved, the bill requires the subcommittee to issue a written decision within 30 days after receiving the contest and provide a copy to the complaining bidder.

The bill permits contractors, bidders, or proposers to appeal a subcommittee's suspension decision to the SCSB within 14 days after receiving it. Each bidder or proposer must state the facts supporting his claim in enough detail for the SCSB to determine whether procedural elements of the solicitation or award failed to comply with the code or whether an unauthorized or unwarranted, noncompetitive selection process was utilized. The appeal does not automatically prohibit the award or execution of the contested contract.

The bill requires the SCSB to create a subcommittee of three of its members, including one legislative appointee, to review these appeals and vote on whether a bidder's allegation has been demonstrated. The appeals committee may not include any SCSB member who originally heard the case. A unanimous vote is dispositive. If the vote is split, the full membership must review the appeal and dispose of it by a vote of two-thirds of its members present and voting, including at least one vote by a legislative appointee. (The bill does not specify what happens if the vote of the full board is less than two-thirds.) And any three board members may request that the full board review an agency's deliberative or awards process.

The subcommittee, or the full board in the event of a split vote, must issue a written decision, or take other appropriate action, on each appeal and provide a copy of any decision to the bidder. The subcommittee must act within 90 days after receiving the appeal. The full committee must act within 90 days after receiving the appeal from the subcommittee. If the subcommittee or full board decides in the bidder's favor, the board must direct the state contracting agency to take corrective action within 30 days after the decision date. A decision by the full board or the appeals review committee is final and not subject to appeal.

The board must provide a copy of the decision to all parties, the head of the state contracting agency, and the chief procurement officer. The bill does not specify if this is a final decision that can be appealed to superior court.

Submitted as:
Connecticut
September Special Session, Public Act 07-1 (SB 1600)
Status: Enacted into law in 2007.

Comment: The bill is not in the packet because it is 53 pages long.
Disposition: 13-29B-02

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act authorizes the state department of transportation to develop and operate tollways. In order to develop and operate tollways or toll facilities, the department may expend funds from a state tollway account created by this bill and the state highway fund as appropriated by the general assembly and any funds, grants, or loans received from or made available by the federal government or any other government agency for any tollway or toll facility project. This bill authorizes the commissioner of transportation to set or assign the authority to set tolls on tollways.

This Act authorizes a state funding board, at the request of the commissioner, to issue bonds, and authorizes the state to incur indebtedness, for the purpose of financing tollway or toll facility projects. The state funding board may pledge, encumber, transfer, or otherwise obligate funds held in the state tollway account as security for bonds or other indebtedness incurred by the state on behalf of the department for the purpose of developing or operating a tollway or toll facility.

This bill provides for the establishment of a state tollway account as a separate account within the state highway fund. The state tollway account would consist of the following:

- all toll revenues received by the department;
- any revenues or funds that the general assembly may appropriate to the state tollway account;
- any funds the department may receive from the federal government or any other government agency or private entity that by grant, donation, loan, or otherwise is dedicated to the state tollway account and may be lawfully pledged as security for bonds or other indebtedness incurred by the state; and
- any interest earnings on deposits of or investments made from any funds held in the state tollway account.

The state tollway account may be used to defray costs associated with the development and operation of tollways or toll facilities; to pay the principal, interest and any premium due with respect to any bonds issued or other indebtedness incurred by the state for any tollway or toll facility project and to pay any costs incurred by the department or state funding board in connection with the issuance and payment of such bonds or other indebtedness; to be pledged as security for bonds or other indebtedness incurred by the state on behalf of the department for the purpose of developing or operating a tollway or toll facility; and any other manner that the state highway fund may be lawfully used.

This bill authorizes the department to enter into contracts, agreements or understandings with private parties, the federal government, or other governmental agencies for the purpose of developing or operating a tollway or toll facility. Any private entity or other governmental agency that operates a tollway or toll facility may, pursuant to an agreement with the department, set and collect tolls and receive other toll revenues from the operation of a tollway or other toll facility, subject to such conditions as the department may establish.

This bill provides that any person who uses any tollway facility without paying the toll required for the use thereof commits a Class C misdemeanor.

Submitted as:
Tennessee
Chapter 597 of 2007 (SB 1152)
Status: Enacted into law in 2007.
Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act defines a medium-speed electric vehicle (MEV) as four-wheeled motor vehicles that are self-propelled and electrically powered, can reach a speed a between 30 and 35 miles per hour, are equipped with a roll cage or a crush-proof body design, and otherwise meet or exceed the federal regulations for neighborhood electric vehicles.

The Act permits medium-speed electric vehicles to operate on a public highway having a speed limit of 35 miles per hour or less if certain conditions are met. The conditions are that the vehicle is licensed and displays plates, the vehicle is insured for liability, the vehicle may not operate on a state highway, and that the vehicle may not cross a highway with a speed limit over 35 miles per hour, unless certain criteria are met.

The MEV operator must have a valid driver's license. The operator of a MEV in violation of the above provisions is guilty of a traffic infraction. Seatbelt and child restraint laws are applicable, and the vehicle must meet or exceed federal standards for that type of vehicle. Local authorities may regulate the operations of these types of vehicles on public highways under their jurisdiction if the regulations are consistent with the motor vehicle code. The local authorities may not permit vehicles on state highways or require additional registration or licensing.

Submitted as:
Washington
Chapter 510, Laws of 2007 (HB 1820)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act:
  • allows the state department of transportation to adopt rules to provide for the issuance of permits for changeable message signs;
  • allows people to erect and operate a changeable message sign in the absence of rules adopted by the department; and
  • enables electronic billboard operators to contract to display amber alerts.

Submitted as:
Indiana
HEA 1373
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires new and replaced traffic-actuated signal detectors to be able to detect bicycles and motorcycles as well as cars and trucks.

Submitted as:
California
Chapter 337 (AB 1581)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires bicycle and pedestrian ways be included when planning transportation facilities, particularly within one mile of an urban area. The Act requires the state department of transportation establish design and construction standards for bicycle and pedestrian ways.

Submitted as:
Illinois
Public Act 95-0665
Status: Enacted into law in 2007.

Comment: An October 16, 2007 press release from the National Complete Streets Coalition reports:

For Immediate Release
For more information, contact:
Barbara McCann 202-234-2745
Margo O’Hara 312-427-3325, ext. 224

October 16, 2007
Illinois Passes Complete Streets Law
Major Victory for National Complete Streets Movement

“In near-unanimous votes, the Illinois House and Senate have overridden a gubernatorial veto to adopt a statewide complete streets law. The new law requires the Illinois Department of Transportation to include safe bicycling and walking facilities in all projects in urbanized areas, and is a victory for the movement to create complete streets that serve the needs of all road users. It is effective immediately for project planning and required in construction beginning August 2008.

“The law is a very cost-effective way to improve safety and access for bicyclists and pedestrians,” says Randy Neufeld, Chief Strategy Officer for the Chicagoland Bicycle Federation. “In the past, the state was prompted by death or injury to correct unsafe conditions on a given project. This law requires projects be built correctly the first time, which will save taxpayers’ money and protect people.”

Illinois’ action on makes it the first state to adopt complete streets into law since the complete streets movement began in 2003. While Governor Blagojevich had used an amendatory veto to gut AB 314, in special session both houses voted to override, the Senate unanimously (Oct 5) and the House by 109 to 3 (Oct. 10).

Five other states have some form of complete streets law on the books, and eight states have other types of complete streets policies. The California legislature is considering a complete streets measure that requires all jurisdictions to plan roads for all travelers – including transit users and disabled people. To date, more than 50 jurisdictions, including cities such as Salt Lake and Seattle, have adopted complete streets measures, and many others are considering them.

“The Illinois Legislature recognized what is becoming common sense across the country – that our roads need to serve everyone using them, whether they are driving, walking, bicycling, or
catching the bus.” says Barbara McCann, Coordinator of the National Complete Streets Coalition. “By routinely completing their streets, transportation agencies increase road capacity, avoid costly retrofits, encourage physical activity and help create the walkable communities that so many people want today.”

The Illinois legislative push was inspired in part by the death of 17-year-old Nate Oglesby, who was killed in 2000 while trying to get across the Fox River outside of Cary, Illinois on his bicycle. The sole bridge across the river, US 14, only had room for cars. His family won a wrongful death lawsuit against the state, and community pressure forced the Illinois Department of Transportation to go back at great expense and add a bicycle and pedestrian path leading up to and crossing the US 14 bridge.

Groups supporting complete streets have formed the National Complete Streets Coalition, with active participation from groups representing seniors, transit users, pedestrians, bicyclists, and disabled people, as well as smart growth proponents and professional organizations such as the American Planning Association and the Institute of Transportation Engineers. For more information, visit www.completestreets.org or call 202-234-2745.”

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires bicycle and pedestrian ways be included when planning transportation facilities, particularly within one mile of an urban area. The Act requires the state department of transportation establish design and construction standards for bicycle and pedestrian ways.

Submitted as:
Florida
Chapter 335, Section 065
Status: Enacted into law in 2007.

Comment: This Florida statute is also reported on www.completestreets.org’s policies reference chart of governmental actions to make streets safe for bicycle and pedestrian travel.

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act provides tax credits up to $1,200 to businesses and employees to help defray the cost of telecommuting and to encourage people to telecommute. Qualifying expenses include expenses to purchase computers, computer related hardware and software, modems, data processing equipment, telecommunications equipment, high-speed Internet connectivity equipment, computer security software and devices, and all related delivery, installation, and maintenance fees related to telecommuting.

Submitted as:
Georgia
Act 526 (HB 194 / As Passed House and Senate)
Status: Enacted into law in 2006.

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act establishes a pilot program to give candidates for certain offices the option to finance their campaigns from a publicly supported fund, provided they gain authorization to do so from registered voters and they abide by strict fundraising and spending limitations.

Submitted as:
North Carolina
Session Law 2007-540 (HB 1517)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) 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, the federal Victims of Trafficking and Violence Protection Act of 2000 enables immigrant victims of human trafficking to get certain federal benefits once their status in the US is determined.

This bill directs the state department of children and family services to establish a state-funded benefit program for immigrant victims of human trafficking, domestic violence and other serious crimes while their eligibility for federal benefits under the aforementioned Act is being determined.

This Act:

• defines “immigrant victims of human trafficking, domestic violence and other serious crimes” as an individual who has filed or is preparing to file specified federal applications;
• states that victims of human trafficking, domestic violence and other serious crimes are eligible for state-funded benefits to the same extent as individuals who are admitted to the United States as refugees under specified circumstances;
• provides a list of documents that in addition to a sworn statement, suffices as evidence that an applicant has been a victim of human trafficking; and
• permits the department of children and family services to develop a public awareness campaign about the program.

Submitted as:
Florida
Chapter 2007-162 (HB 7181)
Status: Enacted into law in 2007.

Comment:

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

SSL Committee Meeting: 2009B
(  ) Include in Volume
(  ) Defer consideration
(  ) next task force mtg.
(  ) next SSL mtg.
(  ) next SSL cycle
(  ) Reject
Comments/Note to staff:
This Act requires Internet dating services provide a safety awareness notice to customers and a notice disclosing whether criminal background screenings on its members have been performed. The bill makes it an unlawful practice and a violation of the state Consumer Fraud Act for an Internet dating service to fail to provide the notice required by the bill or falsely indicate that it has performed criminal background screenings in accordance with the bill.

Under the bill, Internet dating services are required to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the service.

If an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to members. The disclosure is required to be in bold, capital letters in at least 12-point type.

If an Internet dating service does conduct criminal background screenings, the service shall disclose that fact and disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service. The service also must state that:

- criminal background screenings are not foolproof;
- they may give members a false sense of security;
- they are not a perfect safety solution;
- criminals may circumvent even the most sophisticated search technology;
- not all criminal records are public in all states and not all databases are up to date;
- only publicly available convictions are included in the screening; and
- screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

Submitted as:
New Jersey
P.L. 2007, Chapter 272 (SB 1977, Second Reprint)

Comment:

Disposition:

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

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

Comments/Note to staff:
This Act permits a party in a general civil case to appear by telephone at specified conferences, hearings, and proceedings. The bill also permits a court to require a party to appear in person at these hearings, conferences, or proceedings if the court makes a specified determination on a hearing-by-hearing basis.

Submitted as:
California
Chapter 268 (AB500)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires a school district to treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject. It prohibits a school district from discriminating against the student based on a religious viewpoint expressed by the student on an otherwise permissible subject.

Submitted as:
Texas
HB 3678 (enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

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

Comments/Note to staff:
This Act:
- establishes procedures for determining where jurisdiction lies in guardianship and conservatorship proceedings when the parties are not all in the same state;
- provides for jurisdiction in states with a significant connection to the incapacitated person;
- defines “significant connection;”
- provides for cooperation between courts of different states;
- allows for special circumstances if an incapacitated person is in a state that does not meet the "significant connection" standard;
- provides procedures for the transfer of jurisdiction to another state; and
- allows for registration of protective orders from other states.

Submitted as:
Utah
SB122

Comment:

According to a March 4, 2008 article in the Salt Lake Tribune, this bill would be “the first in the nation to recognize guardianship orders issued elsewhere. What that means is that parents of a disabled adult child who move from Idaho to Utah would not have to seek a new guardianship order extending their authority over the child. It would also smooth the way for parents to get a child medical care.”

“The law also would allow existing guardianships granted to someone caring for aging parents to apply from state to state and would set up a mechanism for resolving disputes when they arose.”

“Four other jurisdictions, (Alaska, Colorado, and Missouri and the District of Columbia) are also currently considering the law, according to the Uniform Law Commission.”

Disposition:

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

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

Comments/Note to staff:
This Act enables certain state colleges to reduce tuition up to 25% for some courses when those courses are held at night or on weekends. The purpose of the Act is to encourage using existing state higher education buildings to full capacity instead of building new buildings.

Submitted as:
Texas
HB 120 (Enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act prohibits schools from offering or providing access to students in kindergarten through high school foods containing artificial trans fat. The measure applies to vending machines and schools food service establishments before and during school hours.

Submitted as:
California
Chapter 648 (SB 490)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act creates a program to offer high school students internships with local employers. The bill provides that no more than 100 internships may be offered each school year by a district school board. An internship shall be at least 8 weeks long but no more than 20 consecutive weeks during any school year, and a student is prohibited from working more than 20 hours per week. The participating employer is required to monitor the academic value of the internship using criteria developed by the school board and must conduct an evaluation of the student at the conclusion of the internship.

Submitted as:
Florida
Chapter 2007-122
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This Act:
• requires schools to develop diabetes medical management plans for students with diabetes;
• requires schools to provide certain assistance to students with diabetes;
• allows students to manage their diabetes at school; and
• requires schools to provide a private management and care area for students with diabetes.

Submitted as:
Oklahoma
HB1051
Status: Enacted into law in 2007.

Comment:

Disposition:

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

SSL Committee Meeting: 2009B
( ) Include in Volume
( ) Defer consideration
  ( ) next task force mtg.
  ( ) next SSL mtg.
  ( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This Act establishes a program to enable school districts to contract with each other to permit teachers to travel and teach in more than one school district, and to get a bonus for participating in the Traveling Teachers Program.

Submitted as:
Arkansas
Act 1027 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act enables a school **system** to convert to charter status. This Act also:

- establishes a charter advisory committee;
- sets requirements for petitions for charter systems;
- establishes procedures to approve or deny a charter school system petition; and
- sets terms for renewing and terminating charter school systems.

Submitted as:
Georgia
**Act 116 (SB 39)**
Status: Enacted into law in 2007.

Comment:

Office of Governor Sonny Perdue
Tuesday, May 22, 2007 Contact: Office of Communications 404-651-7774

ATLANTA – Governor Sonny Perdue announced today the signing of Senate Bill 39, the Georgia Charter Systems Act, which allows an entire school system to convert to charter status. The bill, which was one of Lt. Governor Casey Cagle’s major campaign promises, was sponsored in the State Senate by Senator Dan Weber (R-Dunwoody).

“Lt. Governor Cagle has shown himself to be a strong supporter of high achievement and accountability in our education system,” said Governor Sonny Perdue. “This legislation will allow innovative local systems to apply the same techniques that charter schools have used to generate academic success.”

The bill creates a Charter Advisory Committee to provide technical assistance and review of charter petitions and allows for up to five systems to apply for planning grants to use towards conversion to a full charter system.

“Charter Systems offer the truest form of local control of public education. There has been strong support for this bill across our state and I am very pleased that today the Charter Systems Act will become law.”

“Georgia will witness a true paradigm shift as more charter schools advance innovation, flexibility and resourceful teaching,” said Lt. Governor Casey Cagle.

Disposition:

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<td>Comments/Note to staff:</td>
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This Act establishes a telephone hotline to enable students, teachers, and other school employees to anonymously relay information about dangerous, violent or criminal activities at schools. The program is administered by a private, nonprofit organization that is required to do the following:

- maintain the hotline;
- establish a method ensuring the anonymity of information providers;
- establish a method ensuring that if the identity of the information provider becomes known, it is not further disclosed;
- assist law enforcement agencies by promptly forwarding information received on the hotline;
- foster detection and encourage the reporting of such activities on the hotline; and
- encourage use of the hotline by the general public, including promoting the hotline through local media outlets.

The bill specifies that the program is not required to produce hotline records except upon a court order. The court is required to protect the informant's anonymity, unless the state or federal constitution requires disclosure. Finally, the bill creates a new class 1 misdemeanor for violation of this confidentiality requirement.

Submitted as:
Colorado
SB 197
Status: Enacted into law in 2007.

Comment:

Rocky Mountain News
State's response to Columbine, Safe2Tell program, a success
By Marilyn Robinson, Special to the Rocky Mountain News

Monday, December 31, 2007

Calls to Safe2Tell, a statewide program set up in the wake of the 1999 Columbine High School shootings, more than tripled in the past three months, compared with the same period last year, officials report.

They attribute the 300 percent increase - from 31 in September, October and November 2006 to more than 100 in the same months this year - to greater awareness.

"In a state where gun violence has become internationally known, there are some success stories. This is one of them," said Lance Clem, spokesman for the Colorado Department of Public Safety.

"Safe2Tell is Colorado's response to Columbine," Clem said. "It's the primary strategy to heading off another Columbine."

The program was developed with financial support from The Colorado Trust and recommendations from the Columbine Review Commission and Colorado Attorney General John Suthers.

The commission was set up to study the Columbine shootings, which left 15 dead and others wounded.
Safe2Tell, which began operating in September 2004, provides students and adults with an anonymous way to report safety concerns. Calls are answered 24 hours a day, seven days a week by Colorado State Patrol dispatchers, who alert schools, law enforcement, mental-health workers - "anyone who might help someone in a crisis," Clem said.

The program, managed by the State Patrol, is the only one of its kind in the nation, Clem said.

"Other states have hot lines, but none answered by a live person. It's the trained, live touch that makes Safe2Tell unique, as well as the complete anonymity of making a report," he said. Officials think anonymity is a big factor.

Children "don't want to be known for ratting on a friend," Clem said. "The anonymous approach has seemed to encourage them to use the phone line. Many times, we know they wouldn't use it if it were not anonymous."

Almost half the calls are from adults. Sometimes, there are many calls on the same incident, officials say.

The program operates out of donated space in the El Paso County District Attorney's Office in Colorado Springs. It has only two full-time staffers and one part-time worker. "We started out with a staff of one," said Special Agent Susan Payne, the executive director.

More than 2,650 calls have been received since 2004, resulting in 644 tip reports from 104 Colorado cities and 43 counties. The leading topic is bullying, with 231 calls. Officials count 26 possible school attacks that have been prevented. There are a host of other calls, including 58 suicide-prevention calls.

Payne and Jo McGuire, program manager, remember one of those suicide preventions well. "A young man had been called in for disciplinary action. The school principal was preparing to counsel him about skipping school and failing classes. But a tip had been called in to report he was suicidal," McGuire said. The boy admitted to the principal he had purchased a rope and was planning to take his life that afternoon. Instead of suspending the boy, the principal sent him to the hospital.

Safe2Tell got nearly 30 calls from students and parents concerning one planned school attack, McGuire said. "This school was very plugged into Safe2Tell," she said. "That should be the norm."

The program has concentrated on elementary and middle school students. Youngsters often struggle with whether they are betraying a friend if they report their concerns, Payne said.

"Middle school is where we know violence peaks," she said.

Safe2Tell provides staff training for school, law enforcement, parent and community groups. Its goal is to reach 2,500 schools in Colorado with more than 775,000 students, from kindergarten through 12th grade.

Payne would like the program to expand to deal with older students, dating violence and stalking. But to expand, the program would need two more staff members and a marketing company, she said. To report a concern, call 1-877-542-SAFE (7233).

More than 2,650 calls have been received since 2004, resulting in 644 tip reports from 104 Colorado cities and 43 counties. Here are the top five most reported incidents.

Bullying 231
Threats 118
Drugs/alcohol 110
Weapons 69
Suicide preventions 58
Disposition: 20-29B-07

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

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

Comments/Note to staff:

SSL Committee Meeting: 2009B

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

Comments/Note to staff:
This Act establishes general criteria school officials can use to censure school-sponsored or school-affiliated media such as student newspapers, regardless of whether such media is funded by the school or produced on school property. Generally, school officials must prove that publishing the material in question will produce “a material and substantial disruption of the orderly operation of the school.”

Submitted as:
Oregon
Chapter 763 (HB 3279)
Status: Enacted into law in 2007.

Comment:

A July 13, 2007 press release from the governor’s office states:
This legislation not only affects student journalists in Oregon, but also leads the way for students around the country,” said Governor Kulongoski. “This legislation ensures that all student journalists have rights to freedom of speech.”

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires public colleges and universities:

- establish a crisis threat assessment team;
- develop a campus-wide threat assessment policy,
- adopt and maintain a crisis and emergency management plan; and
- set up a warning and emergency broadcast system for students.

Submitted as:
Virginia
Chapter 450 (H1449)

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act directs the state board of medical examiners to set up and make available, primarily through the Internet, a database of information about doctors who practice in the state. The Act requires physicians who apply for a license to practice medicine in the state on or after January 1, 2008, disclose specific information that can be accessed by the public via the Internet. These requirements also apply to physicians who make application on or after January 1, 2008 to reinstate or reactivate an existing license.

The Act requires that the following information be disclosed to the public:

- name;
- aliases;
- current address;
- telephone number;
- information regarding all medical licenses ever held;
- current board certifications;
- practice specialty;
- affiliations with hospitals and health care facilities;
- current ownership interests in businesses;
- current employment contracts;
- public disciplinary actions against a medical license;
- agreements and stipulations to temporarily cease medical practice;
- involuntary hospital or health care facility privileging actions;
- involuntary surrender of a DEA registration;
- criminal convictions or plea arrangements for felonies and crimes of moral turpitude;
- judgments, settlements and arbitration awards for medical malpractice claims; and
- refusal by an insurance carrier to issue medical liability insurance.

Submitted as:
Colorado
HB 1331
Status: Enacted into law in 2007.

Comment:

Disposition:

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

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

Comments/Note to staff:
This legislation requires distributors of wholesale prescription drugs establish and maintain inventories and records of all transactions regarding the receipt and distribution of such drugs, including pedigrees for any drugs that leave the normal distribution channel (i.e., from the manufacturer to the wholesale distributor to the retail pharmacy). Pedigrees must include the following information about each sale in the chain of distribution of the drug (i.e., from the manufacturer, to acquisition and sale by any wholesale distributor or repackager, to the final sale to a pharmacy):

- the name, address, telephone number, and email address of each owner and each wholesale distributor of the drug;
- the name and address of each location from which the drug was shipped;
- transaction dates:
- certification that each recipient, excluding retail or hospital pharmacies, has authenticated the pedigree;
- the name of the drug;
- dose and strength of the drug;
- size and number of the containers;
- lot number of the drug; and
- the name of the manufacturer of the finished dose form.

Each pedigree must be maintained by the wholesale distributor for three years from the date of sale and must be made available for inspection by the State Board of Pharmacy. The Board is required to adopt rules and regulations, including a standard form, regarding the requirements set forth by this legislation no later than 90 days after its effective date. In addition, by January 1, 2009, the Board must conduct a study in consultation with manufacturers, distributors, and pharmacies that sell and distribute drugs in the state. Based on the results of this study, the Board will establish a mandatory date for implementation of electronic pedigrees which will be no sooner than December 31, 2011. Pedigrees may then be implemented through an approved system that electronically tracks and traces the wholesale distribution of each prescription drug.

If the Board finds that there is reasonable probability that a wholesale distributor has violated this legislation, falsified a pedigree, or sold, distributed, transferred, manufactured, handled, or repackaged a counterfeit prescription drug which could cause serious, adverse health consequences or death, the Board must issue an order requiring the distributors or retailers to immediately cease further distribution of the drugs. Any person subject to an order will have the opportunity for an informal hearing no later than ten days after the date of its issuance.

This legislation also makes it unlawful for a person to perform or aid and abet any of the following acts:

- selling, distributing, or transferring a prescription drug to a person who is not authorized to receive such drug;
- failing to maintain or provide pedigrees;
- failing to obtain, transfer, or authenticate a pedigree;
- providing the Board, its representatives, or any federal official with false or fraudulent records or making false statements regarding the provisions of this legislation;
- fraudulently obtaining, attempting to obtain, or distributing a prescription drug; and
• except for the wholesale distribution by drug manufacturers that has been delivered into commerce pursuant to FDA approval, the manufacturing, repackaging, selling, transferring, delivering, holding, or offering for sale any prescription drug that is adulterated, misbranded, counterfeit, or otherwise unfit for distribution.

Any person who engages without knowledge in the wholesale distribution of prescription drugs in violation of this legislation may be fined a maximum of $10,000.00. If such person is grossly negligent, he or she may be punished by imprisonment of a maximum of 15 years and/or a fine of up to $50,000.00. Any person who knowingly violates this legislation is guilty of a felony, punishable by a maximum of 25 years imprisonment and/or a fine of up to $500,000.00.

Additionally, this legislation allows revises current law regarding the grounds for which the state board of pharmacy may suspend, revoke, or refuse to grant a license for distributing prescription drugs through the mail by creating an additional exemption for drugs delivered to a patient or his or her guardian or physician if:

• the prescription drugs are prescribed for complex chronic, terminal, or rare conditions;
• the prescription drugs require special administration, comprehensive patient training, or the provision of supplies and medical devices, or have unique patient compliance and safety monitoring requirements;
• due to the prescription drug’s high monetary cost, short shelf life, special manufacturer specified packaging and shipping requirements or instructions which require temperature sensitive storage and handling, limited availability or distribution, or other factors, the drugs are not carried in the regular inventories of retail pharmacies such that the drugs could be immediately dispensed to multiple retail walk-in patients;
• the prescription drug has an annual retail value to the patient of more than $10,000.00;
• the patient consents to delivery of the drug via expedited overnight delivery and designates the specialty pharmacy to receive the drug on his or her behalf; and
• the specialty pharmacy utilizes temperature tags and/or insulated packaging and notifies the enrollees of its policies regarding medications that do not arrive on time or have been compromised during shipment.

This exemption will also apply to refills delivered by a pharmacy to an institution or a group model HMO health benefits plan enrollee upon his or her request, subject to the following conditions:

• the pharmacy must provide an electronic, telephonic, or written communication mechanism to determine that the enrollee received the medications that were distributed through the mail;
• the Board must promulgate a list of medications that may not be delivered through the mail, including Class II controlled substances, medications that require refrigeration, chemotherapy drugs, or suppositories;
• the pharmacy must utilize temperature tags, time temperature strips, insulated packaging, etc; and
• the pharmacy must establish and notify the enrollee of its policies and procedures regarding circumstances in which medications do not arrive in a timely manner or in which they have been compromised and must assure that the drugs will be replaced.
Submitted as:
Georgia
Act 245 (SB 205 AP)
Status: Enacted into law in 2007.

Comment:

Disposition: 21-29B-02

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

Comments/Note to staff:

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

Comments/Note to staff:
This bill establishes a program to enable nurses to provide in-home services to low-income, first-time mothers, from the mother’s pregnancy through their child's second birthday. These nurses will educate mothers about proper nutrition, avoiding drugs and alcohol, and generally caring for children.

The program will be administered by entities selected on a competitive basis by the department of health. Generally, these entities must provide services to at least 100 qualified people, but the department can waive this requirement if the population base of the community does not have the capacity to enroll 100 mothers. Entities selected to administer the program can get grants from the department to help fund the program.

Submitted as:
Tennessee
Chapter No. 530 of 2007
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) 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 collect and report health care-associated infection data at hospitals. The state department of health (DOH) will oversee and evaluate the program. The Act directs the DOH to publish annual reports on its Internet site comparing health care associated infection rates among hospitals. These health care associated infections include:

- central line-associated bloodstream infections in the intensive care unit;
- ventilator-associated pneumonia;
- surgical site infections related to cardiac surgery, and
- total hip and knee replacement, and hysterectomy.

The data on these infections must be collected according to the definitions and methods of the Centers for Disease Control and Prevention's National Healthcare Safety Network (NHSN). The data must be routinely submitted to the NHSN in accordance with its requirements, with oversight by a qualified individual with appropriate skill and knowledge.

The Act directs hospitals to maintain and collect information about health care-associated infections in their quality improvement programs and include infection control information in their quality improvement education programs.

Submitted as:
Washington
Chapter 261, Laws of 2007
Status: Enacted into law in 2007.

Comment:
CSG Health Policy staff says this bill complements the MDRO legislation in Part 1 of the 2009 SSL volume.

ACCORDING TO CONSUMERS’ UNION

SUMMARY OF STATE ACTIVITY

- 19 states have laws requiring public reporting of infection rates.
- 3 states have laws requiring public reporting of infection information, but not specifically rates (CA, OK, RI).
- 2 states have laws requiring confidential reporting of infection rates (NE, NV).
- 1 state has a voluntary law requiring public reporting of infection information (AR).
- All other states except WY, AZ, MT, ND have considered hospital infection reporting laws, but have not yet passed legislation.

STATES WITH LAWS REQUIRING HOSPITAL-ACQUIRED INFECTION REPORTING

California requires hospitals to have policies in place to prevent infections, which will be checked by the Department of Health Services once every three years after 2009. The public will
not know whether the hospitals are actually following their procedures. It requires public reporting based on the CDC’s "Guidance to Public Reporting," but only includes process measures, relating to the rate at which prevention practices are used. The reporting requirements do not include the Guidance "outcome" measures, such as hospital infection rates, which would reveal whether hospital policies are actually reducing infections. The limited public reporting in this bill is to be done at some unspecified time (on or after Jan. 1, 2008) which is a year after we expect the same process measures to be available on the federal "Hospital Compare" website.

Colorado requires hospitals, ambulatory surgical centers and dialysis centers to report incidents of hospital-acquired infections to the CDC to be analyzed and risk adjusted. The Colorado Department of Public Health and Environment will use that information to issue facility-specific infection rates to the public. An advisory committee, including consumer representatives, will assist the department. Requires the person collecting the infection data for facilities with more than 50 beds to be certified in infection control. Requires physicians who diagnose a hospital-acquired infection upon follow-up with patients to report those infections to the facility in which the reportable procedure was done. These reports are to be included in the facility report to the Department. The first report will include infection rates for cardiac and orthopedic surgical site infections and central line-related blood stream infections. The advisory committee can recommend additional measures later. The first annual comparative report will be issued in January 2008.

Connecticut requires hospitals to report infections to the Connecticut Department of Health. A committee, which includes consumer representatives, will advise the department on specifics regarding the types of outcome and process measures to be collected, as well as how these are to be collected and reported. The department will then make hospital-specific infection information available to the public. The first report is to be issued by October 2008.

Florida’s law is generally a directive to collect and report on hospital-acquired infections. They have chosen a phased in process, which enabled them to almost meet their legislative deadlines. First hospital-specific report in the US issued in November 2005 using the Agency for Healthcare Research and Quality (AHRQ) Patient Safety Indicators (PSI) scale. [produced along with a comprehensive report of other quality indicators, such as mortality rates connected to specific procedures] They found significant variations among hospitals. The report compares hospitals by grouping in categories the rate of infection was as expected, lower than expected, or higher than expected. They also included a rate, which they claim cannot be used to compare hospitals, but reflects each hospital’s unique population. Their plan is to report the CMS SIP process measures next (actually have the current year's information on their site now; but many hospitals did not report), then hospital infection rates using the CDC NHSN collection and analysis process.

The Patient Safety Indicators include several infection-related measures: Infections due to medical care (serious infections usually from the use of an IV or catheter) and postoperative sepsis (serious blood stream infection following surgery). Also includes decubitus ulcers (bed sores), iatrogenic pneumothorax (collapsed lung due to medical care or surgery), postoperative hip fracture (in adults who entered the hospital for something other than a hip fracture), and postoperative pulmonary embolism or deep vein thrombosis (serious blood clots in deep
veins/arteries; the most common cause of death for patients who spend a long time in the hospital.

This tool culls out likely hospital-acquired infections using administrative data. This is controversial because, according to most hospitals, these billing forms are an inaccurate reflection of the patient's condition and care received. Typically these documents are coded by clerks, not health care professionals, who take the information from the medical records.

The advantage of using administrative information is that it is in electronic form, supplies a record for almost every patient, and typically contains information that can be used to risk adjust and assess the patient's condition and treatment in the hospital.

To access hospital information, go to reports about Florida hospitals, and follow the instructions to get information about "Hospitals" and "Complication/infection rates."

Illinois’ reporting law initially passed in 2003, but there were several changes that were made by the 2005 legislature that pared down the reporting. The new law requires two or more infection measures to be reported as determined by the state Department of Public Health to include process or outcome measures relating to surgical site infections and ventilator-associated pneumonia, and central vascular bloodstream infection rates in designated critical care units. The measures are to be based on those developed by national quality organizations and agencies. Reporting is to occur quarterly, with the annual report due on December 31 of each year; presumably the first report will be available in early 2007. These reports will include selected hospital-acquired infection rates (surgical site infections, ventilator-associated pneumonia, central line blood stream infections), using the CDC National Healthcare Safety Network methods. The bill also required reporting of nurse staffing ratios.

Maryland requires the Maryland Health Care Commission to include hospital-acquired infection information in the existing reporting system on hospital quality. The information is to be presented in a manner that will allow comparisons among hospitals. Both versions of the hospital infection reporting bills passed; the Senate version went into law without the Governor's signature and the House bill was vetoed by the Governor as duplicative.

Missouri requires hospitals to report risk adjusted rates for surgical site infections, ventilator-associated pneumonia and central line-related bloodstream infections; it allows other categories of infections to be added by rule later. The initial report will be on bloodstream infections, then six months later, surgical infections for total hip replacements, CABG and abdominal hysterectomies. The first report will be issued at the end of 2006. Missouri Report: Central line blood stream infections in intensive care units.

New York allows for a long implementation period (2 years) and is unique in that it requires the first year’s data collection to be considered a "pilot" with no hospital-specific information revealed. However, the data can be released without identifying the hospitals, e.g., aggregate statewide data or hospital level information without the hospital name, which would enable the state to look at the variations among hospitals or in various regions of the state.

The initial report will include surgical site infections, central line related bloodstream infections, and ventilator associated pneumonia in critical care units. It allows for the health department to require additional reporting after consulting with technical experts.
This "pilot" idea is basically what happened in PA. They couldn't get good enough data to release it with confidence, so they released the aggregate number of infections and analyzed the information further. The National Conference of Insurance Legislators (NCOIL) just adopted this as their model act.

New Hampshire requires hospitals to report their infection rates as well as measures they use to prevent infections. The first report's outcome measures will include the rate of central line related blood stream infections; ventilator associated pneumonia and surgical site infections; the rate at which the hospital uses certain processes to prevent these types of infections will also be included. The reports will be issued by the Department of Health and Human Services, which will consult technical experts. The department has the authority to add to these reports in the future. The law's effective date is July 2007; annual reports will be issued June 1 of each year. The first report should be out in June 2008, however, in June 2007 the NH Ways and Means Committee only budgeted $1 for reporting, so public reporting will be delayed at least until 2009 as they do budget votes every two years. The bill sponsors' requested $138,000 dollars to fund the program.

Ohio creates a hospital measures advisory council that will recommend how the state will collect and report hospital quality measures, including hospital-acquired infection measures. The law specifically calls for the council to consult with consumers, nurses, and infection control professionals on infection reporting. The law requires various price and performance data to be collected from hospitals beginning in 2007 and reported to the public on a website within 90 days of receiving the information from the hospitals. The director of health must adopt rules that will include measures that examine infections as well as other measures of quality of care.

Oklahoma established advisory council with authority to recommend and approve reporting of ventilator-associated pneumonia and device-related blood stream infections in acute care intensive care units.

Pennsylvania, under a general law on hospital quality, the Pennsylvania Health Care Cost Containment Council (PHC4) was given the authority to collect and report hospital-acquired infection rates. PHC4 now has published three reports, based on 2004 data and the first nine months of 2005. This was the first attempt to collect hospital-acquired infection for publication in the US. The PHC4 issued two reports in 2005; the latest one found that 76% of PA hospital infections were paid for by Medicare and Medicaid. The agency is using the administrative billing information as a counter check to the infections being reporting by the hospitals and found serious underreporting. It identified 16 hospitals that failed to provide accurate information in the first year and reporting has improved in the second year (for 2005 data). Public Report: Hospital-specific patient infection rates, mortality and cost in Pennsylvania

Rhode Island does not specifically mandate public reporting but requires an existing hospital quality steering committee to consider adding measures associated with hospital-acquired infections, in consultation with experts, to the state's hospital quality of care reports. These reports are issued in January of each year.

South Carolina requires hospitals in the state to report the rate at which their patients develop surgical site infections, ventilator assisted pneumonia, and central line bloodstream
infections to the Department of Health and Environmental Control by February 2008. A committee, which includes consumer representation, will advise the Department on the methodology for collecting, analyzing and disclosing the information. The department has the authority to add measures in the future. The first annual report will be issued by February 2009.

Tennessee directs the Department of Health to publish on their website infection rates for central line associated blood stream infections in intensive care units. The reports will be updated every six months with the most recent four quarters of data. The department will report only aggregate statewide CABG surgical infection rates. Data will be reported through the CDC National Healthcare Safety Network (NHSN). A task force will advise the department on infection reporting system and as national consensus standards are developed it may recommend additional reporting measures.

Virginia has a simple mandate for acute care hospitals to report nosocomial infection rates through the CDC National Health Safety Network. No advisory committees, no specifics on what will be collected or how the board of health will specify details. Information is to be available to the public upon request which is not advised, web based reports are the best way to go. The bill is not effective until July, 2008.

Washington requires hospitals in the state to disclose the rate at which patients acquire certain infections during treatment. Washington hospitals must begin to collect data on certain health care associated infections and report it to the state. The law will be phased in so that hospitals first will be required to collect data on central-line associated bloodstream infections in intensive care units (beginning July 1, 2008), then ventilator-associated pneumonia (beginning January 1, 2009), and then surgical site infections for certain procedures (beginning January 1, 2010). By December 1, 2009, and every December 1 in future years, the Department of Health will publish a report on its web site that compares the health care associated infection rates at individual hospitals in the state using the date reported in the previous calendar year.

STATES WITH STUDIES ABOUT HOSPITAL-ACQUIRED INFECTION REPORTING

Alaska (2006) - The Alaska Legislature adopted a resolution to create a task force to develop recommendations for hospitals to disclose their infection rates, to be presented in the form of legislation in 2007.

Georgia (2006) - The Georgia Senate created the Health Care Standards Commission for Prevention of Hospital Acquired Infections. Members include legislators, representatives of the hospital and medical community, and one researcher, but no public members. The commission will study safety standards, best practices, infection rates and causes.

Texas (2005) - The Texas Legislature created a committee to develop recommendations for reporting hospital-acquired infection information to the public. The committee will issue a report in the Fall of 2006 for action during the state’s 2007 legislative session.

CONFIDENTIAL HOSPITAL INFECTION REPORTING TO STATE AGENCIES

Nebraska & Nevada - In 2005, these states passed laws mandating collection of hospital infection information but not to share with the public. The Nebraska law requires health care providers to track and report hospital infections as an aggregate number to the health department. Nevada requires certain medical facilities to report hospital-acquired infections as sentinel events to the Health Division of the Department of Human Resources.

Prepared by
Lisa McGiffert
www.StopHospitalInfections.org
Consumers Union
506 West 14th, Ste. A
Austin, Texas 78701
512-477-4431 ext 115
512-477-8934 (fax)
lmcgiffert@consumer.org

Disposition: 21-29B-04

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) 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 department of health to develop a comprehensive cancer control plan to reduce the number of people affected by cancer, and to provide evidence-based and scientifically proven diagnostic, therapeutic and palliative interventions to cancer patients.

The comprehensive cancer control plan will include:

- cancer prevention and education for the public, health care professionals, and health care institutions;
- cancer detection, screening, diagnosis and treatment;
- pain management and other steps to improve the quality of life of terminal cancer patients;
- rehabilitating cancer victims; and
- therapy to help cancer survivors return to normal life.

Submitted as:
Wyoming
Enrolled Act No. 92
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires a pharmacist to get the prescribing doctor's signature before the pharmacist can substitute a generic form of an immunosuppressant medication for a prescribed brand-name immunosuppressant medication.

Submitted as:
Texas
SB 625
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act defines an Outside the Hospital Do-Not-Resuscitate Act and requires a copy of a do-not-resuscitate order be included as the first page of a patient's medical record. A patient or patient's representative and the patient's attending physician may execute an Outside the Hospital Do-Not-Resuscitate Order. The Department of Health and Senior Services must develop and approve uniform forms and personal identifiers. The identifiers must alert any emergency medical technician, paramedic, first responder, or other health care provider of the existence of the order for the patient.

The bill specifies that the Outside the Hospital Do-Not-Resuscitate Order will only be effective when the patient has not been admitted to or is not being treated within a hospital. These orders and protocols will not authorize the withholding or withdrawal of other medical interventions such as intravenous fluids, oxygen, or therapies other than cardiopulmonary resuscitation. An outside the hospital do-not-resuscitate order will not be in effect when a patient is pregnant or when believing in good faith that a patient is pregnant.

Emergency medical technicians, paramedics, first responders, and other health care providers are required to comply with an Outside the Hospital Do-Not-Resuscitate Order or identifier unless the patient or patient's representative expresses to the personnel in any manner, before or after the onset of a cardiac or respiratory arrest, the desire to be resuscitated. A physician or a health care facility other than a hospital that is unwilling or unable to comply with this order must take all reasonable steps to transfer the patient to another physician or facility where the order will be followed. The bill specifies the individuals and entities that are exempt from civil or criminal liability for withholding or withdrawing resuscitation pursuant to an order or identifier if the actions were performed in good faith and without gross negligence.

Anyone who knowingly conceals, cancels, defaces, or obliterates an order or identifier without the individual's consent or knowingly falsifies or forges a revocation will be guilty of a class A misdemeanor. Anyone who knowingly executes, falsifies, or forges an order without the individual's consent or knowingly conceals or withholds the knowledge of a revocation of an order will be guilty of a class D felony.

Submitted as:
Missouri
House Bill No. 182 (Truly Agreed and Finally Passed version)
Status: Enacted into law in 2007.

Comment:

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

SSL Committee Meeting: 2009B
( ) Include in Volume
( ) Defer consideration
( ) next task force mtg.
( ) next SSL mtg.
( ) next SSL cycle
( ) Reject
Comments/Note to staff:
21-29B-08A Confidentiality of Prescription Data Information ME

This law restricts the sale of prescription drug information that identifies the prescribing habits of specific health care professionals.

Submitted as:
Maine
Public Law, Chapter 460
Status: Enacted into law in 2007.

Comment:

21-29B-08B Prescription Drug and Medical Device Marketing Restriction and Disclosure MODEL

This model Act prohibits gifts and payments to health care practitioners from pharmaceutical and medical device manufacturers, with limited exceptions. It also requires the disclosure of information about advertising and marketing spending, and gifts excluded from the ban, and the compilation of annual reports analyzing this data.

Submitted as:
MODEL
Status:

Comment:
Disposition: 21-29B-08A
CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009B
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action
Comments/Note to staff:

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

Disposition: 21-29B-08B
CSG policy task force recommendations to
The Committee on Suggested State
Legislation: 2009B
( ) Include in Volume
( ) Defer consideration to next task force
meeting
( ) Reject
( ) No action
Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) Include in Volume
( ) Defer consideration
   ( ) next task force mtg.
   ( ) next SSL mtg.
   ( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This bill establishes a program to educate doctors and pharmacists who provide state-funded health care about the therapeutic and cost-effective use of certain prescription drugs. To the extent possible, program components must include information about clinical trials, pharmaceutical efficacy, adverse effects of drugs, evidence-based treatment options and drug marketing approaches that are intended to circumvent competition from generic and therapeutically equivalent drugs.

The program may provide outreach and education to carriers, health plans, hospitals, employers and other people interested in the program on a subscription or fee-paying basis under rules adopted by the department.

Submitted as:
Maine
Public Law, Chapter 327
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act provides that if a patient provides proof of insurance coverage under a health plan within 30 days of the patient's discharge from a hospital, the hospital shall submit all hospital charges to the patient's health plan prior to filing a notice of lien against the patient’s assets. The patient's health plan shall not deny payment for hospital services received from the hospital on the basis that a third party or other insurance carrier is responsible for the patient's injuries.

If the health plan denies payment for any other reason, the health plan shall nonetheless provide the hospital and the patient with a statement detailing the amount the health plan would have paid for the hospital services and the amount the patient would have been responsible for had the claim not been denied. In such a case, the amount of the lien shall be limited to the amount the hospital would have received if such charges were covered by the patient's health plan.

The Act does not prohibit a hospital from filing a notice of lien for the amount owed to the hospital from the patient, including but not limited to deductibles, copayments, and coinsurance. If at any time subsequent to the filing of the notice of the lien a hospital receives health plan information regarding a patient, the hospital is not required to withdraw notice of the lien but shall submit the hospital's charges to the health plan.

A hospital that recovers from a judgment, verdict, or settlement under the Act shall be responsible for the pro rata share of the legal and administrative expenses incurred in obtaining the judgment, verdict, or settlement.

A hospital shall mail a copy of a notice of lien to the injured person or to the injured person's attorney or legal representative, if known. Prior to payment by a person, firm, or corporation, including an insurance carrier, to a patient's attorney, the patient's attorney may notify the person, firm, or corporation that the attorney agrees to assume responsibility for the satisfaction of some or all liens of which the person, firm, or attorney has received notice. Upon receipt of such notice, such person, firm, or corporation shall provide the patient's attorney with copies of any lien notice for which the attorney has agreed to assume responsibility for and such person, firm, or corporation shall not thereafter be responsible to any hospital encompassed by such notification.

The patient's attorney who has assumed responsibility for the lien shall pay the appropriate hospital the amount which the hospital is entitled to from the amount received from the person, firm, or corporation. If there is a dispute concerning the amount owed to a hospital, a patient's attorney shall hold in trust the maximum amount to which a hospital may be entitled and may disburse any other amounts to the patient, attorney, or other persons entitled to the funds. Such disputed amount shall be resolved by the court in which the patient filed an action to recover for the patient's injury and the court shall retain jurisdiction of the case to resolve the disputed amount of the lien after dismissal of the action. If no such action was commenced by the patient, a court in which such action could have been brought shall have jurisdiction to determine the amount owed to the hospital.

Submitted as:

Iowa
SF 546 (Enrolled version)
Status: Enacted into law in 2007.
Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act specifies terms under which a third party may obtain access to a contractor's rights and responsibilities related to a provider's delivery of health care services.

Submitted as:
Indiana
Senate Enrolled Act No. 159

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act establishes a program to provide grants to farmers, loggers, and others who provide agricultural biomass to facilities in the state that generate electric energy and use the best available emissions control technology.

The bill entitles farmers, loggers, or diverters $20 per each ton of bone-dry agricultural biomass suitable for biomass conversion. The bill authorizes the department of agriculture to grant no more than $30 million each fiscal year. The grants to the farmers, loggers, and diverters will be made by the operators of the electric generation facilities; operators that process unsuitable biomass into a form suitable for producing electric energy are also eligible for grants under this program. The bill provides that the facility operators are reimbursed on a quarterly basis by department of agriculture, after filing out an application with the agency that verifies the amount of qualified agricultural biomass processed into a form suitable for generating electric energy. The bill limits the amount an operator can receive to no more than $6 million.

This Act creates an Agricultural Biomass and Landfill Diversion Incentive Program Account in the state General Revenue Fund, consisting of money transferred to the account at the direction of the Legislature, gifts, grants, donations and money from any other sources to be used by department of agriculture to implement the incentive program.

This bill also amends the state law minimum annual renewable energy requirement for retail electric providers, municipally owned electric utilities, and electric cooperatives.

Submitted as:
Texas
HB1090 (Enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:
This bill was enacted to help beekeepers rebuild bee colonies which have been depleted over the last few years because of disease and other reasons. Farmers need bees to pollinate their crops. State officials and farmers are concerned there aren’t enough bees available to do this.

The Act provides that sales and use tax does not apply to the sale of honey bees to, or use of by, an eligible apiarist. In addition, the Act provides that the business and occupation tax shall not apply to amounts derived from the pollination services or wholesale sale of honey bee products by a person who owns or keeps bee colonies.

Submitted as:
Washington
Second Substitute SB 6468
Status: Awaiting governor’s signature as of 3/11/08.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act makes a creditor who violates state law on creditors’ collection practices liable for damages and other costs under certain circumstances. If the creditor uses abusive, harassing, fraudulent, deceptive, or misleading representations, devices, or practices to collect or attempt to collect the debt they are liable for actual damages; additional damages up to $1,000, if the debtor is an individual; and if the suit is successful, court costs and, at the court’s discretion, reasonable attorney’s fees. Suits must be brought within one year after the date of the violation. The Act requires the trier of fact to consider the frequency and persistence of noncompliance by the creditor, the nature of the noncompliance, whether the noncompliance was intentional, and other relevant factors when determining the amount of liability. A creditor may not be held liable under the Act if it can show by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, despite procedures reasonably adapted to avoid the error.

By law, a creditor is a person or their assignee to whom a consumer owes a debt resulting from a transaction that occurred in the ordinary course of the person’s business. A creditor is not a consumer collection agency or a federal, state, or municipal department.

Submitted as:
Connecticut
Public Act No. 07-176 (Substitute HB7210)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act establishes requirements to notify consumers about motor vehicle manufacturer warranty adjustment programs.

Submitted as
Maryland
Chapter 343 of 2007
Status: Enacted into law in 2007.

Comment:

Maryland is reported to be the fifth state to enact such a requirement. The law requires warranty adjustment notifications be sent to consumers by mail within 90 days of their creation. Car dealers are also required to notify customers about the possibility of warranty adjustments when they buy a car.

According to the Center for Auto Safety, “four states (California, Connecticut, Virginia, and Wisconsin) have enacted secret warranty laws and other states are considering secret warranty legislation. The state secret warranty laws already enacted require manufacturers to disclose their "warranty adjustment" programs by giving direct notice of any warranty extension to affected owners, including information about the terms of the warranty, and provision for reimbursement to consumers who already have paid for the covered repair.”

Disposition:

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

Comments/Note to staff:

SSL Committee Meeting: 2009B
( ) 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 crime for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud or deceive the recipient of a telephone call. “False information” means data that misrepresents the identity of the caller to the recipient of a call; except that when a person making an authorized call on behalf of another person inserts the name, telephone number or name and telephone number of the person on whose behalf the call is being made, such information shall not be deemed false information.

Submitted as:
Oklahoma
SB 712 (enrolled version)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act is designed to provide that a vehicle protection device, system or service that is sold in this state with a warranty must meet certain requirements; and that vehicle protection warranties are not contracts of insurance and are thus exempt from the law regulating insurance.

Submitted as:
Mississippi
HB 844
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This bill requires tax preparers to follow certain guidelines of professional conduct during transactions with clients. A tax preparer is defined as an individual, corporation, partnership, or other entity who, for a fee or other consideration, engages in the business of assisting with, or preparing federal or state income tax returns.

Pursuant to the provisions of the bill, the following are not considered to be tax preparers:

- people providing tax preparation services to less than six clients per calendar year;
- people providing individual tax preparation services to family members;
- employees who regularly prepare their employer’s tax returns; attorneys;
- certified public accountants and public accountants;
- fiduciaries while acting in their fiduciary capacity; and enrolled agents of the Internal Revenue Service.

Tax preparers shall meet certain standards, including:

- promptly completing clients’ tax returns;
- signing returns as the tax preparer;
- providing clients with copies of all documents requiring their signature;
- retaining certain files;
- maintaining confidentiality;
- not claiming credits or deductions for which clients do not qualify; and
- not accepting a fee based on a percentage of an anticipated refund.

The bill prohibits tax preparers from requiring clients to enter into a refund anticipation loan in order to complete the client’s tax return. However, the Act requires tax preparers provide clients with a notice alerting the clients to the estimated annual percentage rate for the refund anticipation loan and the dollar amount by which the refund will be reduced for fees, interest and other charges. If, under the terms of the loan, a client is subject to additional interest for delays with the refund, the notice shall also include a statement to that effect. Tax preparers may use an alternative form of disclosure, provided the information included is substantially equivalent and includes certain charts pertaining to examples of refund anticipation loans and the calculation of their annual percentage rates.

This bill requires tax preparers provide itemized statements of service charges, including charges for tax return preparation, electronic filing, and providing or facilitating a refund anticipation loan.

Submitted as:
New Jersey
P.L. 2007, Chapter 258

Comment:
Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act requires the owner of a cemetery to pay to a Perpetual Care Fund or an Endowment Care Fund any amount necessary to maintain the principal in these funds. In addition, the Act:

- requires people who sell or furnish burial vaults which are not airtight and watertight to disclose that information to vault buyers;
- makes it a felony to intentionally disburse funds in a funeral trust for purposes other than the intended purposes of the trust commits a Class C felony;
- makes it a crime to disburse funds from a funeral trust without verifying the death of the person for whose funeral or burial the funds were paid;
- requires the state board of funeral and cemetery service to adopt rules specifying the types of documentation that may be used to verify certain events have occurred before funds may be disbursed from certain funeral trusts and escrow accounts;
- provides that the seller of a funeral trust established after June 30, 2008, may not be an affiliate, a parent, or a subsidiary organization of the trustee of the funeral trust; and
- specifies the actions the attorney general may take against a trustee of a benevolent trust, a prepaid funeral trust or escrow account, a cemetery owner, a funeral home, and certain other persons for committing a breach of trust.

Submitted as:
Indiana
HEA 1026

Comment:

Disposition:

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

SSL Committee Meeting: 2009B
( ) Include in Volume
( ) Defer consideration
    ( ) next task force mtg.
    ( ) next SSL mtg.
    ( ) next SSL cycle
( ) Reject
Comments/Note to staff:
This Act eliminates a cap on a ticket reseller's service charge, requires ticket resellers to provide refunds when events are cancelled, and prohibits reselling tickets within a certain distance from the event.

Specifically, the bill eliminates the prohibition against selling, offering to sell, or attempting to sell tickets to sporting or entertainment events to be held in the state at a price greater than $3 above the price, including tax, printed on the face of the ticket.

The bill requires a reseller of a ticket to an entertainment event to refund the purchase price if the event is cancelled, the ticket received by the purchaser does not grant admission to the event described on the ticket, or the ticket fails to conform to the reseller's advertisement of it. The bill defines “entertainment event” as including sporting events, concerts, or theatrical, or operatic performances. The refunded amount must include all service fees and delivery charges paid by the purchaser.

This Act requires resellers to provide purchasers with the reseller's name, address, telephone number, or other information needed to allow the purchaser contact the reseller to obtain a refund, if necessary. Resellers who fail to give a refund if the event is cancelled or the ticket does not grant admission to the event commit a class B misdemeanor.

The bill prohibits reselling, offering to resell, or soliciting the resale of a ticket to an entertainment event on the day of the event, within 1,500 feet of the physical structure in which the entertainment event takes place. But it allows the owner or operator of the structure or the event, or a duly authorized agent, to authorize resale in writing. The restriction also does not apply to a ticket reseller who resells a ticket for no more than face value or has a permanent office within 1,500 feet of the structure, if the reseller sells, offers to resell or solicits the resale only within the office in person, by mail or telephone, or over the Internet.

The bill also increases penalties for counterfeiting tickets.

Submitted as:
Connecticut
Public Act 07-206
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act establishes procedures to care for and maintain animals in pet stores.

Submitted as:
California
Chapter 703 (AB 1347)
Status: Enacted into law in 2007.

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff:
This Act defines terms relating to animal torture and cruelty. The bill makes it a third degree felony to intentionally or knowingly torture an animal and it provides that a veterinarian is immune from civil liability for reporting, in good faith, an incident of cruelty to an animal.

Submitted as:
Utah
SB 297

Comment:

Disposition:

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

Comments/Note to staff:

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

Comments/Note to staff: