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ADDENDUM TO HOUSE CALENDAR ADDITIONAL FLOOR AMENDMENTS (LISTED IN NUMERICAL ORDER)

2005-0937h

Floor Amendment to HB 66 Proposed by Rep. Giuda

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

AN ACT relative to the mandatory extension of working hours of nurses and nursing assistants.

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

1 New Subdivision; Regulating Mandatory Extension of Working Hours for Nurses and Nursing Assistants. Amend RSA 275 by inserting after section 60 the following new subdivision:

Mandatory Extension of Scheduled Working Hours for Nurses and Nursing Assistants
275:61 Applicability.

I. A registered nurse, licensed practical nurse, or a licensed nursing assistant licensed under RSA 326-B shall not be terminated, disciplined, or lose any right, benefit, or privilege for refusing to work more than 12 consecutive hours, except as provided in paragraph II. A nurse may be disciplined or terminated for refusing a mandatory extension of working hours in situations as defined in paragraph II.

II. The prohibition against mandatory extension of working hours shall not apply to:

- (a) A nurse or assistant participating in surgery, until the surgery is completed;
- (b) A nurse or assistant working in a critical care unit, until another qualified employee beginning a scheduled or voluntary work shift relieves him or her;
- (c) A public health emergency;
- (d) An institutional emergency, such as adverse weather, catastrophe or disaster, or widespread illness that the facility administrator or designee demonstrates will reduce the number of nurses or assistants to a level below that required by statute or regulation for a scheduled work shift;
- (e) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory extension of working hours; or

(f) A nurse or assistant working in a facility required to have a minimum number of staff, including minimum staff required to hold certain licenses or qualifications, until another qualified employee relieves him or her.

(g) A nurse or assistant employed by a licensed home health or hospice agency and caring for a patient whose health or safety would be jeopardized if a nurse or assistant were not available to provide care, when there is an unanticipated absence of an assigned employee and no substitute is available.

III. Any nurse mandated to work more than 12 consecutive hours, as permitted by this section, shall be provided at least 8 consecutive hours of off-duty time immediately following the work hour extension.

IV. Any nurse or assistant working under a mandatory extension of scheduled working hours shall inform a supervisor if he or she is in a state of fatigue that renders him or her incapable of safely overseeing or administering medications or treatments to anyone who is or will be in his or her charge, at whatever time such incapacity may occur before or during the time period of the mandatory work hour extension. Refusal to perform such required duties because of fatigue shall not constitute grounds for termination or discipline by the employer.

V. No employer shall utilize the provisions of this section as a means to avoid hiring sufficient personnel to meet a facility's required staffing levels.

275:62 Special Agreement. Employers shall be exempted from the provisions of RSA 275:61 by written agreement between the employer and the employee, provided such agreement is submitted to the commissioner of the department of labor. The agreement may be terminated by the employee or employer by providing 30 days' written notice to the other party and the commissioner of the department of labor.

275:63 Penalties. Any employer who willfully violates any provision of this subdivision shall be subject to a civil penalty under RSA 273:11-a.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill regulates the mandatory extension of working hours of nurses and nursing assistants.

2005-0946h

Floor Amendment to HB 69 Proposed by Rep. Buhlman

Amend the bill by replacing section 1 with the following:

1 Approval for New Large Groundwater Withdrawals; Municipal Information. Amend RSA 485-C:21, II to read as follows:

II. Applications for approval of *new* water withdrawals of 57,600 gallons or more per day shall be filed with the department ~~in~~ **on** a form approved by the department. A preliminary report submitted by a public water system pursuant to department rules shall be an application for purposes of this section. Copies of the application **and any subsequent materials submitted to the department** shall be forwarded by certified mail by the applicant to the governing bodies of each municipality and each supplier of water within the anticipated zone of contribution to the well. ***The department shall provide the governing body of each municipality with copies of any mailed correspondence sent to the applicant. The department shall provide the applicant with copies of any mailed correspondence sent to or received from the governing body of a municipality.***

2005-0924h

Floor Amendment to HB 90

Proposed by the Reps. Merrow, Babson, Dickinson and N. Johnson

Amend the bill by replacing section 1 with the following:

1 Repeal. RSA 287-G:1, II, relative to private driving instruction and exhibition facilities not being considered race tracks for the purposes of RSA 31:41-a or RSA 31:42, is repealed.

AMENDED ANALYSIS

This bill repeals RSA 287-G:1, II, relative to private driving instruction and exhibition facilities not being considered race tracks for the purposes of RSA 31:41-a or RSA 31:42.

2005-0930h

Floor Amendment to HB 132

Proposed by Rep. Carter

Amend RSA 189:13 as inserted by section 1 of the bill by replacing it with the following:

189:13 Dismissal of Teacher. The school board may dismiss any teacher found by them to be immoral ~~[or incompetent]~~, ***or who has not satisfactorily maintained the performance standards established by the school district***, or one who ~~[shall]~~ ***does*** not conform to regulations prescribed; provided, that no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing.

2005-0938h

Floor Amendment to HB 158

Proposed by Rep. P. Smith

Amend the bill by replacing section 1 with the following:

1 District Courts; Auburn-Candia-Raymond District. RSA 502-A:1, IV is repealed and reenacted to read as follows:

IV. AUBURN-CANDIA-RAYMOND DISTRICT. The Auburn-Candia-Raymond district shall consist of the towns of Auburn, Candia, Deerfield, Nottingham, Raymond, and Northwood. The court shall be located in Auburn, Candia, or Raymond. The court shall hold sessions regularly at the principal court location and elsewhere in the district as justice may require. The court shall bear the name of the town in which it is located.

AMENDED ANALYSIS

This bill changes the name of the Auburn judicial district to the Auburn-Candia-Raymond district and requires the court to be located in Auburn, Candia, or Raymond.

The bill also temporarily changes the locations of the Hampton District Court and the Exeter District Court.

2005-0867h

Floor Amendment to HB 323-FN

Proposed by Rep. Kurk

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

1 New Sections; Registers of Deeds; Social Security Numbers and Financial Information. Amend RSA 478 by inserting after section 4-a the following new sections:

478:4-b Records; Social Security Numbers and Financial Information.

I. The preparer of a document shall not include an individual's social security number in a document that is prepared and presented for recording in the office of the register of deeds. This paragraph shall not apply to state or federal tax liens, certified copies of death certificates, and other documents required by law to contain such information that are filed or recorded in the office of the register of deeds.

II. If a deed or instrument that includes an individual's social security number, credit card number, or other financial account numbers, was filed with the register of deeds prior to January 1, 2006 and is available on the Internet, the individual may request that the register of deeds redact such information from the Internet record. The register of deeds

shall establish a procedure by which individuals may request that such information be redacted from the Internet. Upon request, the information shall be redacted.

478:4-c Violation; Enforcement.

I. An individual aggrieved by a violation of RSA 478:4-b may bring against the preparer:

(a) An action to enjoin such violation.

(b) An action to recover actual monetary loss from such a violation, or to receive up to \$1,000 in damages for each such violation, whichever is greater.

(c) Both such actions.

II. It shall be an affirmative defense in any action brought under this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent a violation of RSA 478:4-b. If the court finds that the defendant willingly or knowingly or with gross negligence violated RSA 478:4-b, the court may, in its discretion, increase damages to an amount equal to not more than 3 times the amount available under paragraph I.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill prohibits, with certain limited exceptions, a person from filing with the registry of deeds a document that includes an individual's social security number. The bill also permits an individual to request that the register of deeds redact the individual's social security number, credit card number, or other financial account numbers from records that were filed prior to January 1, 2006 and are available on the internet.

2005-0925h

Floor Amendment to HB 513

Proposed by Reps. Packard and Ferland

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

AN ACT relative to on-board diagnostic system inspections.

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

1 New Paragraph; Department of Safety; Duties of Commissioner; Complaints. Amend RSA 21-P:4 by inserting after paragraph XI the following new paragraph:

XII. Establish an easily accessible mechanism for citizens to file complaints with the department relating to on-board diagnostic system testing required by RSA 266:59-b. The complaint mechanism shall include either a telephone number reserved exclusively for such complaints or an Internet site for such complaints that may be accessed through links prominently displayed on Internet sites operated by the department or the state.

2 Equipment of Vehicles; Inspections; Fees. Amend RSA 266:1, VII to read as follows:

VII. Each inspection station shall conspicuously post on the outside of the building a sign showing the inspection fee charged. ***No inspection station may charge more than \$15 for the EPA OBD II test required by RSA 266:59-b.***

3 Emission Control Equipment; OBD II Testing Required. Amend RSA 266:59-b, III-V to read as follows:

III. ~~[For all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards,]~~ The commissioner, after public hearing and consultation with the commissioner of the department of environmental services and the air pollution advisory committee, and notification of the house science, technology, and energy committee and the senate environment committee, and with the approval of the air pollution advisory committee, shall adopt rules under RSA 541-A, which require ~~[every motor vehicle]~~ ***all model year 1996 and newer gasoline-powered and model year 1997 and newer diesel-powered motor vehicles equipped with on-board diagnostic systems meeting the federal EPA OBD II standards*** driven on the ways of this state which ~~[is]~~ ***are*** subject to inspection under this chapter, after a date specified by the commissioner, to be tested for

OBD II indications of failures as a component of the inspection. To the extent allowed by EPA OBD II policy, OBD II data may be substituted for visual and functional tests required by paragraph I.

IV. This section shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.

V. If a vehicle fails the EPA OBD II test and it passes all other inspection requirements under this chapter, then it shall be issued a temporary waiver that permits its operation for 60 days from the date of issuance, in order to make required repairs. A vehicle shall be eligible for only one such waiver during its inspection cycle. ***If the cost of the required repairs is more than \$250, as determined by the inspection station or by written estimate from any other inspection station, the vehicle shall not be denied an inspection sticker for the OBD II failure, provided that a vehicle may not be issued more than 2 consecutive inspection stickers based on the cost of repairs and no inspection sticker shall be issued to any vehicle registering a third consecutive OBD II indication of failure.***

VI. ***If a vehicle fails the EPA OBD II test and the owner fails to make the required repairs, the owner may not sell the vehicle without informing the purchaser of the OBD II failure. If the owner fails to inform the purchaser of the OBD II failure, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney's fees.***

VII.(a) ***There is established an OBD II testing advisory committee. The committee shall be composed of the following:***

- (1) Three representatives, appointed by the speaker of the house of representatives.***
- (2) Three senators, appointed by the president of the senate.***
- (3) The director of the division of motor vehicles of the department of safety.***
- (4) The attorney general, or designee.***
- (5) The commissioner of environmental services, or designee.***
- (6) One member appointed by the New Hampshire Automobile Dealers Association.***
- (7) One member appointed by the New Hampshire Motor Transport Association.***

(b) Members' terms shall be coterminous with their terms in office, except that members appointed pursuant to subparagraphs (a)(5) and (a)(6) shall serve at the discretion of the appointing authority.

(c) The committee shall:

- (1) Review and approve any contracts between the state and any private entities relating to OBD II testing.***
- (2) Oversee any contracts between the state and any private entities relating to OBD II testing.***

(d) The department shall not enter into any contract for services related to OBD II testing, or extend or renew any contract for services related to OBD II testing, without the prior approval of the committee.

4 Fees for Inspection-Related Services; Exemptions. Motor vehicle inspection stations that are authorized to inspect only motorcycles or private fleet vehicles, motor vehicle inspections stations that inspect fewer than 200 vehicles per year, and motor vehicle inspection stations operated by municipalities shall not be required to pay any fees to a private entity for inspection-related services pursuant to any contract executed by the state or the department of safety prior to the effective date of this act.

5 Electronic Transfer of Inspection Information; Exemption. The department of safety shall not require an inspection station to transfer inspection information electronically for any vehicle of model year 1995 or older.

6 OBD II Testing; Applicability. Notwithstanding RSA 266:59-b, any EPA OBD II testing required by department of safety rules prior to May 1, 2006 shall be advisory only. No inspection station shall deny an inspection sticker to any vehicle because of OBD II failure prior to May 1, 2006.

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

AMENDED ANALYSIS

This bill:

- I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.
- II. Modifies the applicability of the OBD II testing requirements.
- III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
- IV. Requires notice of an OBD II failure by a motor vehicle seller.
- V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
- VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

2005-0932h

Floor Amendment to HB 513

Proposed by Rep. Kurk

Amend RSA 266:59-b as inserted by section 3 of the bill by inserting after paragraph VII the following new paragraph:

VIII. The department shall not collect, retain, use, or transfer the last 6 digits of any vehicle identification number (VIN) acquired in connection with the OBD II testing program established in paragraph III. No agent or contractor of the department shall collect, retain, use, or transfer the last 6 digits of such number so acquired except:

- (a) To provide the vehicle owner or driver with a record of the test results; and***
- (b) To comply with the federal reporting requirements established for such testing program.***

AMENDED ANALYSIS

This bill:

- I. Limits the fees that motor vehicle inspection stations may charge for EPA OBD II tests.
- II. Modifies the applicability of the OBD II testing requirements.
- III. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
- IV. Requires notice of an OBD II failure by a motor vehicle seller.
- V. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
- VI. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.
- VII. Limits the use of vehicle identification numbers in connection with OBD II testing.

2005-0947h

Floor Amendment to HB 513

Proposed by Rep. Hinkle

Amend the bill by deleting section 2 and renumbering the original sections 3-5 to read as 2-4, respectively.

AMENDED ANALYSIS

This bill:

- I. Modifies the applicability of the OBD II testing requirements.
- II. Allows an inspection sticker to be issued to a vehicle if repairing an OBD II failure will cost more than \$250.
- III. Requires notice of an OBD II failure by a motor vehicle seller.
- IV. Establishes an advisory committee to approve and oversee contracts relating to OBD II testing.
- V. Exempts certain inspection stations from paying fees to a private entity for inspection-related services.

2005-0950h

Floor Amendment to HB 517 Proposed by Rep. Hansen

Amend the bill by replacing section 6 with the following:

6 Incineration Moratorium. Notwithstanding any provision of law to the contrary, there is hereby established a moratorium on the disposal of construction and demolition waste by incineration until July 1, 2006. This moratorium shall not apply to any municipal waste combustor subject to RSA 125-M, or to any municipal incinerator as defined in RSA 149-M, that is permitted by the department of environmental services and was in operation on January 1, 2005. This moratorium shall also not apply to facilities that utilize fabric filters, installed after the effective date of this section, to achieve a minimum control efficiency of 99 percent for particulate emissions and that follow best management practices as determined by the department of environmental services for the control of mercury and dioxin emissions.

2005-0942h

**Floor Amendment to HB 611-FN
Proposed by Reps. Rogers Johnson, Kurk, Chandler, Whalley and Giuda**
Amend RSA420-G:4, I(e) as inserted by section 3 of the bill by inserting after subparagraph (4) the following new subparagraph:

(4) Notwithstanding subparagraph (2), upon renewal of a small employer policy that was in effect prior to January 1, 2004 the health coverage plan rate charged for the period between July 1, 2005 and July 1, 2006 shall not be higher than the rate in effect on December 31, 2003.

2005-0941h

Floor Amendment to HB 616-FN-LOCAL Proposed by Reps. Graham and Ober

Amend the bill by replacing section 20 with the following:

20 Effective Date. This act shall take effect July 1, 2006.

2005-0927h

Floor Amendment to HB 691-FN-LOCAL Proposed by Reps. Phinizy and D. Eaton

Amend the bill by deleting section 4 and renumbering the original sections 5-21 to read as 4-20, respectively.

Amend the bill by replacing section 20 with the following:

21 Effective Date.

- I. Section 2 of this act shall take effect January 1, 2006.
- II. Sections 14-18 of this act shall take effect upon its passage.
- III. The remainder of this act shall take effect 60 days after its passage

AMENDED ANALYSIS

This bill revises the medicaid program. Specifically some of the changes include:

- I. Clarifying the law regarding eligibility for nursing facility services.
- II. Clarifying entitlement to nursing facility care.
- III. Adding the category of aid to the needy blind for purposes of recovery of assistance.
- IV. Requiring the department of health and human services to seek certain medicaid waivers.
- V. Establishing a commission to develop a comprehensive state mental health plan.

2005-0955h

Floor Amendment to HB 702-FN Proposed by Reps. Rowe and Lasky

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

AN ACT relative to the screening and mediation of medical malpractice claims.

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

1 New Chapter; Screening and Mediation for Medical Injury Claims. Amend RSA by inserting after chapter 519-A the following new chapter:

CHAPTER 519-B

SCREENING AND MEDIATION FOR MEDICAL INJURY CLAIMS

519-B:1 Definitions. In this chapter a "provider of health care" means a provider of health care as defined in RSA 151-C:2, XXX(a).

519-B:2 Screening Hearing and Mediation.

I. Every action at law for medical injury against a provider of health care shall be screened by a single justice of the superior court. The plaintiff shall present an offer of proof and the screening judge shall determine if the evidence presented, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry or whether the plaintiff's case is merely an unfortunate medical result.

II. All actions which continue after the decision of the screening judge under paragraph I shall be mediated within 45 days in a manner established by court rules to promote and encourage an expeditious settlement.

519-B:3 Procedure.

I. Each such action for medical injury shall be heard by the screening judge within 45 days after the defendant's answer has been filed. At the screening hearing the burden of persuasion shall be on the plaintiff to produce such evidence as a reasonable person might accept as adequate to support a conclusion. Admissible evidence shall include, but not be limited to, hospital and medical records, nurses' notes, x-rays, and other records kept in the usual course of the practice of the health care provider without the necessity for other identification or authentication, statements of fact or opinion on a subject contained in a published treatise, periodical, book, or pamphlet or statements by experts without the necessity of such experts appearing at the hearing. The screening judge may, upon his or her own decision, summon or subpoena any such records or individuals to substantiate or clarify any evidence which has been presented. The testimony of the witnesses and the decision of the screening judge shall not be admissible as evidence at a trial.

II. The expenses of the screening hearing and mediation shall be equitably assessed to the parties by the court.

519-B:4 Final Disposition. Upon entry of judgment, settlement, or other final disposition at trial court level, the clerk shall, no later than 15 days after such entry, send a copy of the judgment, settlement or other final disposition, to the board of medicine. The terms of judgment, settlement, or other final disposition shall not be sealed pursuant to RSA 507-E:3.

519-B:5 Notification to the Board of Medicine. Whenever the screening judge makes a finding, the clerk of the court shall, no later than 15 days after such finding, send a copy of the complaint and finding to the board of medicine.

2 Effective Date. This act shall take effect January 1, 2006.

AMENDED ANALYSIS

This bill establishes a screening hearing before a superior court judge to review medical malpractice claims and mediation for claims that continue.

2005-0926h

Floor Amendment to SB 23

Proposed by Reps. Dickinson, Currier, Spang and Mellow

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

1 New Subparagraph; Public Water Access Advisory Board; Membership; Coastal or Marine Member Added. Amend RSA 233-A:2, I by inserting after subparagraph (p) the following new subparagraph:

(q) A public member representing coastal or marine interests, appointed by the governor and council.

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

AMENDED ANALYSIS

This bill adds a member representing coastal or marine interests to the public water access advisory board.