

State of New Hampshire HOUSE RECORD

Second Year of the 155th Session of the General Court Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Wednesday, March 25, 1998 No. 28

Contains: Hearings, Notices, Work Sessions, Proposed Amendment to Ethics Guidelines, Notice of Reconsideration, Reports and Amendments for March 25

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

Please note the proposed amendment to the Ethics Guidelines in this calendar which will be taken up for a vote today.

Today the House welcomes the Manchester High School Girls Soccer Team. They are the 1997 Class L Champs.

Also today, we welcome the Sunapee Middle-Senior High School Girls Volleyball Team, winners of the 1997 Class S Championship.

Congratulations to all these fine athletes.

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Wednesday, March 25 at 9:15 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Wednesday, March 25 at 9:15 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

Parliamentary Points to Ponder

It is the duty of the presiding officer to enforce the rules and orders of the body without delay and without waiting to have the presiding officer's attention called to breaches of order. It is also the right of every member who notices a breach of order or of a rule to insist on its enforcement. This is called raising a question or a point of order, because the member puts to the presiding office the question as to whether there has been a breach of order or of the rules. It is the duty of the presiding officer to maintain order and to enforce the rules.

Mason's Legislative Manual

Section 240 Paragraph 1

Many members have expressed concern (or even dismay) when a speaker strays too far from the topic at hand, when there is so much noise in the anteroom that it disturbs those who wish to hear the debate, or when questionable language is used on the floor. When someone crosses the line, it is your right to note it by raising a point of order. The chair will then rule on the matter and, if warranted, the offending behavior will be corrected.

Donna Sytek, Speaker

SPECIAL ORDER

WEDNESDAY, MARCH 25

BILLS REMOVED FROM THE CONSENT CALENDAR

FINANCE

HB 1344-FN, relative to state employees receiving workers' compensation benefits. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: This bill would have allowed state employees receiving partial workers' compensation indemnity benefits to accrue leave time. The Director of Personnel testified in opposition to the bill stating that the cost of the bill was indeterminable. This issue is more appropriately viewed as a negotiated item in collective bargaining. Vote 16-0.

HB 1377-FN, establishing a state commission on the status of men. INEXPEDIENT TO LEGISLATE

Rep. Mary Jane Wallner for Finance: As the bill came to the Finance Committee the Commission on the Status of Men would be attached to the Department of Administrative Services, but there was no funding for the new commission. The Department of Administrative Services does not have the needed funds in its present budget to accomplish the goals of the bill. Administrative Services estimated the cost might be up to \$20,000 for the first year and \$10,000 to \$11,000 in future years; the cost of the Commission on the Status of Women is about \$45,000 annually. The Finance Committee did not feel this new commission would be a priority for funding at this time. Vote 14-3.

HB 1545-FN, increasing the salaries and changing the terms of office of the labor commissioner and the deputy labor commissioner. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: The Committee felt that since the Labor Department has been assigned more responsibility – eleven new programs – since their last review, and has more employees and larger budgets than Banking and Insurance then they should have pay grades at least equivalent to those comparable departments. The cost to the general fund is less than \$3000. Vote 15-1.

HB 1617-FN-L, requiring all state agencies to include in its budget request the cost for maintaining state-owned buildings based upon a formula and requiring the department of administrative services to maintain state-owned buildings. INEXPEDIENT TO LEGISLATE

Rep. Arthur P. Klemm, Jr. for Finance: This bill would require state agencies to include in their budget requests the cost for

maintaining state-owned buildings at \$1.00 per square foot. The Committee felt that though the bill was well-intentioned it needed further work in that some agencies needed to be excluded. The bill did not deal with what would happen to funds not expended at the end of the biennium. The bill would have had an \$8,407,000 cost impact on the biennial budget. Vote 17-0.

*******BLUE PAGES BEGIN HERE*******

WEDNESDAY, MARCH 25

CONSENT CALENDAR

EDUCATION

SB 495, relative to the university system study committee. OUGHT TO PASS WITH AMENDMENT

Rep. Clair A. Snyder for Education: This bill changes the name of the university system study committee to the public higher education study committee to include the public university, the four-year colleges, and the community-technical colleges. This will bring all higher education entities under the scope of study by this committee. The amendment includes the regional community-technical colleges as part of the liaison with the university system. Vote 15-0.

FINANCE

HB 1193-FN, relative to installing vending machines at welcome and tourist information centers on state highways. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: The intent of this bill was to add eleven new refreshment centers at state highway rest stops. The construction would be phased in from 2000 to 2004. Originally the construction would be paid for by a half share of the vending revenue going to the Department of Transportation which currently goes to the general fund. The amendment changes the funding mechanisms. At the beginning of the next biennium the split in vending revenues will be 75% to general fund and 25% to DOT. The construction funds will be from DOT. DOT will use their share of the revenues to recover construction costs and pay for maintenance and utilities. The approximately \$200,000 to the general fund will be relatively constant. Vote 19-0.

HB 1337-FN, making technical corrections in laws related to the department of corrections. OUGHT TO PASS WITH AMENDMENT

Rep. Mary E. Brown for Finance: This bill was requested by the Department of Corrections. It makes some technical language corrections; it increases the salary of the Director of Administration of the Department of Corrections from Group M to Group P, step 1, in order to comply with the requirement that superiors should not be paid less than subordinate employees. The Committee also approved increasing from \$1,000 to \$2,500 the provision of seeking approval from both the Fiscal Committee and the Governor and Council. The fiscal impact is minimal. Vote 14-0.

HB 1354-FN, relative to fishing in the Connecticut River by residents of Vermont. OUGHT TO PASS WITH AMENDMENT

Rep. Margaret A. Lynch for Finance: The State of New Hampshire owns the rights of the Connecticut River, within its borders, to the banks on the Vermont side. Currently, licensed Vermont residents and non-residents with a valid Vermont fishing license are permitted to fish in the Connecticut River. This bill will change that situation and allow only those people licensed in New Hampshire and residents of Vermont holding a valid Vermont fishing license to legally fish in the Connecticut River. Those people from states other than Vermont will be required to purchase a New Hampshire fishing license in order to fish in the Connecticut River. There is an Interstate Memo of Agreement between New Hampshire and Vermont relative to this change, and Vermont is in full agreement. The Finance Committee amendment provides gender neutral language. The only fiscal impact would be a positive one, but it is indeterminable. Vote 14-0.

HB 1473-FN-A, establishing a wildlife damage control program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill establishes a wildlife damage control program. The bill as it comes out of Finance is a compromise between the people who are most affected by this program and Fish and Game. The bill establishes a

wildlife damage control advisory board as well as a wildlife damage control program which will be funded by \$62,500 of Fish and Game funds for the primary purpose of providing fencing for a number of apple orchards. The cost of the fencing will be shared on a 50/50 basis with the orchard owner and the state. The \$5000 cap per participant is removed so larger fencing projects can be done without splitting the fencing project over a number of years. The \$62,500 of Fish and Game money will appear as a line item in the Fish and Game budget for the next ten years. Vote 14-1.

HB 1513-FN-L, relative to vehicle emissions control equipment and testing. OUGHT TO PASS WITH AMENDMENT

Rep. Robert L. Wheeler for Finance: This bill replaces centralized auto emissions tailpipe testing with a safety inspection anti-tampering visual check of emissions-related components such as the gas cap, fuel inlet restrictor, catalytic converter, positive crankcase ventilation valves and hoses and air injection pumps. The safety-related check may in the future include oxygen sensors as well as a check of the on-board diagnostic equipment which auto repair technicians can do with their computerized diagnostic tools. The safety-related inspection is a far cry from centralized auto emissions testing which the EPA was requiring and had sent a threatening letter to sanction New Hampshire transportation funds for non-compliance. This bill removes the threat of these very expensive sanctions to New Hampshire. EPA's tentative approval of this bill has been made possible by Public Service of New Hampshire's commitment to reduce emissions more than required. Clearly there is a cost to PSNH though the Committee believes this cost quite favorable when compared to the cost of auto emissions testing.

The Committee believes PSNH has made a sound business decision in pursuing this environmental improvement. The decision to reduce these emissions is sound public policy because there is a much greater environmental benefit from reducing utility emissions than auto emissions and the costs to NH citizens is substantially less. In order to make this commitment, PSNH should be able to recover the costs of these additional emission reductions. This amendment was requested by the Public Utilities Commission to clarify that recovery by PSNH of these expenses is "recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law...." The second change clarifies Department of Safety's ability to waive fines for diesel trucks that fail the roadside emissions test. At this time there is no impact on the General Fund or Highway Fund. Vote 20-0.

HB 1558-FN-L, relative to games of chance. OUGHT TO PASS

Rep. Kenneth L. Weyler for Finance: Minor but consistently recurring abuses to the games of chance offered by charitable organizations have prompted revisions to the current law. A charitable organization must: have been in existence for at least two years, document that it is exempt from federal income tax, establish purposes for its organization, other than gambling, register with the Secretary of State, and maintain a list of bona fide members. License applications must be submitted to the attorney general and respective chief of police. Operation of the games is restricted to bona fide members or their adult family members. Allowable wagers are increased from one dollar to two. There are increased financial reporting requirements and new sections for inspections and penalties. Costs of inspections may be increased by \$15,000 to \$18,000 per year, but no additional funds are appropriated. Vote 18-2.

HB 1573-FN, changing the name of the department of cultural affairs to the department of cultural resources and establishing a fund for educational purposes and historic preservation. OUGHT TO PASS WITH AMENDMENT

Rep. Arthur P. Klemm, Jr. for Finance: This bill as amended by the Committee on Finance removes the provision of establishing a dedicated fund for educational and historic preservation. The mechanism already exists to keep funds that are donated to Cultural Affairs from lapsing into the general fund by either donating funds for a specific purpose or the director can go before Governor and Council and request that the donated funds not lapse into the general fund. The rest of the bill was passed as it was received from the ED&A Committee. Vote 17-1.

HB 1597-FN, relative to providing more cost-effective special education services. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: This bill refines the cost determination for the State Board of Education and local school districts when they consider appropriate and free public education for disabled children. First: When incarcerated in an adult correctional facility, young adults ages 18 to 21 shall not be included as in "educationally disabled child" unless they were identified as having a disability and arrived at the facility with an I.E.P. (Individualized Education Program). Second: Sending districts will be notified of a court order placement and can submit cost impact statements of the placement in the district. Third: A child with unknown or unavailable parents, or guardian, will have a guardian appointed by the designee of the State Education Commissioner who will represent the educational interests of the child. Vote 20-0.

HB 1600, relative to the multiple DWI offender intervention detention center program. OUGHT TO PASS WITH AMENDMENT

Rep. W. Gordon Allen for Finance: The Committee supports the intent of the bill to increase the revenues of the DWI multiple offender program, but felt it was not prudent at this time to forgive the program's substantial debt, especially without consultation with the state's auditors, and to reduce DWI sentences for a possible unquantified increase in fees. The amendment keeps the provision allowing more persons to be eligible for the multiple offender program and removes the provisions forgiving the debt and reducing the sentence. Vote 19-0.

HB 1636-FN, relative to the executive director of fish and game and the fish and game commission. OUGHT TO PASS

Rep. Arthur P. Klemm, Jr. for Finance: This bill is the result of a study committee this past summer. The Committee on Finance agreed with the ED&A Committee and made no changes in this bill. The fiscal impact of this bill is \$3,355 in FY 98 and \$13,859 in FY 99 to be paid by Fish and Game funds. There is no impact to the general fund under this bill. Vote 18-0.

HB 1652, establishing a pilot program relative to the administration of medications in residential care facilities. OUGHT TO PASS

Rep. Sharon L. Nordgren for Finance: This bill has no fiscal impact and the Committee unanimously supported the bill. Vote 21-0.

HB 1655-FN-A, relative to the authority of the length of service awards program committee and making an appropriation therefor. OUGHT TO PASS

Rep. O. Alan Thulander for Finance: The length of service awards program for volunteer firefighters and emergency medical personnel was enacted (RSA 100-13:9) in the last biennium. The Internal Revenue Service revised its rules before this program could be initiated. This bill appropriates \$3000. to fund actuarial and legal services required to bring the program into compliance with federal requirements. Vote 21-0.

TRANSPORTATION

SB 414, relative to official motor vehicle plates. OUGHT TO PASS

Rep. Robert J. Letourneau for Transportation: This legislation will display our state motto, "Live Free or Die," on official motor vehicle plates as we currently have on general issuance plates. This would correct a long overdue oversight regarding official state vehicle plates. Vote 17-0.

SB 484, prohibiting triple-trailer trucks from the ways of this state. OUGHT TO PASS

Rep. Thomas J. Boriso for Transportation: From a safety point, triple-trailer trucks are not needed on our New Hampshire highways. Our roadways are hilly, curvy and not flat as our sister states out West and in the Midwest. These triple-trailers are called trains in the industry, and as such should be on tracks and not on our highways. Vote 17-0.

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WEDNESDAY, MARCH 25

REGULAR CALENDAR

EDUCATION

SB 452-FN-LOCAL, allowing students to choose alternatives to dissection as part of a course exercise. OUGHT TO PASS WITH AMENDMENT

Rep. Stanley N. Searles, Sr. for Education: This bill allows an alternative to dissection in any school programs for K-12. The amendment authorizes the state board of education to adopt rules allowing student alternatives in actual dissection of animals. Vote 9-6.

FINANCE

HB 1100-FN, relative to the design and construction of a new medium security prison in Berlin, removing the population cap and closing date for the lakes region department of corrections facility, and authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers. OUGHT TO PASS WITH AMENDMENT

Rep. Franklin G. Torr for Finance: This bill as amended authorizes up to \$31 million in general fund bonds to design and construct in Berlin a 500-unit prison and infrastructure, administration, and support services space capable of accommodating future expansion to 1000 beds. The bill also funds, from monies already in the budget, the following: 1. The Lakes Region Department of Corrections Facility will remain open, allowing for an additional population of 200, making a total of 500. The increased cost at the Lakes Region facility will be approximately \$1,000,000; 2. Two halfway houses will be opened, one planned for the seacoast area and one planned for the Nashua area, to accommodate a minimum of 70 persons. This would occur in the last quarter of FY 99 at a cost of about \$250,000; 3. Ten more probation/parole officers will be hired in FY 99 at a cost of some \$442,000. Vote 13-2.

HB 1226-FN, creating the educational credential of master teacher. OUGHT TO PASS WITH AMENDMENT

Rep. Marie C. Hawkinson for Finance: The State Board of Education would create the educational credential of master teacher including requirements of academic preparation, teaching experience and demonstrated quality teaching. This allows experienced teachers to act as mentors, supervisors and evaluators for teachers. It provides an opportunity for professional growth, and to serve as a resource for their school and district. This further allows experienced teachers to remain in the teaching role, instead of transitioning to administration. Certification fees should cover any additional costs imposed so that there should be no net effect on the general fund. Vote 14-5.

HB 1350-FN-A, relative to vocational student organizations, the appointment of a vocational student organization advisor, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: Over the past several years, federal monies which have traditionally funded the stipends paid to the advisors of vocational student organizations have been eliminated. The Committee amendment reduces the general fund appropriation called for in HB 1350 to \$1.00 in fiscal 1999. By doing so, a PAU is created in the state budget for vocational student advisors which will be subject to the same budgetary review that is given to every other program in the budget. In the interim, the department will have the ability to partially fund these stipends through transfers as well as through any federal funds which may be made available. Additionally, the amendment reduces the amount of review which the Department of Education has over the vocational programs. Vote 17-1.

HB 1387-FN, relative to the state art fund. OUGHT TO PASS

Rep. William S. Belvin for Finance: This bill proposes to cap state contributions to the art fund. Currently there is no cap. One half of 1% of capital projects goes into this fund. Thus a \$30 million building such as a prison would require \$150,000 be put into the art fund. The Committee agreed that, in light of the ever-increasing cost of capital projects, it is appropriate to cap the contribution to the fund at \$75,000 for buildings costing \$15,000,000 or more. Vote 15-0.

SPECIAL ORDER

HB 1389-FN-L, relative to agreements for telecommunications-related uses of the state highway system. OUGHT TO PASS

Rep. Charles L. Vaughn for Finance: This bill authorizes the installation and maintenance of telecommunication towers for commercial use in state-owned rights-of-way. The bill grants the Commissioner of Transportation authority, with subsequent approval of Governor and Council, to lease state land for no more than ten years, subject to local zoning and planning requirements, and properly assessed real estate taxes. An indeterminate increase in state and local revenues may result. Vote 13-2.

HB 1503-FN-A-L, relative to intergenerational homeshare programs and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. William S. Belvin for Finance: The bill's core objective of establishing a two-year intergenerational home share pilot program has real merit. The concept of matching up elderly individuals with other persons to share housing, living expenses, and to give assistance to each other has intrinsic appeal. However, the Committee is concerned about how the program would be administered within the Department of Health and Human Services, and for its startup cost appropriation of \$50,000 which is less than the fiscal note estimate of \$75,000. Also, the Department of Health and Human Services long-term care program currently is being crafted as part of SB 409, which will clarify the Department's intentions concerning "home sharing." The

Committee believes that any appropriated funds should be applied at the local level. Local service agencies are more likely to truly know the individual elderly person's needs and to successfully address them, rather than through building an additional Department of Health and Human Services state bureaucracy of coordinators and counselors which may yield less satisfactory results at higher cost. Exploring these issues and finding a cost effective approach that truly meets the economic and social needs of elderly "home sharing" individuals can best be accomplished through Interim Study. Vote 15-4.

HB 1509-FN, relative to the content of motor vehicle registrations. OUGHT TO PASS WITH AMENDMENT

Rep. Robert G. Holbrook for Finance: This bill helps law enforcement officers receive important information through electronic display as soon as technologically feasible. On the lap-top computer available in a police cruiser, information on motor vehicle registration regarding parole, probation, subject to restraining order, or release on bail, will be displayed immediately upon the motor vehicle registration being keyed into the state police dispatcher. In discussion with the courts and the Department of Safety, this change in the Department of Safety database will not require any general funds. Vote 14-4.

NOTICE

LEGISLATIVE ETHICS COMMITTEE

Proposed Amendment to Ethics Guidelines

At its meeting on March 18, 1998, the Committee unanimously voted to amend Ethics Guidelines Sections 3 and 5, subject to approval by the General Court in accordance with RSA 14-B:3, II. The amendment, in its entirety, is printed below.

Representative Jeb E. Bradley, Chairman

PROPOSED AMENDMENT TO ETHICS GUIDELINES

3 LEGISLATOR'S FINANCIAL DISCLOSURE FORM.

Every representative, representative-elect, senator, senator-elect, and officer of the House and Senate, shall file with the Secretary of State the following financial disclosure form on or before January 31 of each year [~~for the preceding calendar year~~].

FINANCIAL DISCLOSURE FORM

FOR STATE SENATORS, STATE REPRESENTATIVES AND OFFICERS OF THE GENERAL COURT

Required by the Legislative Ethics Committee (RSA 14-B)

Name of Legislator/Officer _____

(print name)

Address _____

street town/city zip code

Office _____ County/District _____

Telephone Number _____

I. Identify below the name, address, and type of any professional, business, or other organization (including any unit of government) in which you are or were an officer, director, associate, partner, proprietor, employee, or member, or served in any advisory capacity, from which you derived any income (including retirement benefits **other than federal retirement and/or disability benefits**) in excess of \$10,000 during the preceding calendar year.

- 1) a) Name of organization
- b) Address of organization
- c) Type of organization

- 2) a) Name of organization
- b) Address of organization
- c) Type of organization
- 3) a) Name of organization
- b) Address of organization
- c) Type of organization

(attach additional sheets if necessary)

Please note: every State Senator, State Representative, and Officer of the General Court is required to file this form. If you feel that your income during the preceding calendar year does not qualify for disclosure according to the criteria stated above, signify by checking on the line below.

My income does not qualify _____

II. COMPLETION OF THIS SECTION IS OPTIONAL.

Disclosure and description below of your financial interest may eliminate the need to follow the conflict of interest procedure established in Section 5 of the Ethics Guidelines. If your participation in an official activity creates a conflict of interest not disclosed by the information on this form, you must complete and file a Declaration of Intent Form in accordance with Section 5 of the Ethics Guidelines. See Section 5 of the Ethics Guidelines for information regarding particular conflicts of interest that you may have.

FOR THIS SECTION, "FINANCIAL INTEREST" MEANS THAT A CHANGE IN THE LAW DEALING WITH ANY OF THESE SUBJECTS LISTED BELOW WOULD POTENTIALLY HAVE A GREATER FINANCIAL EFFECT ON YOU OR YOUR SPOUSE THAN IT WOULD ON THE GENERAL PUBLIC.

Do you or your spouse have a financial interest, as defined above, in any of the following businesses, professions, occupations, groups, or matters? Check any of the following which apply and describe the nature of your or your spouse's financial interest:

- (a) any profession, occupation, or business licensed or certified by the State of New Hampshire*

- (b)health care*

- (c)insurance*

- (d)real estate, including brokers, agents, developers, and landlords*

- (e)banking or financial services*

- (f)State of New Hampshire, county or municipal employment*

- (g)the New Hampshire Retirement System*

- *(h)the current use land assessment program*

- *(i)restaurants and lodging*

- *(j)the sale and distribution of alcoholic beverages*

- *(k)the practice of law*

- *(l)any business regulated by the Public Utilities Commission*

- *(m)horse or dog racing, or other legal forms of gambling*

- *(n)education*

- *(o)water resources*

- *(p)agriculture*

- *(q)New Hampshire taxes: Business Profits Tax, Business Enterprise Tax, Interest and Dividends Tax*

- *(r)other*

The foregoing information is true to the best of my knowledge and belief.

Signature of Legislator/Officer

Complete and return to the Office of Secretary of State no later than January 31, _____

5 CONFLICT OF INTEREST PROCEDURE.

I. No declaration shall be required if no benefit or detriment could reasonably be expected to accrue to the legislator as a member of a business, profession, occupation, or other group, to any greater extent than to any other member of such business, profession, occupation, or other group, provided that disclosure of the legislator's membership is made in the Financial Disclosure Form pursuant to section 3 of the Ethics Guidelines. For purposes of these guidelines, groups shall be limited to ones generally recognized and of a substantial size.

II. When a legislator becomes aware that a conflict of interest exists or may exist *and the conditions set forth in paragraph I are not met*, the legislator shall proceed in accordance with either subparagraph (a) or (b):

(a) Declare that the legislator will not participate in any official activity associated with the issue.

(b) Declare that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including:

* names of all entities, both public and private, which might be affected;

* the nature of any benefit which may accrue to the legislator;

* the nature of any financial interest in the issue;

* the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected;

* such additional information as may be required to permit clear public awareness and understanding of the nature and extent of the conflict.

III. The declaration required in subparagraphs **II** (a) and (b) of this procedure shall be publicly announced prior to the legislator's initial participation in the official activity. The information required in subparagraph (b) shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

NOTICE OF RECONSIDERATION

On Thursday, the 19th of March, 1998, at 5:20 p.m., Representative Alf Jacobson, having voted with the prevailing side, did serve notice that today or some other day as limited by Rules he would ask the House to reconsider its action whereby the House concurred with the Senate amendment to HB 544, relative to dwellings which extend over public waters.

Karen O. Wadsworth, Clerk of the House

HOUSE BILLS AMENDED BY THE SENATE

HB 385, relative to reporting and registration requirements for lobbyists and clients of lobbyists. (SJ 3)

HB 517, relative to aggravated felonious sexual assault. (House Concurred 3/5/98)

HB 544, relative to dwellings which extend over public waters. (House Concurred 3/19/98)

HB 1119, relative to the town line between the towns of Groton and Plymouth, New Hampshire. (House Concurred 3/5/98)

HCR 21, encouraging the designation of the Connecticut River as an American Heritage River. (House Concurred 3/19/98)

LAIID ON TABLE

HB 643-FN, establishing an industry average performance system for air pollution control and establishing certain pollution control funds. (Pending question is the adoption of the committee amendment.)

HB 1520-FN, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission. (Pending question is the adoption of the committee amendment.)

HB 1577-FN-A, relative to campaign finance expenditure and contribution reform. (Pending question is the adoption of the committee report.)

COMMITTEE HEARINGS

WEDNESDAY, MARCH 25

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Department of Employment Security Office, 85
Mechanic Street, Lebanon**

7:00 p.m. Public forum on New Hampshire labor laws.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

Subcommittee work session on ***SB 342***, relative to capital appropriations for the Glencliff home for the elderly. (Immediately following the House session.)

THURSDAY, MARCH 26

EDUCATION, Room 207, LOB

10:00 a.m. Full committee work session on ***HB 1660-FN-LOCAL***, relative to defining educational adequacy within the public school system.

1:00 p.m. Executive session on pending legislation.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Subcommittee work session on ***HB 1663-FN***, relative to rulemaking under the administrative procedures act. (Or 20 minutes following the House session)

11:00 a.m. Full committee executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened. (Or 30 minutes following the House session)

FINANCE - (DIVISION II), ROOM 209, LOB

WORK AND EXECUTIVE SESSION ON THE FOLLOWING BILLS:

1:30 p.m. ***HB 1666-FN-A-L***, establishing a new statewide tax on land values to fund a constitutionally adequate education.

HB 1669-FN-A-L, adding a capital gains tax to the interest and dividends tax, and designating all revenues from the interest and dividends tax for funding education.

HB 1670-FN-A-L, relative to a statewide school tax on income for purposes of funding a constitutionally adequate education and making an appropriation therefor.

HB 1671-FN-A-L, establishing a securities transfer excise tax to meet state obligations in funding education.

HB 1672-FN-A-L, replacing the business profits tax and the business enterprise tax with a reform business tax and establishing a committee to recommend a rate for the reform business tax.

HB 1674-FN-A-L, establishing a proportional statewide property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor.

CACR 44, clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district.

CACR 47, relating to use of personal income taxes. Providing that the general court shall use net

revenues from personal income taxes exclusively for educational purposes.

CACR 48, relating to restricting any statewide property tax to education funding. Providing that all revenues resulting from a statewide property tax shall be used exclusively for elementary and secondary education.

Executive session on pending legislation to follow.

LOCAL AND REGULATED REVENUES, Room 206, LOB

1:00 p.m. **HB 1677-FN-A-L**, authorizing towns and cities to determine the method of local taxation used to support public education.

2:00 p.m. Continued public hearing on **SB 309**, relative to distributors and suppliers of bingo equipment.

2:30 p.m. **SB 73-FN**, providing that telecommunications poles and lines be subject to the property tax.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

1:00 p.m. Subcommittee work session on Skyhaven Airport.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

10:00 a.m. Subcommittee work session on **SB 140**, relative to the obligations of joint owners to the nuclear decommissioning finance fund and **SB 390**, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility. (If no House session and if needed.)

STATE FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 301, LOB

1:30 p.m. Executive session on pending legislation.

FRIDAY, MARCH 27

COLLEGE TUITION SAVINGS PLAN ADVISORY COMMISSION (RSA 195-H:2), Room 103, State House

10:00 a.m. Marketing subcommittee meeting.

11:00 a.m. Legal subcommittee meeting.

Noon Administrative subcommittee meeting.

1:30 p.m. Regular meeting.

WORKERS' COMPENSATION ADVISORY COUNCIL (RSA 281-A:62), Room 306, LOB

9:30 a.m. Regular meeting.

MONDAY, MARCH 30

DEVELOPING AND IMPLEMENTING A STATEWIDE SCHOOL TECHNOLOGY PLAN OVERSIGHT COMMITTEE (HB 262, Chapter 191, Laws of 1997), Centennial Inn, 96 Pleasant Street, Concord

9:00 a.m. Regular meeting.

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Hearing and regular meeting.

TUESDAY, MARCH 31

COMMERCE, Room 302, LOB

- 9:30 a.m. Subcommittee work session on **SB 372**, relative to forms and rates for large scale commercial insurance policies.
- 10:00 a.m. Subcommittee work session on **SB 344**, clarifying requirements regarding certain trusts.
- 10:30 a.m. Subcommittee work session on **SB 377**, authorizing the organization of merchant banks to provide equity financing and related services to small businesses and exempting certain New Hampshire banks from the aging requirement of the interstate acquisition and merger laws.
- 11:00 a.m. Subcommittee work session on **SB 336**, relative to small group and individual insurance.
- 1:15 p.m. Subcommittee work session on **SB 308**, relative to the board of directors of Delta Dental Plan of New Hampshire, Inc.
- 2:15 p.m. Subcommittee work session on **SB 337**, relative to the order of distribution of claims from an insurer's estate.
- 3:15 p.m. Subcommittee work session on **SB 340**, relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. **SB 304**, allowing juvenile case and court records to be unsealed in certain cases.
- 10:30 a.m. **SB 418 -FN**, making a person driving under the influence of a controlled drug subject to an administrative loss of license.
- 11:00 a.m. **SB 319**, establishing a committee to study the parole system and methods to increase its efficiency.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 10:00 a.m. Subcommittee work session on incinerator closures.
- 11:00 a.m. **SB 402**, extending the reporting date for the pet overpopulation committee.
- 1:00 p.m. Subcommittee work session on sludge and biosolids.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

- 10:00 a.m. **SB 364**, establishing a committee to study the feasibility and advisability of consolidating building trades under a single licensing board.
- 11:00 a.m. **SB 362**, relative to classification of certain department of corrections personnel in the retirement system.
- 1:00 p.m. Subcommittee work session on **HB 1663-FN**, relative to rulemaking under the administrative procedures act.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 10:00 a.m. **SB 373**, protecting quality assurance information of home health care providers from discovery.
 - 10:45 a.m. **SB 210-FN**, relative to an exemption from licensing for day care in private homes.
 - 2:00 p.m. Subcommittee work session on **SB 476-FN**, relative to ambulatory surgical facilities.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 306, LOB

- 10:00 a.m. **SB 331**, eliminating work certificates for 16 and 17 year old youths.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 1:00 p.m. Seminar session with the New Hampshire Municipal Association re: municipal charters.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. Subcommittee work session on **SB 493**, establishing a commission to determine the feasibility of a new public-private partnership to conserve New Hampshire's priority natural, cultural, and historical resources.

WEDNESDAY, APRIL 1

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

- 9:00 a.m. Regular meeting.

COMMISSION ON JUVENILE JUSTICE (RSA 169-H:1), Room 204, LOB

- 11:00 a.m. Regular meeting.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

- 10:00 a.m. **SB 406**, establishing a legislative task force to develop a state government restructuring plan.
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 9:30 a.m. Public hearing on proposed amendment to **HB 1000-FN-L**, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike. (The proposed amendment adds \$311,600 from the Turnpike Retained Earnings account to allow for the Turnpike System to be included in the bids for and the installation of radios, in the statewide Department of Transportation radio system upgrade.)
- Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

THURSDAY, APRIL 2

PUBLIC WORKS AND HIGHWAYS, Rooms 201-203, LOB

9:30 a.m. ***SB 339***, relative to the bidding for design and construction of a new medium security prison in the city of Berlin and to the closure of the lakes region facility and making appropriations therefor.

Executive session on pending legislation may be held throughout the day, time permitting, from the time the committee is initially convened.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:00 a.m. Subcommittee work session on ***SB 403***, relative to mooring on Spofford Lake.

FRIDAY, APRIL 3

FINANCE, Rooms 210-211, LOB

10:00 a.m. Continued public hearing on ***CACR 46***, relating to the right of each educable child to an adequate education, and the proportionality and reasonableness of local taxes for education. Providing that the right of every child to an adequate education shall be enforced by appropriate legislation, that the state may delegate to its political subdivisions the duty to provide an adequate education, and that a tax imposed to implement such a delegated duty shall be proportional and reasonable.

Executive session on pending legislation to follow.

OSTEOPOROSIS ADVISORY COUNCIL (RSA 126-I:3), ROOM 103, LOB

10:00 a.m. Regular meeting.

TELECOMMUNICATIONS OVERSIGHT COMMITTEE (RSA 374:22-h), Representatives Hall

9:00 a.m. Public forum in conjunction with the Public Utilities Commission.

MONDAY, APRIL 6

BRAIN AND SPINAL CORD INJURY ADVISORY COUNCIL (RSA 137-K:2), Room 205, LOB

2:00 p.m. Regular meeting.

TUESDAY, APRIL 7

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Presentation by the Department of Revenue Administration and the Municipal Association on taxation of sand and gravel.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. County committee study work session.

NEW HAMPSHIRE COMMISSION ON THE SMITHSONIAN FESTIVAL OF AMERICAN FOLKLIFE (SJR 20, Chapter 204, Laws of 1996), Room 307, LOB

3:00 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. Executive session on pending legislation, if needed.

WEDNESDAY, APRIL 8

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

9:00 a.m. Regular business.

9:30 a.m. Audits:

- 1. State of New Hampshire Sweepstakes Commission audit report for the years ended June 30, 1997 and 1996.
- 2. State of New Hampshire State Treasury audit report for the fiscal year ended June 30, 1997.
- 3. State of New Hampshire Department of Safety Division of Safety Services Marine Patrol Bureau Staffing performance audit report March 1998.

LEGISLATIVE FACILITIES (RSA 17-E:2), Room 103, State House

1:00 p.m. Regular meeting.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

9:30 a.m. Executive session on pending legislation, if needed.

MONDAY, APRIL 13

HEALTH AND HUMAN SERVICES OVERSIGHT (RSA 126-A:13), Room 205, LOB

9:30 a.m. Regular meeting.

PERINATAL ALCOHOL TOBACCO AND OTHER DRUG USE TASK FORCE (RSA 132:19), Room 101, LOB

9:00 a.m. Regular meeting.

PUBLIC WATER ACCESS ADVISORY BOARD (RSA 233-A:2), Director's Conference Room, Fish and Game Department, 2 Hazen Drive, Concord

10:00 a.m. Regular meeting.

THURSDAY, APRIL 16

ETHICS COMMITTEE (RSA 14-B:2), Room 304, LOB

8:30 a.m. Public hearing on a request for an advisory opinion concerning the participation of legislators and staff in certain fundraising or commercial activities on state property.

Regular meeting.

FRIDAY, APRIL 17

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

TUESDAY, APRIL 21

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. County committee study work session

MONDAY, APRIL 27

OIL FUND DISBURSEMENT (RSA 146-D:4), Room 305, LOB

9:00 a.m. Hearing and regular meeting.

OFFICIAL NOTICES

COUNTY DELEGATION NOTICE

Rockingham County Executive Committee will meet on Friday, April 24 at 9:30 a.m. at the Hilton Auditorium, Rockingham County Nursing Home, Brentwood.

Rep. Sherman A. Packard, Chairman

Rockingham County Executive Committee

On House session days and committee days Representatives who do not have reserved LOB or reserved street parking please park in the Storrs Street Parking Garage.

Rob Johnson, Sergeant-at-Arms

Pursuant to 1996 HR 62, the Finance Committee has prepared a report dated November 1, 1997, of its study of alternatives to fund public, primary and secondary education. Copies of the report are available from the Sergeant-at-Arms office. Members will find it both interesting and enlightening.

Rep. Neal M. Kurk, Chairman

Finance Committee

Legislators are entitled to receive soft-bound copies of the session laws. The 1997 Session Laws are ready for printing and we need to know how many copies to order. If you would like a copy of the 1997 Session Laws, please notify the Office of Legislative Services by April 10.

Richard E. Amidon, Director of Legislative Services

REVISED AMENDED FISCAL NOTES

The following HBs have a revised or amended fiscal note: HBs 111, 177, 204, 256, 443, 467, 485, 552, 559, 565, 579, 587, 605, 606, 651, 670, 676, 686, 697, 707, 717, 730, 734, 736, 747, 749, 753, 774, 784, 1000, 1011, 1100, 1115, 1121, 1141, 1211, 1224, 1259, 1284, 1291, 1298, 1303, 1328, 1330, 1331, 1336, 1338, 1350, 1354, 1377, 1384, 1387, 1396, 1399, 1456, 1490, 1513, 1517,

1541, 1543, 1545, 1555, 1573, 1579, 1582, 1588, 1593, 1594, 1598, 1599, 1600, 1601, 1602, 1603, 1617, 1639, 1644, 1660, 1662, 1664, 1671, 1673, 1674, HJR 24 and SB 485.

Leo J. Callahan, Assistant Clerk

When the House Clerk's Office is aware of House Members who are hospitalized or homebound by serious illness, we will publish a list of names and addresses so that their colleagues who so desire may send cards and greetings.

Charles W. Ferguson, 160 Foster Road, Milford, New Hampshire 03055-3608

Robert W. Foster, PO Box 602, Moultonborough, New Hampshire 03254-0602

Leo P. Pepino, 73 Walnut Street, Manchester, New Hampshire 03104-4848

Paul W. Taylor, 214 Harris Road, Nashua, New Hampshire 03060-3708

Karen O. Wadsworth, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or social activities and political meetings or events. Publication should not be construed as support for either the events listed or the view espoused by the individual or organization sponsoring the event.

I would like to remind members that you may have your paychecks deposited directly into your bank account. The Direct Deposit program is convenient for you and saves the State considerable money as well. You will continue to receive a mock check with your attendance dates listed for your record keeping. Please see Carol Dunning in the Speaker's Office for details.

Donna Sytek, Speaker

A summary of the January meeting of the Judicial Conduct Committee is available at the Sergeant-at-Arms counter for those who may be interested.

Donna Sytek, Speaker

The New Hampshire Automobile Dealers Association cordially invites all legislators and staff to its "Crossover Reception" on March 25 from 4:00 to 7:00 p.m. or immediately following session, at the New Hampshire Automobile Dealers Association Offices, 507 South Street, Bow, New Hampshire.

Reps. Robert L. Wheeler and Peter Hoe Burling

The New Hampshire Chapter of Community Association's Institute (CAI), an organization of those managing and otherwise servicing condominium associations and other homeowner groups in NH, cordially invites you to a breakfast to be held in the State House Cafeteria on Thursday, March 26 from 8:00 a.m. to 9:00 a.m. We look forward to seeing and speaking with you there.

Rep. Marilyn A. Fraser

Merrimack County Republican Committee will meet Thursday, March 26 at 5:30 p.m. at the Concord Chamber of Commerce.

Rep. James A. Whittemore

The Strafford County Republican Lincoln Day Dinner will be held on Friday, March 27 at the Elks Lodge, Rochester. 6:00 p.m. social, 7:00 p.m. dinner. For tickets contact Jim Connelly (332-5333). Jack Kemp will be the featured speaker.

Rep. Robert E. McKinley

The Legislative Caucus for Young Children will meet on Tuesday, March 31 at noon in the Upham Walker House.

Reps. Julie M. Brown, Iris W. Estabrook, Mary Stuart Gile and James P. Pilliod

Sullivan County Democrats will meet Tuesday, March 31 at 7:00 p.m. at the Sugar River Savings Bank Community Room to discuss county caucus results, the May State Democratic Convention and other county business.

Rep. Celestine K. Wiggins

The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on Wednesday, April 1st. Refreshments will be served.

Rep. Robert K. Boyce

SPACE (Statewide Program of Action to Conserve Our Environment) is celebrating the 25th anniversary of current use legislation and invites all legislators to the NH Historical Society on Thursday, April 9 at noon. A delicious buffet lunch will be served. Former Governor Walter Peterson will be there as well as several legislators who were instrumental in the passage of

this legislation. We look forward to welcoming you at noon on April 9. For further information please call SPACE Office at 224-3306.

Reps. Katherine H. Metzger, George T. Musler and H. Charles Royce

Three April Open Houses will be open to the public in different locations throughout the Route 16 Corridor:

April 1 - Chocorua, Runnells Hall, Route 113 from 1:00 to 9:30 p.m.

April 9 - Newington, Newington Town Hall, 205 Nimble Hill Road from 3:00 to 8:00 p.m.

April 15 - Berlin, N. Forest Heritage Park's Brown Co. House Museum, 961 Main Street from 3:30 to 9:30 p.m.

Refreshments will be available throughout the day.

Reps. Lawrence J. Guay and Gene G. Chandler

Manchester City Democrats next meeting will be Monday, April 6, 7:00 p.m. at the Black Brimmer Restaurant, 1087 Elm Street. Success of the Cashin Roast and plans for a spring door-to-door drive will be discussed. Future meetings will be the first Monday of each month at the Black Brimmer.

Rep. Steve Vaillancourt

The State of New Hampshire will be celebrating New Hampshire Tartan Day the week of April 6. The House will be celebrating on Thursday, April 9 with pipers and dancers from different parts of the State. All legislators are asked to wear their tartan. If you don't have a family tartan, you can wear the New Hampshire Tartan. Ties and scarves are available from the gift shop in the State House lobby.

Rep. Stephen G. Avery

The New Hampshire Public Health Association will be holding its 7th Annual Meeting and 2nd Roger Fossum lecture on Wednesday, April 8 from 4:00-7:30 p.m. at the Kimball Jenkins Estate, Concord. Michael Eriksen, Director of the Office on Smoking as well as the Health Centers for Disease Control and Prevention, US Public Health Service and Philip T. McLaughlin, New Hampshire Attorney General will make presentations on "The Tobacco Industry and the Public's Health: Going Up In Smoke". All legislators are encouraged to attend this informative event. For more information contact Rep. Alphonse A. Haettenschwiller.

Rep. Alphonse A. Haettenschwiller

The Department of Transportation will hold the following meetings:

Mar 30 - Haverhill Town Office, Morrill Municipal Building, Route 10, North Haverhill, 7:00 p.m. Public officials meeting,

Haverhill, NH-Newbury, VT, US 302 bridge over the Connecticut River.

Mar 31 - Rollinsford Town Office, 667 Main Street, Rollinsford, 7:00 p.m. Public informational meeting, Rollinsford, replacement of the Rollins Road Bridge.

April 1 - Runnell's Hall, Chocorua, 2:00 p.m. Open house, Route 16 corridor study.

April 8 - Mabel Brown Room, Keene State College, 7:00 p.m. Special committee public hearing, Keene-Swanzey.

April 9 - Newington Town Hall, Newington, 3:00 p.m. Open house, Route 16 corridor study.

April 14 - Claremont Middle School Gymnasium, 107 South Street, Claremont, 7:00 p.m. Public hearing, Claremont, Washington Street widening and improvements.

April 15 - Northern Forest Heritage Park, Berlin, 3:00 p.m. Open house, Route 16 corridor study.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of school groups visiting the State House in March, 1998. These listings will replace individual notifications in an effort to reduce paper usage and to ensure all members will be notified in a timely manner. Please contact the Visitors' Center for further information. Thank you for your continued participation with our School Visitation Program.

Kenneth Leidner, Director

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>CLASS/Size</i>
3/26	10:00 & 11:30	Lincoln Street School - Exeter	4 / 75
3/27	9:00 & 10:00	Webster School - Manchester	4 / 50
3/27	11:00 & 1:00	Bedford Memorial School	4 / 80
3/30	10:00; 11:15 & 12:30	Mount Pleasant School - Nashua	4 / 75
3/31	9:15 & 10:45	Bristol Elementary	4 / 60
3/31	1:00	Walker School - Concord	4 / 36

WEDNESDAY, MARCH 25

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-1116h

Amendment to HB 1100-FN

Proposed by the Committee on Finance - R

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

AN ACT relative to the design and construction of a new medium security prison in Berlin and making an appropriation therefor, removing the population cap and closing date for the lakes region department of corrections facility, authorizing the department of corrections to establish 2 additional halfway houses and appoint additional probation and parole officers, and making adjustments to the operating budget for fiscal year 1999.

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

1 Design and Construction of Medium Security Prison in Berlin; Expenditures Authorized.

I. The division of public works, department of transportation and the department of corrections shall develop and issue a request for proposals from experienced and qualified construction firms for design and construction of a medium security prison in Berlin.

II. Proposals shall be submitted on or before June 1, 1998. Anticipated notice to proceed shall be on or before July 15, 1998.

III. The requirements of RSA 228:4, 228:4-a, and 21-I:22 shall not apply to this project. The determining factors in respondent selection shall be the overall quality and conformance of the proposal to the requirements of this act as well as to the long-term lowest staffing and operational costs consistent with security and public safety. At a minimum:

(a) Respondents shall demonstrate competence and experience in similar corrections projects.

(b) While full consideration shall be given to the project cost structure, the successful bid shall not be based on cost alone. Consideration shall be given to qualifications of firms and general conditions necessary to complete the project. The state reserves the right to reject any and all proposals or to negotiate with the apparent successful proposer as determined to be in the state's best interest.

(c) Three legitimate proposals shall be submitted for design and construction of the facility.

(d) The facility shall be constructed with a capacity of 500 beds, and infrastructure, administrative, and support services space capable of accommodating future expansion to 1000 beds.

(e) Construction shall begin no later than August 15, 1998, and be completed and ready for occupancy by the department of corrections within 30 months of the commencing of such construction.

IV. Design of the facility shall be in compliance with American Correctional Association mandatory standards for adult secure institutions, and shall be approved prior to construction by the department of corrections and the division of public works, department of transportation. Design and plans for construction shall also comply with all relevant state codes and regulations.

V. The department of corrections is authorized to accept any funds from any public or private source or, with the approval of the fiscal committee, to transfer any funds available to the department for the purposes of design and construction of the new facility.

VI. Any land acquired under the appropriation made in section 2 of this act shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

2 Appropriation; Department of Corrections; State Prison Facility. A sum not to exceed \$31,000,000 is hereby appropriated to the department of corrections for the purpose of design and construction of a medium security prison in the city of Berlin and for the purpose of providing furnishings and equipment for 500 inmates.

3 Bonds Authorized. To provide funds for the appropriation made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$31,000,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds shall be made from the general fund of the state.

4 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for the project under section 1 of this act. The appropriation of state funds for this project for which federal funds are accepted shall be reduced by the amount of such federal funds, and the

amount of bonding authorized by section 3 shall be reduced by the same amount.

5 Population Cap and Closing Date on Lakes Region Department of Corrections Facility Removed. Notwithstanding the provisions of 1991, 351:27, the population cap of 300 at the lakes region department of corrections facility may be exceeded and the authority to operate the facility shall extend beyond July 1, 1998.

6 Halfway Houses; Probation and Parole Officers. The commissioner of corrections is authorized to establish 2 additional halfway houses and to appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

7 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June30, 1999, the following appropriations and changes are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

01 general government fy 1999

08 state treasury

04 special general fund distrib

strike out

43 debt service (treasury) * f 63,250,194

Insert in place thereof

44 Debt service (treasury) * f 61,550,194

Strike out

Total 136,387,927

Estimated source of funds for

Special general fund distrib

General fund 136,387,927

Total 136,387,927

Insert in place thereof

Total 134,687,927

Estimated source of funds for

special general fund distrib

General fund 134,687,927

Total 134,687,927

02 Admin of justice & public prtn.

16 Department of corrections

01 Office of commissioner

01 Administration

Strike out

90 Correction & supervision svcs * 7,383,848

Insert in place thereof

90 Correction & supervision svcs * 1,000,000

Strike out

Total 11,650,451

Estimated source of funds for
administration

General fund 11,650,451

Total 11,650,451

Insert in place thereof

Total 5,266,603

Estimated source of funds for
administration

General fund 5,266,603

Total 5,266,603

02 Admin of justice & public prtn

16 Department of corrections

04 Division of field services

01 Bureau of district offices

Strike out

10 Personal services - permanent 3,283,420

Insert in place thereof

10 Personal services - permanent 3,491,451

Strike out

20 Current expenses 166,175

Insert in place thereof

20 Current expenses 176,902

Insert

30 Equipment new/replacement 143,500

Strike out

60 Benefits 1,075,973

Insert in place thereof

60 Benefits 1,140,461

Strike out

70 In-state travel 73,101

Insert in place thereof

70 In-state travel 85,801

Insert

80 Out-of state travel 3,000

Insert

90 Two halfway houses * 249,982

* This appropriation may, with the approval of the fiscal committee and governor and council, be expended for the implementation of 2 new halfway houses. Expenditures may include, but are not limited to temporary personnel services.

Strike out

Total 5,079,411

Estimated source of funds for

bureau of district offices

General fund 5,079,441

Total 5,079,441

Insert in place thereof

Total 5,771,869

Estimated source of funds for

bureau of district offices

General fund 5,771,869

Total 5,771,869

02 Admin of justice & public prtn

16 Department of corrections

07 Lakes region facility

01 Lakes region facility

Insert

10 Personal services - permanent 3,078,100

Insert

11 Personal services-unclassified 53,774

Insert

18 Overtime 165,441

Insert

19 Holiday pay 98,000

Insert

20 Current expenses 144,396

Insert

21 Food institutions D 270,000

Insert

22 Rents & leases other than state 4,538

Insert

23 Heat, electricity & water 500,236

Insert

24 Maint. other than build.& grnds 24,781

Insert

46 Consultants 9,710

Insert

47 Own forces maint.-build.&grnds g 98,348

Insert

48 Contractual maint.-build&grnds g 72,363

Insert

49 Transfrs to other state agencs d 439,754

Insert

50 Personal service-temp/appointe 27,010

Insert

60 Benefits 1,043,759

Insert

70 In-state travel 5,000

Insert

91 Winnipесаaukee river basin 25,000

Insert

94 Uniforms 40,500

Insert

95 Inmate clothes 45,000

Insert

96 Inmate wages 128,000

Insert

97 Gate money 7,000

Insert

Total 6,280,710

Estimated source of funds for

lakes region facility

01 Transfers from other agencies I 131,722

General fund 6,148,988

Total 6,280,710

02 Admin of justice & public prtn

16 Department of corrections

07 Lakes region facility

03 Pathways

Insert

59 Part-time - benefited 948,421

Insert

60 Benefits 294,011

Insert

Total 1,242,432

Estimated source of funds for

pathways

General fund 1,242,432

Total 1,242,432

05 Health and social services

01 Dept of health and human svcs

05 Division of mental health

03 Bureau developmental services

03 Community residences

Strike out

49 Transfrs to other state agencs

Insert in place thereof

49 Transfrs to other state agencs 68,983

Strike out

90 Building maintenance-Laconia 68,983

05 Health and social services

01 Dept of health and human svcs

05 Division of mental health

07 Bureau of substance abuse svcs

07 Multiple offender program

Strike out

49 Transfrs to other state agencs 6,500

Insert in place thereof

49 Transfrs to other state agencs 69,239

Strike out

90 Building maintenance-Laconia 62,739

06 Education

04 Dept of postsecondary tech edu

04 nhtc - Berlin-Laconia

05 Lakes region facty educ progm

Insert

10 Personal services - permanent 284,619

Insert

18 Overtime 1

Insert

20 Current expenses 11,526

Insert

22 Rents & leases other than state 4,200

Insert

23 Heat, electricity & water d 100

Insert

24 Maint. other than build .& grnds 4,000

Insert

30 Equipment new/replacement 40,000

Insert

47 Own forces maint.-build. & grnds g 100

Insert

48 Contractual maint.-build & grnds g 100

Insert

50 Personal service-temp/appointe 3,600

Insert

59 Part-time - benefited 1

Insert

60 Benefits 88,507

Insert

70 In-state travel 1,000

Insert

80 Out-of state travel 1,000

Insert

94 Staff development 1,000

Insert

Total 439,754

Estimated source of funds for

Lakes region facty educ progm

01 transfers from other agencies i 439,754

total 439,754

8 Adjustment of Amounts, Figures, Estimates and Totals. The commissioner of administrative services shall adjust all amounts, figures, estimates and totals for 1997, 350, the 1998-1999 operating budget, as made necessary by the passage of this act.

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

AMENDED ANALYSIS

This bill authorizes the division of public works, department of transportation and the department of corrections to develop and issue a request for proposals for design and construction of a 500-bed medium security prison. The bill establishes certain criteria for the bidding process.

The bill makes an appropriation to the department of corrections for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

The bill removes the population cap on and the July 1, 1998 closing date for the lakes region department of corrections facility.

The bill authorizes the commissioner of corrections to establish 2 additional halfway houses and appoint 10 additional probation and parole officers, within the limits of funds already appropriated.

The bill also makes adjustment to the operating budget for fiscal year 1999, for the purposes of this bill.

1998-1130h

Amendment to HB 1193-FN

Proposed by the Committee on Finance

Amend RSA 230:30-a, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The state's share of the funds derived from the vending machine revenue shall be ~~[deposited as unrestricted revenue in the general fund]~~ ***apportioned as follows: 75percent to the general fund, and 25 percent to the department of transportation beginning July 1, 1999.***

Amend the bill by replacing section 2 with the following:

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

AMENDED ANALYSIS

This bill revises current law regarding cost and revenue sharing for the installation of vending machines at welcome and tourist information centers on the state highway system.

This bill is a request of the department of transportation.

1998-1084h

Amendment to HB 1226-FN

Proposed by the Committee on Finance - R

Amend the bill by replacing RSA 189:14-f as inserted by section 4 of the bill with the following:

189:14-f Master Teacher.

I. The state board of education shall establish the educational credential of master teacher and grant it to those persons who have fulfilled at least the following requirements:

(a) Academic preparation which shall include a master's level degree and graduate coursework in curriculum development, supervision, and evaluation;

(b) Teaching experience, including at least 7 years during which a teaching certificate was held; and

(c) Demonstrated quality teaching to be satisfied by meeting professional criteria developed by the professional standards board and approved by the state board of education, which criteria shall include:

(1) Quantitative evaluations of teaching quality from students, parents, peers, and administrators;

(2) At least 3 classroom observations of the candidate by an independent observer from outside the candidate's school district; and

(3) At least 4 significant and rigorous written tasks and exercises.

II. The purposes of the credential are to allow experienced teachers an opportunity for professional growth and development, and to identify highly qualified, experienced teachers to serve as resources in their areas of expertise in curriculum development, mentoring, supervising, evaluating teachers, and in other areas as may be determined by their schools and school districts. III. Master teachers shall have no authority to effectively recommend any personnel action. However, their activities may form the basis for an independent administrative performance review.

AMENDED ANALYSIS

This bill creates the educational credential of master teacher which allows properly certified teachers to mentor, supervise, and evaluate other teachers.

1998-1101h

Amendment to HB 1337-FN

Proposed by the Committee on Finance - C

Amend RSA 622:28-a, V as inserted by section 9 of the bill by replacing it with the following:

V. All purchases of materials, supplies, and equipment into the inventory account shall be made in accordance with the provisions of RSA 21-I:11 and any equipment purchase in excess of [~~\$1,000~~] **\$2,500** made under the provisions of this section shall require the prior approval of both the fiscal committee of the general court and the governor and council.

Amend the bill by replacing all after section 16 with the following:

17 Salary Change. Amend RSA 94:1-a by:

I. Deleting in group M: director of administration, department of corrections.

II. Inserting in group P: director of administration, department of corrections.

18 Applicability; Salary of Incumbent Director of Administration. The incumbent director of administration of the department of corrections on the effective date of this act shall be placed at the minimum salary in group P, as provided in section 17 of this act, on the effective date of this act.

19 Effective Date.

I. Section 6 of this act shall take effect January 1, 1999.

II. Section 17 and 18 of this act shall take effect July 1, 1998.

III. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill allows the commissioner of the department of corrections to delegate authority to the assistant commissioner in the commissioner's absence. The bill changes the penalty for a prison employee who knowingly allows a controlled substance to be passed to a prisoner from a misdemeanor to a class B felony. The bill allows the department of corrections to make certain equipment purchase of up to \$2,500 without the approval of governor and council and the fiscal committee.

The bill changes "prison" to "prisons" in the RSA chapters governing the administration of state prison facilities.

The bill also increases the salary of the director of administration of the department of corrections.

This bill was requested by the department of corrections.

1998-1098h

Amendment to HB 1350-FN-A

Proposed by the Committee on Finance - R

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

AN ACT relative to vocational student organizations and making an appropriation for vocational organization advisors.

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

1 Leadership Development. Amend RSA 188-E:5 to read as follows:

188-E:5 Program. The program in the regional vocational centers shall be broad enough to serve the reasonable needs of the area, and provide for a substantial vocational offering in the region. Each center shall make maximum utilization of cooperative arrangements with special education and vocational rehabilitation in providing vocational education for disadvantaged and disabled persons. Opportunities for out-of-school youths, including "drop outs" and others, and

adult education will be provided whenever possible. ***The regional vocational centers, as an integral part of each***

vocational offering, may provide opportunities in leadership development through participation by students in appropriate corresponding and nationally recognized vocational student organizations.

2 Department of Education; New Class Line Added; PAU Totals Amended. Amend PAU 06, 03, 02, 02, 02 as inserted by 1997, 350:1 by inserting after class 98 the following:

FY 1998 FY 1999

99 Vocational Student Organization \$0 \$1

Advisors

3 Total Adjustment. Amend the total in 1997, 350:1, 06, 03, 02, 02, 02 to read as follows:

FY 1998 FY 1999

Total 45,970,639 [~~45,324,315~~] **45,324,316**

Estimated Source of Funds for

Other State Aid

General Fund 45,970,639 [~~45,324,315~~] **45,324,316**

Total 45,970,639 [~~45,324,315~~] **45,324,316**

4 Effective Date. This act shall take effect July 1, 1998.

AMENDED ANALYSIS

This act authorizes regional vocational centers to provide leadership development opportunities and makes an appropriation for vocational student organization advisors in fiscal year 1999.

1998-1058h

Amendment to HB 1354-FN

Proposed by the Committee on Finance - C

Amend the bill by replacing section 1 with the following:

1 Fishing in Connecticut River; Persons Changed to Residents of Vermont. Amend RSA 211:5 to read as follows:

211:5 Fishing in Connecticut River. If the laws of the state of Vermont permit fishing in that part of the Connecticut River lying within that state by persons legally licensed to fish in New Hampshire or otherwise entitled under the laws of this state to fish in that part of said river lying within this state, [~~persons~~] **residents of Vermont** legally licensed to fish in the state of Vermont or otherwise entitled under the laws of that state to fish in said part of the Connecticut River lying within the state of Vermont shall be permitted to fish in that part of the Connecticut River lying within this state. If the above reciprocal laws are in effect as to that part of the Connecticut River lying within the states of New Hampshire and Vermont the executive director is authorized to adopt special rules as to fishing in such waters, after consultation with the like officer of the state of Vermont, in the same manner and with the same effect as [~~he~~] **the executive director** is authorized to do with respect to boundary lakes under the provisions of RSA 211:4.

1998-1074h

Floor Amendment to HB 1377-FN

Proposed by Reps. Jacobson and Bickford (Finance - C)

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

AN ACT establishing a state commission on the status of men and making an appropriation therefor.

Amend the bill by inserting after section 1 the following and renumbering the original sections 2-3 to read as sections 3-4, respectively:

2 Supplemental Appropriation. The sum of \$1 is hereby appropriated to the department of administrative services for the fiscal year ending June 30, 1999, for the purposes of this act. This sum is in addition to any other sums appropriated to the department. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by replacing section 4 with the following:

4 Effective Date.

I. Section 3 of this act shall take effect September 1, 2003.

II. The remainder of this act shall take effect 60 days after its passage.

AMENDED ANALYSIS

This bill establishes a state commission on the status of men and makes an appropriation therefor.

1998-1080h

Amendment to HB 1473-FN-A

Proposed by the Committee on Finance - C

Amend RSA 207:22-c, II as inserted by section 4 of the bill by replacing it with the following:

II. A cooperative fencing program:

(a) Commercial growers may participate in a cost-share-fencing program on a 50/50 cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wildlife damage control advisory board.

(b) Commercial growers desiring to participate in the 50/50 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before May 1 of each year.

(c) Maintenance costs of installed fences shall be the responsibility of the applicant.

(d) The wildlife damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wildlife damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute this program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least \$2500.

Amend section 9 of the bill by replacing paragraph I with the following:

I. There is hereby appropriated the sum of \$62,500 for the fiscal year ending June 30, 1999 from the fish and game fund to the

fish and game department for the purpose of funding the wildlife damage control program, established in RSA 207:22-c. These funds shall not be used for any other purpose and shall be non-lapsing.

AMENDED ANALYSIS

This bill establishes a wildlife damage control program and the wildlife damage control advisory board. This bill also repeals certain provisions relating to damage by game birds and game, and prospectively repeals the wildlife damage control program on December 31, 2009.

1998-1053h

Amendment to HB 1509-FN

Proposed by the Committee on Finance - R

Amend the bill by replacing section 1 with the following:

1 New Paragraph; Information in Department of Safety Database. Amend RSA 261:58 by inserting after paragraph II the following new paragraph:

III.(a) The department shall update its database regularly to include information regarding an individual who is:

(1) Currently on parole.

(2) Currently on probation.

(3) The subject of a restraining order.

(b) The administration office of the courts shall, via computer interface, regularly update the database at the department of safety to include information regarding an individual who is released on bail.

(c) The department of safety and the administrative office of the courts shall make available the information required in subparagraphs (a) and (b) as soon as it becomes technologically feasible to do so.

AMENDED ANALYSIS

This bill requires the department of safety to update its database to include information regarding an individual who is out on parole, on probation, or the subject of a restraining order. In addition, it requires the administrative office of the courts to regularly update, via computer interface, the database at the department of safety to include information regarding individuals released on bail.

1998-1100h

Amendment to HB 1513-FN-LOCAL

Proposed by the Committee on Finance - C

Amend RSA 125-C:19-a as inserted by section 1 of the bill by replacing it with the following:

125-C:19-a Recovery of Public Utility Expenditures. All costs and expenses directly incurred by electric generating facilities for pollution reductions that are a component of, or are required in connection with, any vehicle inspection and maintenance program adopted by the state of New Hampshire and approved by the federal Environmental Protection Agency, or substitute for such program, shall be recoverable to the same extent and subject to the same conditions as any environmental expenditure mandated by law, and shall be recoverable through the fuel and purchased power adjustment clause or any succeeding cost recovery mechanism.

Amend RSA 266:59-c, II as inserted by section 5 of the bill by replacing it with the following:

II. The department may impose an administrative fine for any violation of this section or rule adopted under the provisions of this section. The maximum amount of the fine which may be assessed for each violation shall be \$500. The commissioner shall have the authority to waive or reduce the amount of any fine assessed pursuant to this section.

1998-1017h

Amendment to HB 1545-FN

Proposed by the Committee on Finance - C

Amend the bill by replacing section 2 with the following:

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

- I. In group P, deputy labor commissioner.
- II. In group R, labor commissioner.

Amend the bill by replacing section 6 with the following:

6 Applicability; Salary of Incumbent Deputy Labor Commissioner and Labor Commissioner. The incumbent deputy labor commissioner and labor commissioner on the effective date of this act shall be placed at the minimum step in group P and R, respectively, as provided in section 2 of this act, on the effective date of this act.

1998-1111h

Floor Amendment to HB 1545-FN

Proposed by Reps. Wheeler and Dyer

Amend the bill by replacing section 2 with the following:

2 Salaries of Labor Commissioner and Deputy Labor Commissioner. Amend RSA 94:1-a, I by inserting:

- I. In group N, deputy labor commissioner.
- II. In group Q, labor commissioner.

Amend the bill by replacing section 6 with the following:

6 Applicability; Salary of Incumbent Deputy Labor Commissioner and Labor Commissioner. The incumbent deputy labor commissioner on the effective date of this act shall be placed at step 3 in group N, as provided in section 2 of this act, on the effective date of this act. The incumbent labor commissioner on the effective date of this act shall be placed at step 1 in group Q, as provided in section 2 of this act, on the effective date of this act.

1998-1059h

Amendment to HB 1573-FN

Proposed by the Committee on Finance - C

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

AN ACT changing the name of the department of cultural affairs to the department of cultural resources and changing the qualifications for the director of the division of the arts.

Amend the bill by deleting sections 1 and 4 and renumbering the original sections 2, 3, 5, and 6 to read as 1-4, respectively.

AMENDED ANALYSIS

This bill changes the name of the department of cultural affairs to the department of cultural resources and changes qualifications for the director of the division of arts.

1998-1168h

Floor Amendment to HB 1577-FN-A

Proposed by the Committee on Election Law

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

1 Reference Change; Restriction of Political Advertising. Amend RSA 236:73, V to read as follows:

V. Political signs which are placed within a federal highway or turnpike adjacent area by supporters of the candidate shall be subject to removal at any time by the department of transportation if such signs create a traffic hazard; provided, the areas allowed shall be restricted to federal aid primary and turnpike highways and not interstate highways. The candidate shall cause such political signs to be removed within the period specified for their removal in RSA ~~[664:17]~~ **664:23**.

2 References Deleted; Filing Fees. Amend RSA 655:19 to read as follows:

I. At the time of filing declarations of candidacy, each candidate for the following offices shall pay to the official with whom the declarations are filed the following filing fees, ~~[and] or~~ shall file with the appropriate official the requisite number of primary petitions as provided in RSA 655:20 ~~[and 655:22, unless the candidate agrees to limit his expenditures in accordance with RSA 664:5-a. At the time of filing declarations of intent, each candidate for the following offices shall pay to the secretary of state the following filing fees, and the following filing fees shall be paid in addition to the requisite number of nomination papers which must be submitted and filed. The filing fee paid under this section shall be in addition to the administrative assessment paid under RSA 655:19-c.]~~ The filing fees shall be as follows:

(a)(1) For governor~~;~~ **and** United States senator, ~~[and]~~ **\$100**.

(2) **For** representative to Congress, ~~[\$5,000]~~ **\$50**.

(b) For executive councilor, ~~[\$500]~~ **\$25**.

(c) For county officer, ~~[\$100]~~ **\$10**.

(d) For state senator, ~~[\$100]~~ **\$10**.

(e) For state representative, ~~[\$25]~~ **\$2**.

II. The fees paid to a town or city clerk by candidates for state representative shall be forwarded to the treasurer of the town or city and shall be for the use of the town or city. The fees paid to the secretary of state shall be deposited by ~~[him]~~ **the secretary of state** in the general fund.

3 References Deleted; Primary Petitions. Amend RSA 655:20 to read as follows:

655:20 Primary Petitions. Primary petitions shall be filed as follows:

~~[F.]~~ Any person otherwise qualified to run for office who is unable to pay the filing fee as prescribed in RSA 655:19 by reason of indigency, **or who chooses not to pay the filing fee as prescribed in RSA 655:19**, may have his **or her** name printed on the primary ballot of any party by filing with the appropriate official the requisite number of primary petitions made by members of the party, together with one written assent to candidacy. **The number of primary petitions to be filed for each office shall be as follows: for governor and United States Senator, 200; for representative in Congress, 100; for executive councilor and county officer, 50; for state senator, 20; for state representative, 5. Candidates for delegate to the state convention shall not be required to submit any primary petitions.**

~~[H. Any person qualified to run for office who does not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5b shall, in order to have his or her name printed on the primary ballot of any party, in addition to the filing fees prescribed in RSA 655:19, file with the appropriate official the requisite number of primary petitions required under RSA 655:22 made by members of the party, together with one written assent to candidacy. If a person is required to file primary petitions under the provisions of this paragraph, the primary petitions which he files shall contain the following language in bold print at the top of each petition in addition to the language required in RSA 655:21: "This candidate has reserved his or her rights under the federal constitution and New Hampshire laws and may choose not to agree to limit campaign spending according to amounts set by state law and as a result may be required to submit these petitions." Primary petitions filed under this section shall be filed in addition to the requirement for filing petitions under RSA 655:19-c.]~~

4 New Section; Order of Primary Petitions. Amend RSA 655 by inserting after section 22 the following new section:

655:22-a Order of Petitions. Petitions to be filed shall be ordered alphabetically by municipality in which the voter is domiciled. Petitions shall be further ordered by surname of voter for any municipality represented by more than one petition.

5 References Deleted; Write-In Votes and Nomination. Amend RSA659:88,I(b) to read as follows:

(b) A person whose name was not printed anywhere on the official state primary election ballot, and who receives the nomination of a party by write-in vote in a primary election and wishes to accept the nomination, shall file a declaration of candidacy with the secretary of state no later than the second Monday after the primary. The declaration of candidacy shall be filed with the understanding that, where the form says "primary election," it shall be construed to mean "general election." A person who files a declaration of candidacy under this section shall be subject to the requirements of RSA 655:19 ~~[and 655:19-b]~~ relative to filing fees. The person may have the filing fee waived if ~~[he]~~ **the person** is unable to pay the fee by reason of indigency. ~~[Such person shall not, however, be required to pay the administrative assessment under RSA 655:19-c.]~~

6 Political Expenditures and Contributions. RSA 664 is repealed and reenacted to read as follows:

CHAPTER 664

POLITICAL EXPENDITURES AND CONTRIBUTIONS

General Provisions

664:1 Purpose. The purpose of this chapter is to address a compelling public interest in reforming New Hampshire campaign finance laws. Full disclosure of all campaign contributions and expenditures will enhance the public's confidence in the state's system of privately funded political campaigns governed under this chapter.

664:2 Applicability of Chapter. The provisions of this chapter shall apply to all state primary, general, and special elections, but shall not apply to presidential preference primaries. The provisions relating to political advertising, RSA 664:20 through 664:24, shall additionally apply to city, town, school district, and village district elections.

664:3 Definitions. As used in this chapter:

I. "Election" means any general biennial or special election and political party primary except presidential preference delegate primaries.

II. "Candidate" means any person publicly declared as such and for whom votes are sought in an election. For the purposes of this chapter, a person becomes a candidate either when that person's expenditures of personal funds or funds raised by a political committee as defined in RSA664:3, III exceed \$5,000 for the purpose of exploring and/or promoting the person's candidacy for political office governed under this chapter, or on the date when a person actually files for candidacy during the filing period set forth pursuant to RSA 652:21, whichever date is earlier.

III. "Political committee" means any organization of 2 or more persons formed pursuant to RSA 664:4, with the intent to influence elections or measures, including the political committee of a political party as defined in paragraph V.

IV. "Political action committee" means a political committee that is not a committee of a candidate or a political committee of a political party.

V. "Political party" or "party" means any political organization or number of persons which can nominate candidates in any manner prescribed by law and has done so for the current election. The definition of the word "party" contained in RSA 652:11 shall not apply to this chapter.

VI. "Political committee of a political party" means the state, county, city, ward, or town committee of a political party.

VII. "Political advertising" means any communication which advocates the success or defeat of any party, measure, or person at any election.

VIII. "Communication" shall include, but not be limited to, publication in any newspaper or other periodical, broadcasting on radio, television, or over any public address system, placement on any billboards, electronic medium, motor vehicles, outdoor facilities, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars, or in any direct mailing.

IX. "Contribution" means a payment of any sum, coordinated expenditure, gift, subscription, assessment, contract, payment for services, dues advance, forbearance or loan to a candidate, political committee, or political action committee made for the

purpose of influencing the nomination or election of any candidate. "Contributions" shall include the use of any thing of value but shall not include the services of volunteers who receive no pay therefor or the use of personal resources by a candidate on behalf of his candidacy.

X. "Disclosure" means the requirement that candidates, candidate's committees, political committees, political committees of a party, or political action committees shall report in detail all amounts and sources of contributions, coordinated expenditures, and all other expenditures.

XI. "Expenditure" means the disbursement of money or thing of value or the making of a legally binding commitment to make such a disbursement in the future for the purpose of influencing the nomination for election or election of any candidate. It does not include the candidate's filing fee or the candidate's expenses for personal travel and subsistence.

XII. "Measure" means any constitutional amendment or question which is submitted or intended to be submitted to a popular vote at an election.

XIII. "Independent expenditures" means expenditures by a person, political committee, or other entity advocating the election or defeat of a clearly identified candidate which are not made in conjunction or in coordination with any candidate, or any authorized committee or agent of such candidate, and which are not made in coordination with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate. As used in this paragraph, "clearly identified" means that the name of the candidate involved appears; a photograph or drawing of the candidate appears; or the identity of the candidate is apparent by unambiguous reference.

XIV. "Coordinated expenditure" means an expenditure by a political party, the political committee of a political party, or other entity, on behalf of a candidate or candidate's committee in a state primary or general election with the consent or tacit approval of the candidate. Any expenditure that is not an independent expenditure shall be considered to be a coordinated expenditure.

XV. "Full name" means an individual's full first name, middle name or initial, if any, and full legal last name, making the identity of the contributor apparent by unambiguous reference.

XVI. "Post office address" means an individual's principal place of residence and shall include a street and/or post office box, if any, city, state, and zip code. "Post office address" shall not mean:

(a) An individual's business address.

(b) An individual's vacation home address or rental property address when the home or rental property is owned, but not occupied, by the contributor.

(c) Any address not that of the contributor.

XVII. "Occupation" means an individual's official job title resulting from employment at or ownership of any agency or organization or other entity.

XVIII. "Principal place of business" means the primary organization or employer from which individuals derive their principal income and shall include the employer's official name and the employer's post office address.

XIX. "Business organization" means any enterprise, whether corporation, partnership, limited liability company, proprietorship, association, business trust, real estate trust, or other form of organization, organized for gain or profit, and includes any enterprise which is expressly made exempt from income taxation under the United States Internal Revenue Code of 1986. It does not include a political committee as defined in RSA 664:3, III, or the political committee of a political party, as defined in RSA 664:3, VI.

XX. "Soft money" means money raised by national, state, county, and local parties and/or a political committee of a political party that is intended for use in generic party building activities rather than for use advocating the election of a specific candidate or candidates.

Registration

664:4 Registration of Political Committees.

I. Any political committee, except the political committee of a political party, shall register with the secretary of state as provided in this section. The committee shall register with the secretary of state not later than 24 hours after receiving

contributions that in the aggregate exceed \$100 or before making any expenditures that in the aggregate exceed \$100. The registration shall be accompanied by a fee of \$50, which shall be deposited by the secretary of state into the general fund; provided, however, that the political committee of a candidate which registers under this section shall not be required to pay the \$50 fee. Each political committee shall designate a treasurer or agent who is a citizen of this state and who is authorized to receive all process and other legal documents on behalf of the political committee, and through whom may be obtained access to all books and records of the political committee. The political committee shall file with the secretary of state a statement of the purpose of the committee and shall indicate whether the committee will be making independent expenditures in support of or in opposition to any candidate including a statement of the name, address, occupation, and principal place of business of its chairperson, treasurer or agent, and other officers.

II. No member of a political committee which is required to register under paragraph I, except members of political committees of political parties, shall do any act directly or indirectly on behalf of the committee to promote the success or defeat of a political party, a measure, or a candidate, unless the requirements of paragraph I are met.

III. Any political committee which is organized to support a candidate in any election shall secure the written consent of the candidate or the candidate's fiscal agent before it receives contributions or makes expenditures. Such written consent shall be filed with the secretary of state when the statements required by paragraph I are filed.

IV. All political committees' registrations under this chapter shall be valid from the date of registration until 10 days after the primary or general election, whichever is appropriate, unless terminated sooner, in writing, by the chairperson and the treasurer of the committee. However, any committee which has a continuing obligation to report as required under RSA 664:11 shall continue to exist for the purpose of making such reports.

Contributions

664:5 Form of Contributions. All monetary contributions, to be considered legally received, must be accompanied by the disclosure information set forth in RSA 664:10.

664:6 Prohibited Political Contributions.

I. No contribution, whether tangible or intangible, shall be made to a candidate, candidate's political committee, political committee, political action committee, political party, political committee of a political party, or on behalf of a candidate, candidate's political committee, political committee, political action committee, political committee of a political party, or political party, directly or indirectly, for the purpose of promoting the success or defeat of any candidate or political party at any state primary or general election:

(a) By any business organization, or by any officer, director, partner, member, executive, agent or other similar person, or employee acting in behalf of such business organization, or by any organization representing or affiliated with one or more business organizations or by any officer, director, partner, member, executive, agent or other similar person, or employee acting in behalf of such organization.

(b) By any labor union or group of labor unions, or by any officer, director, executive, agent, or employee acting in behalf of such union or group of unions; or by any organization representing or affiliated with any such union or group of unions, or by any officer, director, executive, agent, or employee acting in behalf of such organization.

(c) By any person:

(1) If in excess of \$1,000 in value, except for contributions made by a candidate in behalf of the candidate's own candidacy.

(2) If made anonymously or under a name not that of the donor.

(3) If made in the guise of a loan.

(4) If in any other manner concealed.

(5) If made without the knowledge and written consent of the candidate or the candidate's fiscal agent, a political committee or its treasurer, or not to any one of the same.

II. Candidates, political committees, political parties, and political committees of political parties are urged to limit the amount of out-of-state contributions to no more than 25 percent of total contributions from all sources in primary, general, or special elections.

III. No person, candidate, political committee, political party, or political committee of a political party shall accept a contribution which was transferred to the contributor by another person or source for the purpose of transferring the same to the candidate or otherwise circumventing the provisions of this chapter. Knowingly violating the provisions of this paragraph shall constitute a misdemeanor offense of tampering with public records or information under RSA641:7, II.

664:7 Prohibited Coercion of Political Contributions.

I. No person shall knowingly coerce, or attempt to coerce, any classified state employee to give or withhold a contribution to any political campaign or political committee, or to any candidate, party, or cause, for the purpose of promoting the success or defeat of any candidate or political party.

II. No business organization, and no officer, director, executive, agent, or employee acting in behalf of the business organization, and no enterprise representing or affiliated with one or more business organizations, and no officer, director, executive, agent, or employee acting in behalf of such enterprise, shall knowingly coerce, or attempt to coerce, any employee of the business organization or of the enterprise, or any contractor or subcontractor or any employee of the contractor or subcontractor doing business with the business organization, to make a contribution to any political campaign or political committee, or to any candidate, party, or cause, for the purpose of promoting the success or defeat of any candidate or political party:

(a) By means of the denial or deprivation, or the threat of the denial or deprivation, of any employment, position, or work in or for the business organization or enterprise.

(b) By means of the denial or deprivation, or threat of the denial or deprivation, of the loss of any compensation, payment, or benefit from such employment, position, or work.

(c) By means of the discharge, promotion, degradation, or change in any manner in the official rank or compensation of any employee, or by means of the promise or threat to do so, for giving or withholding a contribution.

664:8 Surplus Campaign Contributions. Surplus campaign contributions may be used after a general or special election for fund raising activities and any other politically related activity sponsored by the candidate, or for donations to charitable organizations. Such surplus campaign contributions, however, shall not be used for personal purposes.

Expenditures

664:9 Prohibited Political Expenditures.

I. No expenditure or use of a contribution, tangible or intangible, shall be made for the purpose of promoting the success or defeat of any political party, measure, or candidate:

(a) By a political committee, except the political committee of a political party, unless the political committee meets the requirements of RSA664:4, I.

(b) By a political committee which is organized to support a candidate in any election, or to such candidate or the candidate's fiscal agent unless the committee secures and files the written consent of the candidate or the candidate's fiscal agent with the secretary of state in accordance with RSA 664:4, III.

(c) By any person, candidate, or political committee, for political advertising in a newspaper, periodical, on a radio or television broadcast, or on a billboard, if at a rate more or less than the applicable rates to be filed with the secretary of state in accordance with RSA 664:22.

(d) By any political committee to any political committee of a political party in excess of \$1,000.

II. No expenditures that in the aggregate exceed \$100 shall be made by a political action committee before the committee is properly registered with the secretary of state pursuant to RSA664:4, I.

III. Political committees of a political party shall not make coordinated expenditures that in the aggregate exceed \$100 to any one candidate in a state primary or general election for any state or county elected office.

Disclosure Reports

664:10 Content of Disclosure Reports. All contributions shall be listed on forms or other means prescribed by the secretary of

state. The disclosure information shall include the name; address; employer, business organization, or primary source of income; principal place of business; and occupation of the contributor. The disclosure report shall list the aforementioned disclosure information according to whether the source of the contribution is in-state or out-of-state. A summary of the contribution totals by category shall be included with each scheduled report. All expenditures, as defined in RSA 664:3, XI and XIV shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:11 Reporting by Political Committee.

I. Any political committee whose receipts or expenditures, including, without limitation, soft money, coordinated expenditures, and independent expenditures, in support of or in opposition to a candidate, measure, or political party exceed in the aggregate \$100 except, for the purposes of this paragraph only, the political committee of a political party, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:10. The statement shall be signed by the chairperson and treasurer of the political committee and shall itemize each of its receipts in alphabetical order with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:10, and the aggregate total for each election for each contributor. The statement shall be filed not later than the Wednesday 12 weeks immediately preceding a primary election, before 5 o'clock in the afternoon, and shall cover the period from the day of the committee registration up to and including the Monday before the statement is due. Each statement shall contain the date of the expenditure, the name and address of the person to whom the expenditure was made, the name of the candidate in whose behalf or against whom each expenditure was made, the amount of each expenditure, the purpose of each expenditure, and the aggregate amount of all previous expenditures.

II. An itemized statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday 3 weeks immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the period under paragraph I if a statement is filed and shall itemize all receipts and expenditures since the cutoff of that statement up until the Monday preceding the filing of the statement under this paragraph.

III. A statement in the same form as in paragraph I shall be filed with the secretary of state not later than the Wednesday immediately preceding a primary election, before 5 o'clock in the afternoon. The statement shall summarize the statements under paragraphs I and II if such statements are filed and itemize all receipts and expenditures since the cutoff of the statement under paragraph II up until the Monday preceding the filing of the statement under this paragraph. In addition to the reporting requirements contained in this section, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution which is received after the statement under this paragraph is filed and prior to the day of election.

IV. An itemized statement in the same form as in paragraph I summarizing the previous statements if such statements are filed and itemizing all receipts and expenditures since the cutoff of the previous report and ending on the day of the primary or the general election shall be filed with the secretary of state not later than the second Wednesday after the election, and every subsequent Wednesday until the general election before 5 o'clock in the afternoon.

V. Any political committee whose receipts or expenditures in the aggregate do not exceed \$100 for a reporting period need not file. However, when a committee's accumulated receipts or expenditures for an election in the aggregate exceed \$100 the committee shall file a statement at the next reporting deadline.

VI. Any political committee which has any outstanding debt, obligation, or surplus following the election shall file reports at least once every 6 months thereafter in the same form as in paragraph I until the obligation or indebtedness is entirely satisfied or surplus deleted, at which time a final report shall be filed.

VII. Copies of the statements required by paragraphs I through VI of the state committee of a political party shall be filed with the secretary of state in sufficient numbers so as to provide a copy for the state committee of each party on the ballot, which they may obtain by application to the secretary of state.

VIII. Any national political party committee of a party as defined in RSA652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VII, provided that the total contribution or expenditure made in behalf of a candidate or political committee in this state whether directly or indirectly does not exceed the limit for personal contributions in RSA 664:6.

IX. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose, at the time of registering under RSA664:4, I, to file with the secretary of state copies of reports made to the federal government in

accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

664:12 Reporting by Candidates.

I. Each candidate at the primary or general election for governor, councilor, state senator, representative to general court, or county officer, who has expenditures in the aggregate that exceed \$100, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:11, II, III, IV, V, and VII, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. Each candidate elected by the state house of representatives, state senate, or by the general court assembled who has received contributions in the aggregate that exceed \$100 shall file statements in like manner and detail as described in RSA 664:11, except that the statements shall be filed on a weekly basis once the candidate has declared his or her intent to seek office. Application of this paragraph shall include, but not be limited to, candidates for the offices of speaker of the house, president of the senate, secretary of state, state treasurer, and clerks, assistant clerks, and sergeants-at-arms of the house and senate.

III. Upon becoming a candidate, as defined in RSA 664:3, II, the candidate shall report all funds that have been raised and expended by the candidate's campaign.

664:13 Campaign Finance Disclosure Record.

I. The secretary of state shall enter or cause to be entered information from disclosure reports required by RSA 664:11 and RSA 664:12, into a campaign finance disclosure record.

II.(a) Disclosure reports shall be filed by candidates for governor, United States Senator, and United States Representative.

(b) Town, city, county, state representative, state senate, and executive council candidates are exempt from the provisions contained in this section.

(c) Political committees, political action committees, political parties, or political committees of political parties that are governed by the reporting requirements set forth in RSA 664:11 and RSA 664:12 must also comply with the requirements set forth in this section.

(d) The secretary of state shall ensure that the disclosure reports are available for paper or electronic copying at a reasonable cost.

(e) The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this section, which shall be made available to the public as prescribed in subparagraph (d).

664:14 Prohibition. No candidate shall be entitled to the nomination or election until the sworn itemized statements required to be filed by the candidate or in the candidate's behalf have been filed as required by RSA 664:11 and 664:12.

664:15 Itemized Statements Filed by Facsimile Transmission. The sworn itemized statements required to be filed by a political committee or a candidate or on the candidate's behalf as required by RSA 664:11 and 664:12 may be filed by means of a facsimile transmission; provided, however, that a statement which is transmitted electronically or telephonically by a facsimile device shall also be filed by a political committee or a candidate or on the candidate's behalf not later than the last day of each filing period under RSA 664:11 and 664:12 if a facsimile transmission is used.

664:16 Social Activities. All contributions and expenditures for outings, dinners, and social affairs conducted by political committees, clubs, and others shall be reported, including the name, address, employer or business organization, principal place of business, and occupation of contributors, and a detailed listing of expenditures in a manner of detail on forms prescribed by the secretary of state. However, if such contributions or expenditures do not exceed \$100 in aggregate, no report shall be required.

664:17 Public Inspection. All statements, assents, and registrations filed by state committees, candidates, political action committees, political committees or political parties, persons or organizations making independent expenditures, and political committees shall be open to public inspection.

Duties

664:18 Fiscal Agent. As part of the declaration of candidacies filed by candidates for governor, councilor, state senator, county officer, and other primary candidacies, every such candidate shall designate some person, who may be the candidate himself or herself, as the financial agent for the purpose of the primary and general election campaign. If the candidacy for such office is established by a primary petition or nomination petitions, there shall be filed together with such petitions the name of the fiscal agent for such candidate. A candidate who is nominated by write-in vote at the primary shall, prior to making any campaign expenditures, file with the secretary of state the name of the candidate's other fiscal agent. All sums expended or contracted for payment in the primary or general election campaign in behalf of such candidate shall be reported by the candidate or the candidate's political committee or both to the fiscal agent, and the candidate or the fiscal agent shall make or approve all disbursements in behalf of the candidate subsequent to the designation as fiscal agent. The fiscal agent shall join with the candidate in making and filing the statements required by this chapter.

664:19 Committee Treasurer. If a political committee has no treasurer, or if the treasurer fails to make a report, it shall be the duty of each member of said committee who received or pays out any money in behalf of said committee to make such a report or to cause the same to be made. No member of such committee shall make or permit any unlawful expenditure or act by said committee, in whole or in part, or consent thereto, or aid, abet, or conspire to make or permit the same.

Political Advertising

664:20 Signature.

I. All political advertising shall be signed at the beginning or the end with the names and addresses of the candidate, the fiscal agent, or the name and address of the chairperson or the treasurer of a political committee, or the name and address of a natural person, according to whether a candidate, political committee, or natural person is responsible for it. Said signature shall clearly designate the name of the candidate, party, or political committee by or on whose behalf the same is published or broadcast.

II. Political advertising to promote the success or defeat of a measure by a business organization, labor union, or other enterprise or organization shall be signed. The name of the enterprise or organization shall be indicated and the chairperson or treasurer of the enterprise or organization shall sign his or her name and address. Nothing in this section shall be construed to permit contributions which are prohibited under RSA 664:6.

III. In the case of printed or written matter, the signature and address of the signer shall be printed or written in a size of type or lettering large enough to be clearly legible.

IV. In the case of political advertising broadcast on radio, television, or any public address system, the name and address of the signer shall be clearly identified.

V. Notwithstanding any other provision of this section, buttons or any printed or written political advertising which is attached to or displayed on any motor vehicle need not be signed.

VI. Notwithstanding any other provision of this section, any advertising in support of or in opposition to a candidate by a political committee not authorized by the candidate or candidate committee shall so state.

664:21 Approval of Candidate or Fiscal Agent. A person or business organization publishing a newspaper or periodical or selling billboard space or operating a radio or television station or public address system shall not publish, print, or broadcast any political advertising by or in behalf of a candidate in an election unless the same shall be signed by or authorized in writing by the candidate or the candidate's fiscal agent.

664:22 Identification of Political Advertising. Political advertising printed in newspapers, periodicals, or billboards shall be marked at the beginning or at the end thereof "Political Advertising." Rates for advertising shall be filed no later than 30 days prior to the deadline for filing for office for an election with the secretary of state by each person or business organization publishing a newspaper or periodical, operating a radio or television station, or selling billboard space. Such schedule shall be open to public inspection, and such schedules may be amended. However, rates in such amendments shall not take effect until 5 days after they are filed with the secretary of state. No person or business organization publishing a newspaper or periodical, operating a radio or television station, or selling billboard space shall charge an advertising rate to any candidate, political committee, party, or cause that is different from that charged to any other candidate, political committee, party, or cause.

664:23 Placement and Removal of Political Advertising. No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. The earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a state primary. All political advertising shall be

removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary. No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising; provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement.

664:24 Advertising on Government and Law Enforcement Vehicles. No printed or written political advertising shall be attached to or displayed on any motor vehicle:

I. Which is used by a police officer authorized to make arrests or serve process; or

II. Which displays government license plates and is registered in the name of the state or of a political subdivision of the state.

Enforcement

664:25 Complaints. Any candidate or voter may make complaint in writing to the attorney general of any violation of any of the provisions of this chapter.

I. Upon receipt of such complaint, the attorney general or designee shall review the complaint, and where sufficient evidence of a violation is presented, conduct investigations to determine whether a violation of this chapter has occurred.

II. Following investigation, the attorney general is empowered, if he or she determines that a provision of this chapter has been violated, to:

(a) Issue an order requiring the violator to cease and desist from the violation. If the attorney general's order is not obeyed and no petition for review has been filed with the ballot law commission pursuant to RSA 665:7 within 3 days, the attorney general or designee may petition the superior court of the county in which the violation occurred for an order of enforcement.

(b) Prosecute to final judgment through a designee if sufficient cause for such prosecution is found.

III. If, in the opinion of any person making complaint, the family, business, or political connection of the attorney general's designee is such as to make it unlikely that the designee will act diligently and earnestly in any proceeding therefor, the person complaining may state such facts to the attorney general.

IV. If the attorney general believes that the designee will be hampered by any existing facts or circumstances and in any manner prevented from vigorously proceeding against any respondent complained against for such violation, or that the service of more than one attorney in any proceeding would be in the interest of the state, the attorney general shall have authority to employ and assign additional attorneys, to conduct or assist in conducting such proceeding. Such attorneys shall be allowed reasonable compensation, to be approved by the governor and council and paid by the state out of funds not otherwise appropriated.

664:26 Examination of Statements of Receipts and Expenditures. It shall be the duty of the attorney general to examine the returns of election receipts and expenditures which are made to the secretary of state and to compel such returns be made to comply with the law.

664:27 Subpoena Power. In the exercise of the attorney general's powers and duties under this chapter, the attorney general is authorized to require the appearance of individuals and to secure testimony and evidence by use of a subpoena duces tecum.

664:28 Notice to Candidates. The secretary of state shall give or send by mail a copy of this chapter to each person whose name will be printed on a state primary or general election ballot. Such notification shall be given or sent within 5 days of the close of the filing period.

664:29 Severability. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

7 Reference Changed; Additional Jurisdiction. Amend RSA 665:7 to read as follows:

665:7 Additional Jurisdiction. In addition to the jurisdiction of issues conveyed to the ballot law commission by other sections of this chapter, the commission shall hear and determine all disputes involving alleged violations of New Hampshire election laws of a non-criminal nature for which no specific statutory appeal procedure has already been provided. The commission shall also

hear and determine petitions for review of cease and desist orders issued by the attorney general under RSA~~[664:18, H,]~~ **664:25, II** if such petitions are filed within 3 days of the order.

8 Repeal. The following are repealed:

- I. RSA 655:19-b, relative to waiver of filing fee and primary petitions.
- II. RSA 655:19-c, relative to administrative assessment, primary petitions, and nomination papers.
- III. RSA 655:22, relative to number of primary petitions to be filed.

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

AMENDED ANALYSIS

This bill repeals the current chapter on political expenditures and contributions and replaces it with a chapter that requires greater disclosure, modifies limitations on contributions, and eliminates voluntary limitations on political expenditures.

1998-1018h

Amendment to HB 1600

Proposed by the Committee on Finance - C

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

1 Statement of Purpose. The general court finds that the multiple DWI offender intervention detention center program provides a valuable service to persons admitted to the program and to all New Hampshire residents. Persons who successfully complete the program have a recidivism rate of only 11 percent.

2 Multiple DWI Offender Intervention Detention Center Program; Reference Added. Amend RSA 172-B:2-b, I to read as follows:

I. The commissioner shall be responsible for administration and operation of the 7-day multiple DWI offender intervention detention center program which persons convicted under RSA265:82 or RSA 265:82-a **or sentenced pursuant to RSA 651:2, V(h)** may be required to attend ~~[under the provisions of RSA 265:82-b].~~

3 New Subparagraph; Alcohol-Related Offenses. Amend RSA 651:2, V by inserting after subparagraph (g) the following new subparagraph:

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may sentence such person to 7 consecutive 24-hour periods to be served at the state-operated 7-day multiple DWI offender intervention detention center program established under RSA 172-B:2-b, if the evidence demonstrates that alcohol was a contributing factor in the commission of the offense and provided that space is available in the program and such person pays the fees for the program in full prior to admission.

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

AMENDED ANALYSIS

This bill allows a court to sentence persons convicted of certain crimes in which the evidence demonstrates that alcohol was a contributing factor to the multiple DWI offender intervention detention center program.

This bill is a result of study of 1997, HB 271, which was rereferred to the house criminal justice and public safety committee.

1998-1078h

Amendment to SB 452-FN-LOCAL

Proposed by the Committee on Education - R

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

AN ACT authorizing the state board of education to adopt rules allowing students to choose alternatives to dissection as part of a course exercise.

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

1 New Subparagraph; Alternatives to Dissection. Amend RSA 21-N:9, II by inserting after subparagraph (y) the following new subparagraph:

(z) Alternatives to the actual dissection of animals as a part of any elementary or secondary school course, and the procedures for their implementation, provided that no public elementary or secondary school student shall be required to participate in the actual dissection of animals.

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

AMENDED ANALYSIS

This bill authorizes the state board of education to adopt rules allowing students to choose an alternative to the actual dissection of an animal as part of a course exercise.

1998-0993h

Amendment to SB 495

Proposed by the Committee on Education - C

Amend RSA 187-A:28-c, II as inserted by section 3 of the bill by replacing it with the following:

II. The committee shall act as liaison between the university system, ***the regional community-technical colleges***, the general court, and the public to promote better understanding and communications between ~~the system~~ ***public higher education***, the general court, and the public.