

# State Policy Digest

**T**he 2011 state legislative year has brought a wide range of proposals impacting the physical and electronic security industry. This year, common legislative trends identified by the Security Industry Association (SIA) include attempts to restrict the use of applications such as biometrics, video surveillance and RFID; enhance security at select institutions by requiring the implementation of added security technologies; and streamline the procurement process by allowing state entities to access the GSA Multiple Award Schedule (MAS) Program.



## Technology Restrictions

Government policies should not only encourage the wide-spread adoption of cutting-edge security technologies, but also recognize legitimate privacy and civil liberty concerns about their use. Policymakers should be mindful that excessive regulation of biometrics, video surveillance, and



RFID will only compromise the security of people and critical infrastructure. SIA adamantly opposes any unnecessary government regulation of these technologies.

### [Maine H.803: Rep. Benjamin Chipman \(I\)](#)

The state of Maine enacted technology restrictive legislation that prohibits the use of biometric technology in state issued driver's licenses and identification cards. SIA opposed the proposal in a letter that was sent to Rep. Chipman and the Transportation Committee. Unfortunately, the bill

passed the legislature and was signed into law by Maine Governor Paul LePage.

### [New Hampshire H.455: Rep. Lyle Bulis \(R\)](#)

This proposal in the New Hampshire Legislature would also prohibit the use of biometric technology in state issued driver's licenses and identification cards. The legislation was "held" in Committee, which means that the proposal is very likely to be evaluated and acted upon during the first few days of the next legislative session that begins in January 2012. SIA expressed opposition to this bill and will continue to work towards its defeat as new developments arise.

### [Oklahoma H.1399: Rep. Paul Wesselhoft \(R\)](#)

Oklahoma is considering similar legislation to that of the previous driver's license bills mentioned. This bill prohibits the use of RFID technology in state issued driver's licenses and identification cards. The legislation is opposed by SIA. Identical legislation was defeated during the past session of the Oklahoma Legislature. The current pending proposal will carry over into 2012.

### [New Hampshire H.244: Rep. Neal Kurk \(R\)](#)



New Hampshire is considering legislation that is being "held" until the next legislative session. The bill would prohibit the use of biometric technology by any government or private entity. SIA opposed the proposal and has successfully thwarted previous attempts at passage. In 2010, SIA met with members of the New Hampshire House Consumer Affairs and Commerce Committee to express opposition to the proposed restrictions on technology.

[Alaska S.98: Sen. Bill Wielechowski \(D\)](#)

The Alaska Senate passed legislation that would require the consent of an individual to opt in to any biometric identification program. It is awaiting action from the Alaska House of Representatives and will carry over into the 2012 Legislative Session, which begins at the end of January. The bill is opposed by SIA.

[Florida H.93/S.172: Rep. Greg Steube \(R\)/Sen. Michael Bennett \(R\)](#)

Florida enacted legislation that prohibits any municipality, county or local government from requiring the installation of security cameras at the expense of businesses to enhance the services or functions provided by government.

**Security Enhancement Mandates**

While certain government mandates can have an indirect and positive impact on security investment, these requirements frequently impose “one-size-fits-all” mandates on the acquisition and installation of security systems. State policies should strike a balance between reasonable requirements and incentives to investment in critical infrastructure protection. SIA works to promote the use of electronic physical security technologies by a broad spectrum of private and public sector end users, and to analyze government policies that mandate the use of electronic security products and services.



[Connecticut H.5629: Rep. Matthew Ritter \(D\)](#)

This SIA-supported legislation that would have required the installation of video surveillance cameras at entry points in mental health facilities. The proposal failed when the legislature adjourned.

[New York A.2107: Rep. Charles Lavine \(D\)](#)

Legislation before the New York State Assembly would require the installation of video surveillance cameras, metal detectors and other life safety technologies at all parole facilities. SIA is supportive of this legislation.

[New York A.1323/S.972: Rep. Felix Ortiz \(D\)/Sen. Ruth Hassell-Thompson \(D\)](#)

A bill before the New York Legislature would require cabaret establishments to install video surveillance cameras. The legislation also establishes minimum product specifications and camera placement requirements. SIA supports both of these bills.

[Rhode Island H.5147/5469/S.502: Rep. Stephen Ucci \(D\)/Rep. Donald Lally \(D\)/Sen. Frank Lombardo \(D\)](#)

Legislation before the Rhode Island Legislature would enhance the security of all banks and state financial institutions. These bills require the installation of video surveillance cameras at all such institutions. SIA is supportive of these provisions.



[Alaska H.26: Rep. Mark Neuman \(R\)](#)

Alaska is considering a proposal that would require each office in legislative buildings to be wired for video surveillance technology. The bill will carry over into the 2012 legislative session. SIA supports this legislation.

[North Carolina H.337/S.307: Rep. Joe Tolson \(D\)/Sen. Fletcher Hartsell \(R\)](#)

In June, North Carolina enacted legislation establishing a Department of Health and Human Services Smart Card Pilot Program using biometric technology. The program is modeled after a similar effort in the state of Georgia.

[Illinois H.1398: Rep. Donald Moffitt \(R\)](#)

The Illinois Legislature passed legislation that requires the installation of smoke detectors in all residential dwellings. The bill was sent to Governor Pat Quinn for his signature or veto.

[California S.245: Sen. Michael Rubio \(D\)](#)

Legislation before the California Senate would require mobile homes manufactured after 1985 to be equipped with a working smoke detector.



## State and Local Procurement Requirements

State and local laws governing the use of the GSA Multiple Award Schedule (MAS) Program vary across jurisdictions and often restrict the ability of governments to acquire “best value” security solutions. States should reform their procurement regulations to ensure that local governments have the option of accessing the pricing, and products and services offered through the MAS Program. SIA does its best to influence the adoption of policies that would remove barriers to new contracting opportunities.

### [New S.624: Sen. Jeffrey Klein \(D\)](#)

The New York State Senate is considering legislation that would permit state and local governments to participate in GSA Schedule 70 cooperative purchasing to acquire IT products and services. SIA is working with legislative staff to modify the proposal to also include the security and life safety solutions that are listed on GSA Schedule 84.

### [North Carolina H.391: Rep. Marilyn Avila \(R\)](#)

North Carolina has pending legislation that would permit state entities to enter into cooperative purchasing agreements with any state, federal or non-profit program. SIA supports this legislation.

## Other Areas of Interest

### *Tax Incentives*

---

### [New York A.1143: Rep. Felix Ortiz \(D\)](#)

Legislation before the New York State Assembly would extend a tax credit to small businesses when purchasing security systems. SIA supports this bill and encourages the adoption of tax incentives that will encourage investment in electronic physical security solutions.

### *Funding*

---

### [Nevada S.75: Senate Select Committee on Economic Growth and Employment](#)

Nevada enacted legislation that authorizes the creation of a public corporation that could invest state funds in companies and certain industries for the greater public good. SIA supported the bill.

## *Healthcare Facility Security*

---

### [California A.30: Rep. Mary Hayashi \(D\)](#)

Legislation before the California State Assembly would require hospitals to adopt specific security policies.

### [Maine H.365: Rep. Michael Celli \(R\)](#)

In June, the State of Maine enacted legislation that requires hospitals to adopt a safety and security plan.

## *Port Security*

---

### [Florida S.436/H.755: Sen. Anthony Hill \(D\)/ Rep. Betty Reed \(D\)](#)

The Florida Legislature considered a bill that would require any person seeking authorization for unescorted access to secure and restricted areas of a seaport to possess a valid federal Transportation Worker Identification Credential (TWIC) card. These proposals were withdrawn.

### [Florida H.283/S.524: Rep Dana Young \(R\)/Sen. Jack Latvala](#)

In May, the Florida Legislature enacted a proposal that permits a seaport to implement security measures more stringent, more extensive, or supplemental to the applicable federal security regulations.

## *Technology Task Force*

---

### [New York A.1032/S.1821: Rep. Audrey Pheffer \(D\)/Sen. Kevin Parker \(D\)](#)

The New York State Legislature is considering legislation that would establish a task force to evaluate the use of RFID technology in various applications. Similar efforts have been unsuccessful in previous legislative sessions.

### [Maryland H.665/S.557: Rep. /Sen. Catherine Pugh \(D\)](#)

Maryland enacted legislation that establishes a cybersecurity task force to evaluate and dictate mitigation and prevention strategies to cyber-attack.



## NOTES

*If you are interested in participating in SIA's State and Local Policy Working Group, which regularly reviews state legislative proposals like those featured above, contact SIA Manager of Government Relations, Tom O'Connor at 703-647-8483 or [toconnor@siaonline.org](mailto:toconnor@siaonline.org).*

*To view the most recent state legislative developments impacting the electronic and physical security industry visit: [www.siaonline.org/government](http://www.siaonline.org/government).*

**Security Industry Association**  
Information. Insight. Influence. [www.siaonline.org](http://www.siaonline.org)

