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No. 17B

STATE OF NEW HAMPSHIRE

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**Second Year of the 164th Session of the
New Hampshire General Court**

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON
THURSDAY, MAY 5, 2016 AT 10:00 A.M.**

CONSENT CALENDAR REPORTS

COMMERCE

HB 1307, relative to the procedure for amendment of condominium instruments.

Ought to Pass with Amendment, Vote 5-0.

Senator Bradley for the committee.

This bill provides that if amendment of the condominium instruments requires approval of a condominium unit mortgagee, an affidavit from the president of the association, attesting to the notice provided to the mortgagee, shall be sufficient. The committee amendment makes changes to the law regarding business naming guidelines. The amendment provides that if the secretary of state denies a business entity's or an applicant's request to use a name, the entity or applicant may request an administrative hearing. The amendment also permits a business of a similar name to request a hearing regarding the decision.

REGULAR CALENDAR REPORTS

COMMERCE

HB 1403, relative to reinsurance.

Ought to Pass, Vote 3-2.

Senator Prescott for the committee.

HEALTH AND HUMAN SERVICES

HB 629-FN, relative to induced termination of pregnancy statistics.

Ought to Pass, Vote 3-2.

Senator Avaré for the committee.

HB 1193, relative to the wellness and primary prevention council.

Ought to Pass, Vote 5-0.

Senator Fuller Clark for the committee.

HB 1210, relative to prescriptions for controlled drugs by telemedicine.

Ought to Pass, Vote 3-1.

Senator Fuller Clark for the committee.

HB 1269, extending the New Hampshire health care quality assurance commission and relative to the membership of the commission.

Ought to Pass with Amendment, Vote 4-0.

Senator Avaré for the committee.

HB 1316, relative to hospital rates for self-pay patients.

Ought to Pass, Vote 4-0.

Senator Sanborn for the committee.

HB 1478, establishing a commission to develop a structure for the implementation of an alternative contract for health care payments.

Interim Study, Vote 3-2.

Senator Sanborn for the committee.

HB 1570-FN, repealing the law governing access to reproductive health care facilities.

Ought to Pass, Vote 3-2.

Senator Carson for the committee.

HB 1661-FN, relative to conversion therapy seeking to change a person's sexual orientation.

Ought to Pass with Amendment, Vote 3-2.

Senator Sanborn for the committee.

JUDICIARY

HB 378, establishing a committee to study RSA 461-A, relative to parental rights and responsibilities, and the revised child support guidelines as of 2013.

Ought to Pass with Amendment, Vote 4-0.

Senator Lasky for the committee.

HB 512, prohibiting confiscation of firearms, ammunition, or firearms accessories during a state of emergency.

Ought to Pass with Amendment, Vote 3-1.

Senator Cataldo for the committee.

HB 1117, establishing a child support maximum under the guidelines based on the parents' combined income.

Inexpedient to Legislate, Vote 3-0.

Senator Carson for the committee.

HB 1118, relative to the determination of parental rights and responsibilities and establishing a presumption in favor of shared residential responsibility.

Inexpedient to Legislate, Vote 4-0.

Senator Lasky for the committee.

HB 1153, prohibiting a political subdivision from adopting residency restrictions on sex offenders.

Inexpedient to Legislate, Vote 2-2.

Senator Carson for the committee.

HB 1204, relative to payment of rent pending the stay of an eviction proceeding.

Ought to Pass with Amendment, Vote 4-0.

Senator Pierce for the committee.

HB 1236, relative to hearings on modifications of parental rights and responsibilities.

Inexpedient to Legislate, Vote 4-0.

Senator Pierce for the committee.

HB 1237, establishing a committee to study the establishment of a default conflict management and resolution system for parents and children.

Ought to Pass with Amendment, Vote 4-0.

Senator Carson for the committee.

HB 1279, relative to grounds for termination of parental rights.

Interim Study, Vote 4-0.

Senator Pierce for the committee.

HB 1280, relative to grounds for modification of parental rights and responsibilities.

Ought to Pass, Vote 3-1.

Senator Carson for the committee.

HB 1298, relative to damage to private property.

Ought to Pass with Amendment, Vote 3-1.

Senator Carson for the committee.

HB 1353, relative to the notice required of a law enforcement officer prior to making an audio recording of a routine stop.

Ought to Pass with Amendment, Vote 4-0.

Senator Cataldo for the committee.

HB 1370, relative to termination of tenancy.

Inexpedient to Legislate, Vote 3-1.

Senator Carson for the committee.

HB 1415, relative to escape from official custody.

Ought to Pass with Amendment, Vote 4-0.

Senator Cataldo for the committee.

HB 1471, relative to parental rights.

Inexpedient to Legislate, Vote 3-0.

Senator Pierce for the committee.

AMENDMENTS

Senate Judiciary
May 3, 2016
2016-1767s
05/04

Amendment to HB 378

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

AN ACT establishing a committee to study RSA 461-A, relative to parental rights and responsibilities.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study RSA 461-A, relative to parental rights and responsibilities.

Amend paragraph I of section 3 of the bill by replacing it with the following:

I. The committee shall review implementation of RSA 461-A, relative to parental rights and responsibilities. The study shall address the following questions:

(a) Did adoption of RSA 461-A meet the legislature's goal of minimizing the adversarial nature of divorce and parenting cases?

(b) Could RSA 461-A and RSA 458-C be amended to further reduce the adversarial nature of such proceedings?

(c) Would specific guidelines for shared and split parenting cases improve outcomes and reduce conflict?

(d) What effect has the loss of state funding for guardians ad litem had on low income cases?

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 chairperson of the house children and family law committee, the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2017.

2016-1767s

AMENDED ANALYSIS

This bill establishes a committee to study RSA 461-A, relative to parental rights and responsibilities.

Senate Judiciary
May 3, 2016
2016-1785s
04/09

Amendment to HB 512

Amend the bill by replacing section 1 with the following:

1 Taking of Private Property; Compensation and Use. Amend RSA 4:46, I-a to read as follows:

I-a.(a) Under no circumstances shall this section be construed to authorize the taking, confiscation, or seizure of firearms, **firearms accessories**, ammunition, or ammunition components.

(b) In addition to the remedies set forth in paragraphs III and IV, an individual who has any firearm, firearm accessory, ammunition, or ammunition components confiscated in violation of this paragraph may bring a civil action in a court having the appropriate jurisdiction:

(1) For money damages against a person who violates this paragraph;

(2) For a civil penalty, in the amount of \$5,000 per violation, against a person who violates this paragraph; and

(3) For return of the confiscated firearm, firearm accessories, ammunition, or ammunition components.

(c)(1) A law enforcement officer shall not be subject to disciplinary action or retaliation for refusing to confiscate a firearm, firearm accessory, ammunition, or ammunition component under this section if:

(2) Ordered or directed to do so by a superior officer; and

(3) By obeying the order or direction, the law enforcement officer would be committing a violation of this section.

(d) Disciplinary action may include:

(1) Dismissal, suspension, or demotion;

(2) Loss of or decrease in benefits, pay, privileges, or conditions of employment; and

(3) Any type of written or electronic indication, permanent or temporary, on the officer's personnel record of the officer's refusal to obey the unlawful order.

(e)(1) For the purposes of this paragraph, "law enforcement officer" includes, but is not limited to, state, local, and county officials, members of the National Guard, and private security persons.

Senate Judiciary
May 3, 2016
2016-1758s
05/06

Amendment to HB 1204

Amend the introductory paragraph of RSA 540:13-c, II as inserted by section 1 of the bill by replacing it with the following:

II. Nothing in this section shall be construed to prohibit the parties in a case of nonpayment of rent from agreeing that, in spite of judgment for the plaintiff, a writ of possession shall not be issued, if the defendant makes payments in accordance with a schedule designated in the agreement. [However, if such payments are not made when due, a writ of possession shall be issued upon request of the plaintiff.] The agreement may incorporate the arrearage, future rent due, court costs, and service fees. The agreement shall be filed with the court and shall state the date when final payment of the arrearage, court costs, and service fees are due. Entering into such an agreement shall waive the defendant's right to appeal.

Amend RSA 540:13-c, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) If the plaintiff has not filed an affidavit of non-compliance within 14 days of the date that the final payment under the agreement, established in RSA 540:13-c, II, is due, the court shall dismiss the action.

Senate Judiciary
May 3, 2016
2016-1784s
05/06

Amendment to HB 1237

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

AN ACT establishing a committee to study the establishment of a conflict management and resolution system for parents and children.

Amend the bill by replacing section 1 with the following:

1 Committee Established. There is established a committee to study the establishment of a conflict management and resolution system for parents and children.

Amend paragraph I of section 2 of the bill by replacing it with the following:

I. The committee shall be comprised of 3 members of the house of representatives, appointed by the speaker of the house of representatives.

Amend the bill by replacing sections 3 and 4 with the following:

3 Duties. The committee shall study the establishment of a conflict management and resolution system for parents and children.

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

2016-1784s

AMENDED ANALYSIS

This bill establishes a committee to study the establishment of a conflict management and resolution system for parents and children.

Health and Human Services

May 3, 2016

2016-1788s

01/09

Amendment to HB 1269

Amend RSA 151-G:1, II(e) as inserted by section 2 of the bill by replacing it with the following:

(e) ~~[One member-at-large]~~ ***Three members-at-large, one member appointed by the speaker of the house of representatives, one member appointed by the president of the senate, and one member appointed by the governor.***

Senate Judiciary

May 3, 2016

2016-1794s

08/03

Amendment to HB 1298

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

AN ACT relative to damage to private property and relative to the authority of federal border patrol agents to make arrests in Coos county.

Amend the bill by replacing all after section 7 with the following:

8 Police Standards and Training Council; Power to Certify Border Patrol Agents. Amend RSA 188-F:26, IV to read as follows:

IV. Certify persons as being qualified under the provisions of this subdivision to be police officers, state corrections officers, ~~[or]~~ state probation-parole officers, ***or certified border patrol agents for the purposes of RSA 594:26***, and establish rules under RSA 541-A for the suspension or revocation of the certification of such persons in the case of egregious misconduct or failure to comply with council standards.

9 Arrests in Criminal Cases; Definition of Officer. Amend RSA 594:1, III to read as follows:

III. "Officer" or "peace officer" is any sheriff or deputy sheriff, mayor or city marshal, constable, police officer or watchman, member of the national guard acting under orders while in active state service ordered by the governor under RSA 110-B:6, ***certified border patrol agent as defined in RSA 594:26, I***, or other person authorized to make arrests in a criminal case.

10 New Subdivision; Certified Border Patrol Agents. Amend RSA 594 by inserting after section 25 the following new subdivision:

Certified Border Patrol Agents

594:26 Power of Arrest for New Hampshire Crimes.

I. In this section, "a certified border patrol agent" means a person who:

(a) Is employed as a border patrol agent by the United States Department of Homeland Security, Customs and Border Protection;

(b) Has satisfactorily completed a course of study in New Hampshire laws and criminal procedures approved by the police standards and training council, at the expense of the agent's agency;

(c) Has been certified by the director of police standards and training pursuant to paragraph II and whose certification has not expired or been suspended or revoked; and

(d) Has taken an oath administered by the commissioner of safety or by the commissioner's designee to uphold the constitution of the state of New Hampshire.

II. The director of police standards and training may certify a border patrol agent who applies for certification if the agent satisfies the employment and study requirements listed in paragraph I. Border patrol agents certified under this section shall be exempt from regular physical fitness examinations required of state or municipal law enforcement officers. A certification under this paragraph shall automatically terminate immediately upon the agent's suspension or termination of employment from the federal agency in which he or she was employed at the time the certification occurred.

III. A certified border patrol agent may make an arrest pursuant to New Hampshire law for violation of New Hampshire laws in Coos county if the agent determines that it is necessary to do any of the following:

(a) Protect an individual in the presence of the agent from the imminent infliction of serious bodily injury, as defined in RSA 625:11, VI; or

(b) Provide immediate assistance to an individual who has suffered or is threatened with serious bodily injury, as defined in RSA 625:11, VI; or

(c) Prevent the escape of any individual whom the agent has probable cause to believe has committed a crime in the presence of the agent; or

(d) Prevent the escape of any individual whom the agent has probable cause to believe has committed a felony under New Hampshire law.

IV. A certified border patrol agent who makes an arrest under this section shall report the arrest, without delay, to the division of state police.

V. A certified border patrol agent who makes an arrest under the authority of this section shall have the same immunity from liability that a state or municipal law enforcement officer has under the laws of this state.

VI. The state of New Hampshire shall not be responsible for employment benefits, supervision, and defense of the certified border patrol agent, including when exercising authority under this section. This section is not intended to limit existing authority of federal officers under federal law or to interfere with the performance of federal duties by federal officers.

11 Effective Date. This act shall take effect January 1, 2017.

2016-1794s

AMENDED ANALYSIS

This bill:

I. Creates a cause of action for a landowner whose land is damaged by pollution.

II. Creates a cause of action for a landowner whose land is damaged by OHRV.

III. Creates a cause of action for a landowner whose land is damaged by snowmobile use.

IV. Grants federal border control agents the authority to make arrests in Coos county.

Commerce
May 3, 2016
2016-1790s
05/03

Amendment to HB 1307

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

AN ACT relative to the procedure for amendment of condominium instruments and relative to name availability for business organizations.

Amend the bill by replacing all after section 1 with the following:

2 New Paragraph; Voluntary Corporations and Associations; Name. Amend RSA 292:3 by inserting after paragraph VI the following new paragraph:

VII. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

3 New Paragraph; New Hampshire Business Corporation Act; Use of Name. Amend RSA 293-A:4.01 by inserting after paragraph (g) the following new paragraph:

(h) The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

4 New Paragraph; New Hampshire Investment Trusts; Use of Name. Amend RSA 293-B:17 by inserting after paragraph IV the following new paragraph:

V. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

5 New Section; Professional Corporations; Corporate Name; Administrative Hearing. Amend RSA 294-A by inserting after section 7 the following new section:

294-A:7-a Corporate Name; Administrative Hearing. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under RSA 294-A:7. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

6 New Paragraph; Cooperative Marketing and Rural Electrification Association; Name Regulation. Amend RSA 301:43-a by inserting after paragraph VI the following new paragraph:

VII. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

7 New Section; Registered Limited Liability Corporation; Administrative Hearing. Amend RSA 304-A by inserting after section 46 the following new section:

304-A:46-a Name Availability; Administrative Hearing. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under RSA 304-A:45 or RSA 304-A:46. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

8 New Paragraph; Uniform Limited Partnership Act; Name; Administrative Hearing. Amend RSA 304-B:2 by inserting after paragraph VII the following new paragraph:

VIII. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

9 New Paragraph; Limited Liability Corporation; Name Availability; Hearing. Amend RSA 304-C:32 by inserting after paragraph VIII the following new paragraph:

IX. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

10 New Paragraph; Foreign Limited Liability Corporation; Name Availability; Hearing. Amend RSA 304-C:177 by inserting after paragraph I the following new paragraph:

I-a. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

11 New Paragraph; Foreign Partnerships; Name Availability; Hearing. Amend RSA 305-A:2-e by inserting after paragraph V the following new paragraph:

VI. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

12 New Paragraph; Trade Name; Availability; Hearing. Amend RSA 349:1 by inserting paragraph IV the following new paragraph:

V. The secretary of state shall provide notice to the applicant and any business entity with a similar name of the department's decision regarding name availability under this section. If the applicant or business entity disagrees with the department's decision, the applicant or business entity may request an administrative hearing.

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

2016-1790s

AMENDED ANALYSIS

This bill:

I. Provides that if amendment of the condominium instruments requires approval of a condominium unit mortgagee, an affidavit from the president of the association, attesting to the notice provided to the mortgagee, shall be sufficient.

II. Provides that if the secretary of state denies a business entity's request to use a particular name, the entity may request an administrative hearing. The bill also permits a business with a similar name to request a hearing regarding the decision.

Senate Judiciary
May 3, 2016
2016-1768s
08/10

Amendment to HB 1353

Amend RSA 570-A:2, II(j) as inserted by section 1 of the bill by replacing it with the following:

(j) A uniformed law enforcement officer to make an audio recording in conjunction with a video recording of a routine stop performed in the ordinary course of patrol duties on any way as defined by RSA 259:125, provided that the officer shall first give notification of such recording to the party to the communication ***unless it is not reasonable or practicable under the circumstances.***

2016-1768s

AMENDED ANALYSIS

This bill requires a law enforcement officer making a routine stop to notify an individual that he or she is being recorded unless such notice is not reasonable or practicable.

Senate Judiciary
May 3, 2016
2016-1795s
08/04

Amendment to HB 1415

Amend RSA 642:6, III as inserted by section 1 of the bill by replacing it with the following:

III. The offense is a class A felony if the actor employs force against any person or threatens any person with a deadly weapon to effect the escape, except that if the deadly weapon is a firearm, the actor shall be sentenced in accordance with RSA 651:2, II-g. The offense is a class B felony if the actor was on parole, subject to a bail order, was a prisoner at an adult or juvenile correction facility at the time, ***or had been released from any correctional institution pursuant to administrative home confinement or any treatment program or other place as directed by the correctional authority or sentencing court***, or had a prior conviction of the crime of escape. If no physical force was used by the actor and no persons other than the actor sustained bodily injury as a result of the escape, the offense is a class A misdemeanor.

Health and Human Services
May 3, 2016
2016-1800s
01/09

Amendment to HB 1661-FN

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

AN ACT establishing a commission to study conversion therapy.

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

1 New Subdivision; Commission to Study Conversion Therapy. Amend RSA 126-A by inserting after section 69 the following new subdivision:

Commission to Study Conversion Therapy

126-A:70 Commission Established. There is established a commission to study conversion therapy.

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

- (1) One member of the senate, appointed by the president of the senate.
- (2) Two members of the house of representatives, appointed by the speaker of the house of representatives.
- (3) A representative of the New Hampshire Medical Society, appointed by the society.
- (4) A representative of the New Hampshire Psychiatric Society, appointed by the society.
- (5) A representative of the board of mental health practice, appointed by the board.
- (6) A representative of the family mediator certification board, appointed by the board.
- (7) A representative of the New Hampshire chapter of the National Center for Lesbian Rights, appointed by the governor.
- (8) A representative of GLAD, appointed by the governor.
- (9) A representative of Cornerstone Research, appointed by the speaker of the house of representatives.
- (10) A representative of the Roman Catholic Diocese of Manchester, appointed by the senate president.
- (11) An ordained minister, appointed by the senate president.

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

II.(a) The commission shall study the practice of conversion therapy, or treatment that seeks to change an individual's sexual orientation or gender identity. Specifically, the commission shall:

- (1) Define conversion therapy and the procedures or services such therapy includes.
- (2) Identify any other therapies which are or could be considered as abusive in New Hampshire.
- (3) Determine whether conversion therapy is being offered in New Hampshire.
- (4) Review the existing policies of state licensing boards providing for guidance and/or licensing for this type of therapy.
- (5) Determine whether any of these therapies are paid for by Medicaid.

(6) Determine if licensed therapists are offering conversion therapy, should the service be posted and what, if any disclosures to parents should be considered.

(7) Investigate whether electro-shock therapy is being used as part of conversion therapy.

(8) Consider the circumstances under which parents, councilors, and clergy can participate in discussions with a teen about sexuality and when does it become conversion therapy.

(9) Consider the role of the general court in determining the limits of the First Amendment and religious beliefs and providing services to others concerning conversion therapy.

(10) Consider medical statements by New Hampshire medical boards and associations and how such boards and associations are managing their licensed practitioners.

(b) The commission shall solicit information from any person or entity the commission deems relevant to its study.

III. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Seven members of the commission shall constitute a quorum.

IV. 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 March 1, 2017.

3 Repeal. RSA 126-A:70, relative to a commission to study conversion therapy, is repealed.

4 Effective Date.

I. Section 3 of this act shall take effect March 1, 2017.

II. The remainder of this act shall take effect upon its passage.

2016-1800s

AMENDED ANALYSIS

This bill establishes a commission to study conversion therapy.