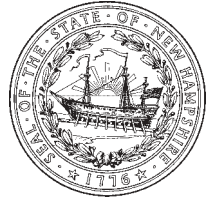


STATE OF NEW HAMPSHIRE

Web Site Address: www.gencourt.state.nh.us

SENATE JOURNAL 4 (*Cont.*)



February 5, 2004

Out of Recess.

INTRODUCTION OF SENATE BILL

Senator Clegg offered the following Resolution:

RESOLVED that, in accordance with the list in the possession of the Senate Clerk, Senate Bill numbered from 531, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

First and Second Reading and Referral

04-3261

SB 531, permitting the state veterans' advisory committee to adopt bylaws. (Kenney, Dist 3; Barnes, Dist 17; Boyce, Dist 4; Guay, Coos 2; Coughlin, Hills 45; Heon, Straff 67; Fields, Hills 58: Public Affairs)

LATE SESSION

Senator Clegg moved that the Senate adjourn from the late session.

Adopted.

Adjournment.

SENATE JOURNAL 5

February 12, 2004

The Senate met at 10:00 a.m.

A quorum was present.

The Reverend David P. Jones, chaplain to the Senate, offered the prayer.

Lord of greatness and simplicity, give us the power and the desire to just do the very best we can, and to keep doing it down to the very end.

Amen

Senator Green led the Pledge of Allegiance.

INTRODUCTION OF GUESTS

MOTION TO VACATE

Senator Johnson moved to vacate **HB 516-L**, relative to the standard of review for requests for excavating and dredging permits, and relative to an appropriation for the expansion of the Port of Portsmouth, from the Committee on Environment to the Committee on Capital Budget.

Adopted.

HB 516-L is vacated to the Committee on Capital Budget.

COMMITTEE REPORTS

SB 345, exempting payroll accounts from trustee process. Banks Committee. Ought to Pass, Vote 4-0. Senator Foster for the committee.

Adopted.

Ordered to third reading.

SB 428, relative to protection of consumers from unfair lending practices. Banks Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

Banks

February 4, 2004

2004-0321s

06/01

Amendment to SB 428

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the protection of consumers from unfair lending practices.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the protection of consumers from unfair lending practices.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) One member of the senate, appointed by the president of the senate.

(b) Four members of the house of representatives, appointed by the speaker of the house.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study ways to protect consumers from unfair lending practices.

4 Chairperson; Quorum. The senate member shall be the chairperson of the study committee. The first meeting of the committee shall be called by the senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2004.

6 Effective Date. This act shall take effect upon its passage.

2004-0321s

AMENDED ANALYSIS

This bill establishes a committee to study ways to protect consumers from unfair lending practices.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 448-FN, relative to consumer guaranty contracts. Banks Committee. Ought to Pass, Vote 4-0. Senator Foster for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 333-FN, establishing a unique pupil identification system. Education Committee. Ought to Pass, Vote 5-0. Senator O'Hearn for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 416, relative to membership of the advisory committee on child care. Education Committee. Ought to Pass, Vote 4-0. Senator Green for the committee.

Adopted.

Ordered to third reading.

SB 436-FN-L, relative to the Claremont and Newport district courts. Energy and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Energy and Economic Development
February 5, 2004
2004-0339s
09/01

Amendment to SB 436-FN-LOCAL

Amend the bill by replacing sections 4-6 with the following:

4 City of Claremont; Department of Administrative Services; Lease Agreement or Lease-Purchase Agreement Authorized for Renovation of Building to be Used as District Courthouse.

I. The department of administrative services and the city of Claremont are authorized to enter into a lease agreement or a lease-purchase agreement for the renovation of a building to be used as a district courthouse to be located in the city of Claremont in Sullivan county. The city of Claremont shall lease the building to the state.

II. If the city of Claremont and the department of administrative services enter into a lease-purchase agreement, the city shall issue bonds in an amount necessary to pay the costs of renovation of an existing building to be used as a district courthouse. The bonds shall be 20-year bonds. The lease-purchase agreement shall include a requirement that the state pay from the general fund the annual amortization charges, meaning principal and interest, on the original costs resulting from the renovation of the building to be used as a district courthouse. The term "original costs", as used in this section, shall mean the entire cost of the renovation of the building to be used as a district courthouse. When all amortization charges have been paid by the state, the state shall be deemed to have purchased the courthouse.

5 Contingency.

I. Sections 2 and 3 of this act shall take effect on January 1, 2006; provided, that the following conditions have been met:

(a) The city of Claremont has developed a plan and funding for a building to be renovated as a district courthouse, to be located in Claremont, which has been approved by the court accreditation commission and the administrative office of the courts as meeting guidelines for an acceptable district court facility.

(b) The state of New Hampshire and the city of Claremont have entered into a lease agreement or the lease purchase agreement authorized in section 4 of this act.

II. If the conditions specified in subparagraphs I(a) and (b) are not met by January 1, 2006, sections 2 and 3 of this act shall not take effect.

6 Town of Newport; Department of Administrative Services; Lease Agreement or Lease-Purchase Agreement Authorization for Building Used as District Courthouse.

I. The department of administrative services and the town of Newport are authorized to enter into a lease agreement or lease-purchase agreement for the building used as the direct courthouse located in the town of Newport in Sullivan county. The town shall lease the building to the state.

II. If the town of Newport and the department of administrative services enter into a lease-purchase agreement, the lease-purchase agreement shall include a requirement that the state pay from the general fund the amount of \$750,000 amortized over 25 years with zero percent interest, or \$30,000 per year.

2004-0339s

AMENDED ANALYSIS

This bill prevents the consolidation of the Claremont and Newport district courts; provided, that certain conditions are met regarding a district courthouse to be located in the city of Claremont. The bill also authorizes the department of administrative services to enter into a lease agreement or a lease-purchase agreement with the town of Newport regarding the district courthouse in the town of Newport.

Amendment adopted.

Question is on the adoption of the bill as amended.**Adopted.****Ordered to third reading.**

SB 488, establishing a committee to study the effects of electric utility restructuring on state dams and the alternatives for the operation and maintenance of state-owned dams. Energy and Economic Development Committee. Ought to pass with amendment, Vote 3-1. Senator Odell for the committee.

Energy and Economic Development
 February 5, 2004
 2004-0344s
 06/01

Amendment to SB 488

Amend the bill by replacing section 5 with the following:

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the senate president, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before December 1, 2004.

Amendment adopted.**Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

SB 503-FN-L, relative to bonds for construction, development, improvement, and acquisition of broadband facilities. Energy and Economic Development Committee. Ought to pass with amendment, Vote 5-0. Senator Odell for the committee.

Energy and Economic Development
 February 5, 2004
 2004-0340s
 08/01

Amendment to SB 503-FN-LOCAL

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 Commission Established. There is established a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

2 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Two members of the senate, appointed by the president of the senate.
- (b) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (c) A representative from the New Hampshire ISP Association, appointed by the association.
- (d) A representative from the New Hampshire Municipal Association, appointed by the association.
- (e) A representative from the New England Cable Television Association, appointed by the association.
- (f) A representative from the Telephone Association of New Hampshire, appointed by the association.
- (g) One attorney who serves as a bond counsel to local government, appointed by the New Hampshire Bar Association.
- (h) A representative of open video suppliers, identified and appointed by the president of the senate.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

3 Duties. The commission shall study the opportunities provided to municipalities for the development, deployment, and operation of municipal funded broadband infrastructure. The commission shall focus on the demands from the local residents and businesses, the options for alternative providers, the competitive environment within the municipalities and shall report on the municipal provision of broadband infrastructure and its affect on the municipality. The specific effects to be reported shall be economic development, municipal services enhancement, and the cost to residents and businesses.

4 Chairperson; Quorum. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Four members of the commission shall constitute a quorum.

5 Report. The commission shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2005.

6 Effective Date. This act shall take effect upon its passage.

2004-0340s

AMENDED ANALYSIS

This bill establishes a commission to study the use of bonds for construction, development, improvement, and acquisition of broadband facilities

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 321, relative to the certification of pharmacy technicians by the board of pharmacy. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-0. Senator Cohen for the committee.

Committee report of inexpedient to legislate is adopted.

SB 393, establishing a commission to study the appointment of a drug czar as a means of curtailing illegal drug use in the state. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 4-0. Senator Prescott for the committee.

Committee report of inexpedient to legislate is adopted.

SB 435-FN, relative to accessible housing for persons of all abilities. Executive Departments and Administration Committee. Inexpedient to Legislate, Vote 3-1. Senator Kenney for the committee.

MOTION TO TABLE

Senator Kenney moved to have **SB 435-FN** laid on the table.

Adopted.

LAID ON THE TABLE

SB 435-FN, relative to accessible housing for persons of all abilities.

SB 493, repealing examination standards for certified public accountants. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 3-0. Senator Prescott for the committee.

Senate Executive Departments and Administration

February 5, 2004

2004-0348s

08/10

Amendment to SB 493

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 329-FN, relative to the recovery by the retirement system of the overpayment of benefit amounts. Finance Committee. Ought to Pass, Vote 6-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

SB 330-FN, relative to creditable service of retirement system members reemployed after qualifying military service. Finance Committee. Ought to Pass, Vote 6-0. Senator Below for the committee.

Adopted.

Ordered to third reading.

SB 339-FN, relative to the involuntary commitment of certain persons found not competent to stand trial for certain criminal offenses. Finance Committee. Ought to Pass, Vote 5-1. Senator D'Allesandro for the committee.

Adopted.

Ordered to third reading.

SB 351-FN, relative to concurrent enrollment at regional vocational education centers. Finance Committee. Ought to Pass, Vote 6-0. Senator Odell for the committee.

Adopted.

Ordered to third reading.

SB 352-FN-L, relative to computing school building aid grant amounts. Finance Committee. Ought to Pass, Vote 6-0. Senator Gatsas for the committee.

Adopted.

Ordered to third reading.

SB 338-FN, relative to the purchase of prior service credit by certain political subdivision employee members. Insurance Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

SB 366-FN, relative to the Interstate Insurance Product Compact. Insurance Committee. Ought to pass with amendment, Vote 5-0. Senator Flanders for the committee.

Insurance

February 3, 2004

2004-0309s

01/09

Amendment to SB 366-FN

Amend the bill by inserting the following before section 1 and renumbering the original sections 1 and 2 to read as 2 and 3, respectively:

1 Preamble. Interstate Insurance Product Regulation Compact. Pursuant to the terms and conditions of this act, the state of New Hampshire seeks to join with other states and establish the Interstate Insurance Product Regulation Compact, and thus become a member of the Interstate Insurance Product Regulation Commission. The commissioner of the department of insurance is hereby designated to serve as the representative of this state to the commission.

Amend RSA 408-C:17 as inserted by section 2 of the bill by deleting it.

Amend RSA 408-C:3 as inserted by section 2 of the bill by replacing it with the following:

408-C:3 Commission Established and Venue.

I. The compacting states hereby create and establish a joint public agency known as the "Interstate Insurance Product Regulation Commission." Pursuant to RSA 408-C:4, the commission shall have the power

to develop uniform standards for product lines, receive and provide prompt review of products filed therewith, and give approval to those product filings satisfying applicable uniform standards; provided, it is not intended for the commission to be the exclusive entity for receipt and review of insurance product filings. Nothing in this chapter shall prohibit any insurer from filing its product in any state wherein the insurer is licensed to conduct the business of insurance; and any such filing shall be subject to the laws of the state where filed.

II. The commission is a body corporate and politic, and an instrumentality of the compacting states.

III. The commission is solely responsible for its liabilities except as otherwise specifically provided in this compact.

IV. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located.

Amend RSA 408-C:5, II(b)(2) as inserted by section 2 of the bill by replacing it with the following:

(2) Establishing and overseeing an organizational structure within, and appropriate procedures for, the commission to provide for the creation of uniform standards and other rules, receipt and review of product filings, administrative and technical support functions, and the review of decisions regarding the disapproval of a product filing, and the review of elections made by a compacting state to opt out of a uniform standard; provided, that a uniform standard shall not be submitted to the compacting states for adoption unless approved by 2/3 of the members of the management committee;

Amend RSA 408-C:11, I as inserted by section 2 of the bill by replacing it with the following:

I. Not later than 30 days after the commission has given notice of a disapproved product or advertisement filed with the commission, the insurer or third party filer whose filing was disapproved may appeal the determination to a review panel appointed by the commission. The commission shall promulgate rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the commission, in disapproving a product or advertisement filed with the commission, acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with RSA 408-C:3, IV.

Amend RSA 408-C:16, I(b)(1) as inserted by section 2 of the bill by replacing it with the following:

(1) The access of any person to state courts;

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 499, making a change to the electrician licensing exemption. Executive Departments and Administration Committee. Ought to pass with amendment, Vote 5-0. Senator Kenney for the committee.

Senate Executive Departments and Administration

February 5, 2004

2004-0347s

08/01

Amendment to SB 499

Amend the bill by replacing section 1 with the following:

1 Electrician Licensing; Exemption. Amend RSA 319-C:15, II to read as follows:

II. Nothing in this chapter shall prevent a [person] **homeowner** from making electrical installations in **or about** a single family residence **owned and** occupied by him **or her** or to be occupied by him **or her** as his **or her** bona fide personal abode.

2004-0347s

AMENDED ANALYSIS

This bill restricts a homeowner to electrical work without a license to "in or about" his or her home.

Amendment adopted.

Senator D'Allesandro offered a floor amendment.

Sen. D'Allesandro, Dist 20

February 12, 2004

2004-0440s

08/01

Floor Amendment to SB 499

Amend the title of the bill by replacing it with the following:

AN ACT making a change to the electrician licensing exemption, and increasing the number of members on the electrician's board.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Electricians' Board; Membership. Amend RSA 319-C:4, I to read as follows:

I. There shall be an electricians' board consisting of [5] 7 members, including 2 master electricians, one journeyman electrician, ***one member of the International Brotherhood of Electrical Workers, one member of the National Electrical Contractors Association***, and 2 public members, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 terms. The state fire marshal or his designee shall be an ex officio member of the board, but shall not vote in board determinations.

2004-0440s

AMENDED ANALYSIS

This bill restricts a homeowner to electrical work without a license to "in or about" his or her home.

This bill also increases the membership of the electricians' board from 5 to 7.

Floor amendment failed.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 479, commemorating the anniversary of the founding of the United States Marine Corps. Internal Affairs Committee. Ought to Pass, Vote 5-0. Senator Kenney for the committee.

Adopted.

Ordered to third reading.

SB 527, relative to sessions for correction of checklists. Internal Affairs Committee. Ought to pass with amendment, Vote 5-0. Senator Larsen for the committee.

Internal Affairs

February 4, 2004

2004-0332s

03/01

Amendment to SB 527

Amend the bill by replacing all after the enacting clause with the following:

1 Session for Correction; Cities. Amend RSA 654:27 to read as follows:

654:27 Session for Correction. In cities and towns, the supervisors of the checklist shall be in session for the correction of the checklist at some suitable place in the city or town on the Saturday 10 days prior to the election and upon which all hearings shall be finally closed; provided that if the Saturday falls on a holiday weekend, that session shall be held on Tuesday, 7 days prior to the election, between 7:00 p.m. and 7:30 p.m. and at the discretion of the supervisors for extended hours. ***Wards in cities may hold the session in a single, central location with one supervisor from each ward required to be present. Changes to a ward checklist at this session require approval from a majority of the supervisors of the checklist from that ward.*** Notice of the day, hour, and place of each session of the board of supervisors shall be given upon the checklists first posted and shall be published in a newspaper of general circulation in the city or town at least 7 days prior to each such session. The reconvening of any session which has been adjourned shall not require the publication of notice.

2 Effective Date. This act shall take effect 60 days after its passage.

2004-0332s**AMENDED ANALYSIS**

This bill permits supervisors of the checklist in city wards to hold the session for the correction of the checklist in a single, central location.

Amendment adopted.**Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

SB 485-FN, relative to video stalking. Judiciary Committee. Inexpedient to Legislate, Vote 5-0. Senator Sapareto for the committee.

MOTION TO TABLE

Senator Sapareto moved to have **SB 485-FN** laid on the table.

Adopted.**LAIID ON THE TABLE**

SB 485-FN, relative to video stalking.

SB 520, relative to modification of child support obligation. Judiciary Committee. Ought to pass with amendment, Vote 5-0. Senator Sapareto for the committee.

Senate Judiciary
February 5, 2004
2004-0355s
05/10

Amendment to SB 520

Amend the bill by replacing all after the enacting clause with the following:

1 Child Support Formula; Self-support Reserve and Minimum Child Support Obligation; Date of Modification. Amend RSA 458-C:3, IV(c) to read as follows:

(c) If a petition for modification is granted, it shall be effective from the date of service of the petition upon the respondent, ***unless, in addition to formal service, the petitioner, upon filing the petition, provides notice thereof to the respondent by certified mail, restricted delivery, return receipt requested, in which case the modification shall be effective from the date of receipt by the respondent.***

2 Effective Date. This act shall take effect January 1, 2005.

2004-0355s**AMENDED ANALYSIS**

This bill provides that a motion for modification of child support shall be effective from the date of service or the date of notice to the respondent, provided that such notice is by certified mail, restricted delivery, return receipt requested.

Amendment adopted.**Question is on the adoption of the bill as amended.****Adopted.****Ordered to third reading.**

SB 353-FN, relative to the regulation and servicing of fire sprinkler systems. Public Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

SB 354, relative to the regulation and servicing of fire alarm and detection systems. Public Affairs Committee. Inexpedient to Legislate, Vote 4-0. Senator Roberge for the committee.

Committee report of inexpedient to legislate is adopted.

SB 355, relative to the regulation and servicing of portable fire extinguishers and fixed fire extinguishing systems. Public Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Roberge for the committee.

Public Affairs
February 4, 2004
2004-0327s
08/10

Amendment to SB 355

Amend the title of the bill by replacing it with the following:

AN ACT relative to the regulation and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems.

Amend the bill by replacing section 1 with the following:

1 New Sections; Portable Fire Extinguisher and Fixed Fire Extinguishing Systems, Fire Sprinkler Systems, and Fire Alarm and Detection Systems; Commission. Amend RSA 153 by inserting after section 5 the following new sections:

153:5-a Fire Equipment Servicing Certification. The commissioner of safety, in consultation with the advisory committee established in RSA 153:5-b, shall adopt rules pursuant to RSA 153:5, as the commissioner deems suitable for the voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems in this state. Such rules may include the issuance of various types and classes of certificates, and a fee not to exceed \$100 for such issuance, for an individual or firm engaged in the installation or servicing of such extinguishing and detection systems. Applicants for certification shall provide proof of certification by a national organization recognized by the commissioner and provide proof of insurance.

153:5-b Advisory Committee on Portable Fire Extinguisher and Fixed Fire Extinguishing Systems Fire Sprinkler Systems, and Fire Alarm and Detection Systems. The commissioner shall establish a committee to advise and assist the commissioner on the rulemaking requirements and implementation of the voluntary certification of persons engaged in the inspection, installation, and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems in this state provided for in RSA 153:5-a. The commissioner shall appoint the members of the advisory committee, with the state fire marshal serving as an ex-officio member, as follows:

I. Two representatives of the sprinkler system industry.

II. Two representatives of the New Hampshire Plumbing and Mechanical Contractor's Association, nominated by the association.

III. Two representatives of the portable fire extinguisher industry.

IV. One person experienced in the design of fixed extinguishing systems.

V. One representative of the New Hampshire Association of Fire Chiefs, nominated by the association.

VI. One representative of the New Hampshire Fire Prevention Society, nominated by the society.

VII. One representative of the New Hampshire Alarm Association, nominated by the association.

VIII. One representative of the New Hampshire Electrical Contractors Association, nominated by the association.

IX. One building code enforcement official nominated, by the New Hampshire Municipal Association.

X. One member of the state electrician's board.

2004-0327s

AMENDED ANALYSIS

This bill requires the commissioner of safety to adopt rules for the certification of persons engaged in the servicing and installation portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems in this state. The bill also establishes an advisory committee.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 359, relative to construction of buildings on certain pre-existing streets. Public Affairs Committee. Ought to pass with amendment, Vote 4-0. Senator Green for the committee.

Public Affairs
February 4 2004
2004-0330s
10/09

Amendment to SB 359

Amend the bill by replacing section 1 with the following:

1 New Subparagraph; Planning and Zoning; Building on Certain Pre-existing Streets. Amend RSA 674:41, I(b) by inserting after subparagraph (4) the following new subparagraph:

(5) A street on a subdivision plat previously authorized and approved by the planning board, zoning board, local governing body, or other municipal agent previously authorized; or

2004-0330s

AMENDED ANALYSIS

This bill allows for the construction of buildings on certain pre-existing streets which were previously authorized and approved by a planning board, zoning board, local governing body, or other municipal agent.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

SB 456, relative to record books maintained by registers of deeds. Public Affairs Committee. Ought to Pass, Vote 5-0. Senator Roberge for the committee.

Adopted.

Ordered to third reading.

SB 375, relative to the regulation of physician assistants. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

SB 404, establishing a committee to study the feasibility of providing statewide access to "Newline for the Blind." Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Martel for the committee.

Adopted.

Ordered to third reading.

SB 438, relative to immunization practices for hospitals, nursing homes, adult day care facilities, home health providers, and assisted living facilities. Public Institutions, Health and Human Services Committee. Ought to pass with amendment, Vote 4-1. Senator Martel for the committee.

Public Institutions, Health and Human Services
February 5, 2004
2004-0354s
05/10

Amendment to SB 438

Amend the title of the bill by replacing it with the following:

AN ACT relative to immunization practices for hospitals, residential care facilities, adult day care facilities, and assisted living facilities.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Residential Care and Health Facility Licensing; Immunizations by Hospitals, Residential Care Facilities, Adult Day Care Facilities, and Assisted Living Facilities. Amend RSA 151 by inserting after section 9-a the following new section:

151:9-b Immunizations by Hospitals, Residential Care Facilities, Adult Day Care Facilities, and Assisted Living Facilities.

I. All hospitals, residential care facilities, adult day care facilities, and assisted living facilities licensed under this chapter shall document evidence of immunization against influenza, for all consenting patients in accordance with the current recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention with respect to indications such as age, timing, dosing, and administration. Immunization of all consenting patients shall be subject to the availability of an adequate supply of the necessary vaccine, and subject to exemptions for medical contraindications and religious beliefs. Subject to these exemptions, and in accordance with the guidelines of the Advisory Committee on Immunization Practices for the Center for Disease Control and Prevention, a consenting patient shall be immunized prior to discharge from the hospital or within 5 working days of becoming a patient in a residential care facility, adult day care facility, or assisted living facility. Receipt of the vaccination shall be documented on the patient's chart and made a part of the patient's permanent record. Prior to administration of the vaccination, diligence shall be exercised to determine whether the patient has already received the influenza vaccination for the year in question. This paragraph shall not prohibit a patient in a residential care facility, adult day care facility, or assisted living facility from receiving the immunization from his or her personal physician if he or she so chooses. A patient who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility.

II. All hospitals, residential care facilities, adult day care facilities, and assisted living facilities licensed under this chapter shall document evidence of immunization against pneumococcal disease, for all consenting patients in accordance with the current recommendations of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention with respect to indications such as age, timing, dosing, and administration. Immunization of all consenting patients shall be subject to exemptions for medical contraindications and religious beliefs. Subject to these exemptions, and in accordance with the guidelines of the Advisory Committee on Immunization Practices for the Centers for Disease Control and Prevention, a consenting patient shall be vaccinated prior to discharge from the hospital or within 60 days of becoming a patient in a residential care facility, adult day care facility, or assisted living facility. Receipt of the vaccination shall be documented on the patient's chart and made a part of the patient's permanent record. Prior to administration of the vaccination, diligence shall be exercised to determine whether the patient has received the pneumococcal vaccination within the preceding 10 years. This paragraph shall not prohibit a patient in a residential care facility, adult day care facility, or assisted living facility from receiving the immunization from his or her personal physician if he or she so chooses. A patient who chooses to receive the immunization from his or her personal physician shall provide proof of immunization to the facility.

III. Each hospital, residential care facility, adult day care facility, and assisted living facility licensed under this chapter shall collect aggregate data regarding patient influenza and pneumococcal immunization and shall report that data to the department of health and human services on an annual basis, beginning July 1, 2005, for calendar year 2004 data. The data shall be limited to the number of patients within the age guidelines in the current recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention receiving either or both the influenza vaccine and the pneumococcal vaccine.

IV. Before November 30 of each year, each hospital, residential care facility, adult day care facility, and assisted living facility licensed under this chapter shall provide to its consenting employees annual immunizations against influenza, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, subject to the availability of an adequate supply of the necessary vaccine, and subject to exemptions for medical contraindications and religious beliefs. Consenting employees beginning employment between October 1 and February 1 shall be provided with immunization against influenza prior to or upon reporting to work, subject to the availability of an adequate supply of the necessary vaccine, and subject to exemptions for medical contraindications and religious beliefs.

V. The commissioner of the department of health and human services shall adopt rules, pursuant to RSA 541-A, relative to the administration and documentation of immunizations required under this section.

2 Effective Date. This act shall take effect January 1, 2005.

2004-0354s**AMENDED ANALYSIS**

This bill establishes requirements for immunization against influenza and pneumococcal disease for hospitals, residential care facilities, adult day care facilities, and assisted living facilities.

Amendment adopted.

Question is on the adoption of the bill as amended.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 470-FN, relative to funding for the physician effectiveness program. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 3-0. Senator Boyce for the committee.

Adopted.

Ordered to third reading.

SB 472, relative to updating the terminology in statutes affecting children with special health care needs. Public Institutions, Health and Human Services Committee. Ought to Pass, Vote 5-0. Senator Estabrook for the committee.

Adopted.

Ordered to third reading.

SB 473, relative to services provided by community mental health centers. Public Institutions, Health and Human Services Committee. Inexpedient to Legislate, Vote 3-2. Senator Martel for the committee.

Committee report of inexpedient to legislate is adopted.

SB 347-FN, relative to financial responsibility and conduct after an OHRV accident. Transportation Committee. Ought to Pass, Vote 4-0. Senator Flanders for the committee.

Adopted.

Referred to the Finance Committee (Rule #26).

SB 476, extending the period for completing work under the Skyhaven airport wetlands permit. Transportation Committee. Inexpedient to Legislate, Vote 4-0. Senator Kenney for the committee.

Committee report of inexpedient to legislate is adopted.

SB 523-FN, prohibiting the use of government property for electioneering. Internal Affairs Committee. Inexpedient to Legislate, Vote 2-0. Senator Boyce for the committee.

Question is on the committee report of inexpedient to legislate.

A roll call was requested by Senator Larsen.

Seconded by Senator Foster.

The following Senators voted Yes: Gallus, Johnson, Kenney, Boyce, Green, Flanders, Odell, Roberge, Peterson, O'Hearn, Clegg, Gatsas, Barnes, Martel, Sapareto, Morse, Prescott.

The following Senators voted No: Below, Foster, Larsen, D'Allesandro, Estabrook, Cohen.

Yeas: 17 - Nays: 6

Committee report of inexpedient to legislate is adopted.

MOTION OF RECONSIDERATION

Senator Flanders having voted on the prevailing side, moved reconsideration on **SB 369**, relative to examinations of insurance companies by the insurance department, whereby it was ordered to third reading.

Motion failed.

RESOLUTION

Senator Clegg moved that the Senate now adjourn from the early session, that the business of the late session be in order at the present time, that all bills and resolutions ordered to third reading be, by this resolution, read a third time, all titles be the same as adopted, and that they be passed at the present time.

Adopted.

LATE SESSION**Third Reading and Final Passage**

SB 329-FN, relative to the recovery by the retirement system of the overpayment of benefit amounts.

SB 330-FN, relative to creditable service of retirement system members reemployed after qualifying military service.

SB 338-FN, relative to the purchase of prior service credit by certain political subdivision employee members.

SB 339-FN, relative to the involuntary commitment of certain persons found not competent to stand trial for certain criminal offenses.

SB 345, exempting payroll accounts from trustee process.

SB 351-FN, relative to concurrent enrollment at regional vocational education centers.

SB 352-FN-L, relative to computing school building aid grant amounts.

SB 355, relative to the regulation and servicing of portable fire extinguishers and fixed fire extinguishing systems, fire sprinkler systems, and fire alarm and detection systems.

SB 359, relative to construction of buildings on certain pre-existing streets.

SB 366-FN, relative to the Interstate Insurance Product Compact.

SB 375, relative to the regulation of physician assistants.

SB 404, establishing a committee to study the feasibility of providing statewide access to "Newsline for the Blind."

SB 416, relative to membership of the advisory committee on child care.

SB 428, establishing a committee to study the protection of consumers from unfair lending practices.

SB 436-FN-L, relative to the Claremont and Newport district courts.

SB 456, relative to record books maintained by registers of deeds.

SB 470-FN, relative to funding for the physician effectiveness program.

SB 472, relative to updating the terminology in statutes affecting children with special health care needs.

SB 479, commemorating the anniversary of the founding of the United States Marine Corps.

SB 488, establishing a committee to study the effects of electric utility restructuring on state dams and the alternatives for the operation and maintenance of state-owned dams.

SB 493, repealing examination standards for certified public accountants.

SB 499, making a change to the electrician licensing exemption.

SB 503-FN-L, establishing a commission to study the benefit of municipalities using bonds for construction, development, improvement, and acquisition of broadband facilities.

SB 520, relative to modification of child support obligation.

SB 527, relative to sessions for correction of checklists.

ANNOUNCEMENTS**RESOLUTION**

Senator Clegg moved that the Senate recess to the Call of the Chair for the sole purpose of introducing legislation, receiving Messages, and processing Enrolled Bill Reports and Amendments.

Adopted.

In recess to the Call of the Chair.