

HOUSE RECORD

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Court

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Thursday, April 9, 1998

No. 34

HOUSE JOURNAL No. 9 (cont.)

Wednesday, March 25, 1998

(Rep. Gene Chandler in the Chair)

RESOLUTION

Their introduction having been approved by the Rules Committee:

Rep. D'Allesandro offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 1075 and 1681, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 1075-FN-A-L, implementing the Advancing Better Classrooms program to provide a constitutionally adequate public education to all the children of New Hampshire. (Burling, Sull 1; Schotanus, Sull 3; A. Torr, Straf 12; Champagne, Ches 19; Stone, Rock 7; J. King, Dist 18; McCarley, Dist 6; Whipple, Dist 8: Finance)

HB 1681-FN-A, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program. (Burling, Sull. 1; Buckley, Hills. 44; N. Kaen, Straf 7; Pilliod, Belk 3; Avery Ches 8; Larsen, Dist 15; Blaisdell, Dist 10; Pignatelli, Dist 13: Finance)

RECESS

(Rep. Hunt in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled Senate Bill numbered 307.

Rep. Nowe, Sen. Barnes for the Committee

RECESS

(Rep. Channing Brown in the Chair)

ENROLLED BILL AMENDMENT

SB 302-FN-L, naming certain portions of U.S. Route 3 after Trooper Leslie Lord and Trooper Scott Phillips and naming a portion of New Hampshire Route 28 after Officer Jeremy Charron.
(Amendment printed SJ 9, 4/2/98)

Adopted.

RECESS

(Rep. Edwin Smith in the Chair)

RESOLUTION

Rep. Dyer offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 332, 333, 335, 371, 376, 383, 393, 421, 422, 441, 443, 465, 481, 485, 487, 490, 498, 504 and 506, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 332, requiring that the real estate transfer questionnaire be provided to the municipality in which the property is located. (Local and Regulated Revenues)

SB 333, allowing any registered voter who is unable to vote in person, by reason of extended work hours, lack of transportation, or illness in the family, to vote by absentee ballot. (Election Law)

SB 335-L, relative to hours of polling in towns with a population of less than 3000. (Election Law)

SB 371, requiring health carriers to provide certain information to health care providers and consumers. (Commerce)

SB 376, relative to animal cruelty. (Criminal Justice and Public Safety)

SB 383, establishing a committee to study the use of telemedicine. (Health, Human Services and Elderly Affairs)

SB 393, relative to health insurance deductibles. (Commerce)

SB 421, relative to timber harvesting and penalties for timber trespass. (Resources, Recreation and Development)

SB 422-FN, establishing a study committee on the procedures for and affordability of open access to judicial records. (Judiciary and Family Law)

SB 441-FN-L, relative to the authority of and protections for fire chiefs. (Municipal and County Government)

SB 443-L, establishing a committee to study the delivery of and funding for in-home support services for children with disabilities and their families. (Health, Human Services and Elderly Affairs)

SB 465-FN, relative to the disposition of firearms which are voluntarily surrendered to the state. (Criminal Justice and Public Safety)

SB 481, relative to the availability of school building aid for year-round schools. (Education)

SB 485, exempts special education catastrophic aid payments from the municipal budget law. (Municipal and County Government)

SB 487, relative to the general powers and duties of a guardian over the estate of the minor. (Judiciary and Family Law)

SB 490, relative to life and accident and health insurance and relative to certain salaries. (Commerce)

SB 498, clarifying the definition of "right of custody" with respect to the crime of interference with custody. (Judiciary and Family Law)

SB 504-FN, relative to members of predecessor systems of the New Hampshire retirement system. (Executive Departments and Administration)

SB 506-FN, requiring certain reports relative to independent review under managed care. (Commerce)

RECESS

(Rep. Jeb Bradley in the Chair)

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 467 and 1244 and Senate Bills numbered 303 and 484.

Rep. Nowe, Sen. Barnes for the Committee

RECESS

(Speaker Sytek in the Chair)

RESOLUTION

Rep. Hunt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 306, 312, 317, 354, 358, 360, 374, 379, 387, 396, 400, 404, 429, 440, 445, 456, 464, 473, 492, 494, 500, 502 and 505, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 306-L, relative to municipal officials and their discretion over the use of traffic devices and the purchase of liability insurance. (Judiciary and Family Law)

SB 312, relative to the health care transition fund. (Finance)

SB 317, relative to the time for consideration of applications to planning boards. (Municipal and County Government)

SB 354, requiring insurance coverage for hospitalization and anesthesia for dental procedures for certain patients. (Commerce)

SB 358-L, relative to the term physician in health care provider contracts. (Commerce)

SB 360, establishing a child and family resource group to study and make recommendations concerning the development and coordination of wellness and primary prevention programs. (Health, Human Services and Elderly Affairs)

SB 374, relative to large water withdrawals and relative to exemptions from local planning and zoning requirements for public utilities. (Resources, Recreation and Development)

SB 379, establishing an immunization registry. (Health, Human Services and Elderly Affairs)

SB 387, expanding the attorney general's authority to record communications in criminal investigations. (Criminal Justice and Public Safety)

SB 396, requiring the commissioner of the department of youth development services to submit a quality assessment report to the legislature and to the juvenile justice commission. (Criminal Justice and Public Safety)

SB 400, relative to withdrawal of a school district from an area district. (Education)

SB 404, relative to home care. (Commerce)

SB 429, relative to the confidentiality of drivers' motor vehicle records. (Transportation)

SB 440, relative to fines payable to the division of motor vehicles; allowing civil bench warrants for defaults on such fines; authorizing bail commissioners to receive certain civil fines and fees, and authorizing the division of motor vehicles to report those in default to a consumer reporting agency. (Transportation)

SB 445, relative to penalties for personal use of walking disabled motor vehicle plates or placards by persons not issued the plates or placards. (Transportation)

SB 456, enabling school districts to allow full parental choice in education. (Education)

SB 464-FN, relative to limitations from civil liability for volunteers and relative to special license plates and related fees for volunteer emergency personnel with 2-way radio equipment in their vehicles. (Judiciary and Family Law)

SB 473-FN, relative to child day care providers. (Health, Human Services and Elderly Affairs)

SB 492, amending the charter of the union school district of Keene. (Municipal and County Government)

SB 494, establishing the voluntary small employer health insurance purchasing alliance. (Commerce)

SB 500, relative to obtaining automobile and homeowners insurance. (Commerce)

SB 502-FN, allowing federal judges to perform marriages after obtaining a special license. (Judiciary and Family Law)

SB 505, eliminating the separate fee for licensed master plumbers who are the sole shareholders of a plumbing corporation. (Executive Departments and Administration)

RECESS

(Rep. Daniels in the Chair)

ENROLLED BILL AMENDMENTS

HB 627-FN, establishing a conservation number plate trust fund, and a special motor vehicle license plate and associated fees, to support New Hampshire's natural and cultural resources.

Amendment (1310-EBA)

Amend section 2 of the bill by replacing lines 2-7 with the following:

Amend RSA 261 by inserting after section 97 the following new subdivision:

Conservation Number Plates and Conservation Number Plate Trust Fund

261:97-a Conservation Number Plates.

I. The director is hereby authorized to issue special conservation number plates, in lieu of other number plates. The design of these special plates shall be determined as provided in RSA261:97-d. The plates shall retain the "live free or die" logo. Such plates shall be issued only

Amend RSA 261:97-a, II as inserted by section 2 of the bill by replacing line 2 with the following:

fee for any such vanity conservation number plate shall be the fee as provided in RSA 261:97-a, in

Amend RSA 261:97-a, III as inserted by section 2 of the bill by replacing line 4 with the following:

treasurer and distributed as provided in RSA 261:97-b. The cost of replacement number plates

Amend RSA 261:91-b as inserted by section 2 of the bill by replacing line 1 with the following:

261:97-b Conservation Number Plate Trust Fund.

Amend RSA 261:91-c as inserted by section 2 of the bill by replacing lines 1 and 2 with the following:

261:97-c Use of Funds. The moneys in the fund shall be distributed as provided in RSA261:97-b. The proceeds shall be used as follows:

Amend RSA 261:91-d as inserted by section 2 of the bill by replacing line 1 with the following:

267:97-d New Hampshire Conservation Number Plate Advisory Committee; Duties; Meetings.

Amend RSA 261:97-d, III (b) as inserted by section 2 of the bill by replacing line 4 with the following:

such contracts shall be deposited into the conservation trust fund created under RSA 261:97-b.

Amend RSA 261:97-d, VI as inserted by section 2 of the bill by replacing line 2 with the following:

agency authorized to receive proceeds from the trust fund created under RSA 261:97-c may be

Amend RSA 261:91-e as inserted by section 2 of the bill by replacing line 1 with the following:

261:97-e Plate Use. Plates may be used on passenger motor vehicles and recreation vehicles.

Amend RSA 261:91-f as inserted by section 2 of the bill by replacing line 1 with the following:

261:97-f Report.

Amend RSA 261:97-f, II (b) as inserted by section 2 of the bill by replacing lines 1-5 with the following:

(b) A report from each of the 5 agencies receiving proceeds under RSA 261:97-c, indicating:

(1) The amount of proceeds received under RSA 261:97-c.

(2) Total funds expended.

(3) Accomplishments achieved pursuant to RSA 261:97-c during the preceding

Amend RSA 6:12, I (rrr) as inserted by section 3 of the bill by replacing it with the following:

(rrr) The designated portion of moneys received under RSA 261:97-a, which shall be credited to the conservation number plate trust fund established in RSA 261:97-b.

Amend section 4 of the bill by replacing line 2 with the following:

issuing special conservation number plates under RSA 261:97-a on or before January 1, 1999.

Adopted.

HB 793, defining the responsibility of individuals engaged in equine activities.

Amendment (1308-EBA)

Amend RSA 508:19, II as inserted by section 2 of the bill by replacing lines 10-12 with the following:

care for, and control a particular equine or perform a particular equine activity, and it shall be the duty of each participant to act within the limits of the participant's own ability, to maintain reasonable control of the particular equine at all times while participating in an equine activity, to

Adopted.

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 10

Thursday, April 9, 1998

The House assembled at 10:00 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by House Chaplain, Reverend Edward G. Horstmann.

O God of new life, enter into the places of our lives where we have crowded out miracles and imagination and where even hope has been abandoned. Come, O God, with healing in Your wings, to cast out our fears, to dispel our self-righteousness, and to call us beyond our clinging to what is

familiar. Bring us out of our various captivities that we may love passionately, speak boldly, live gracefully and risk everything for Your sake. Amen.

Reps. Crosby and Major led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Chase, Clay, Robert Foster, Healy, O'Rourke, Pepino and Paul Taylor, the day, illness.

Reps. Cegelis, Coes, Dowd, Dunn, Fraser, Hansen, Hess, Robert Kelley, LaRose, Lynde, McNamara, Morris, O'Keefe, Marsha Pelletier, Robertson, Simmons, Donald Welch and Whalley, the day, important business.

Reps. Paula Bradley, Donovan, Horton, Morello, Irene Pratt, Rabideau and Rice, the day, illness in the family.

INTRODUCTION OF GUESTS

Judy Sullivan, Bonnie Berry and Dorothy Rickard, guests of Rep. Avery. Diane and Marissah Gallien, daughter and granddaughter of Rep. Letourneau. Robert Fleming, guest of Rep. Langer. Fourth grade classes from the McClelland School in Rochester and their teachers, Mrs. Gelinas and Mrs. Callaghan, guests of the Rochester Delegation.

SPECIAL GUESTS

Rep. Avery introduced Richard McLeod and Douglas Rickard, Bagpiper and Anna Ciglar, Jen Berry, Margaret Sullivan and Marlee Sullivan, Celtic Cupboard Highland Dancers, who performed for the House.

The House of Representatives offered the following:

HOUSE RESOLUTION NO. 56

memorializing State Representative Charles H. Felch, Sr., of Seabrook

WHEREAS, it is with profound sadness and deep regret that word has come to us of the death of our esteemed legislative colleague, Charles H. Felch, Sr., known affectionately to all as Charlie, and

WHEREAS, having been an honorable and diligent member of the House of Representatives for ten terms, Charlie Felch easily did earn the esteem of his fellow Representatives while sitting on the Standing Committees on Legislative Administration, Fish & Game, and most recently Wildlife & Marine Resources, having served as Vice Chairman, and

WHEREAS, Charlie Felch was a champion of and a recognized authority on the subjects of conservation and the marine and wildlife resources of New Hampshire, and

WHEREAS, Charlie Felch, faithfully and with great enthusiasm and devotion, did serve the outdoorsmen and sportsmen of New Hampshire while always maintaining a high value on the State's marine and wildlife resources and,

WHEREAS, having been born in Seabrook and having been blessed with a great sense of community spirit fueled by high energy, Charlie Felch did serve the citizens of the town as a Selectman, Moderator, School Board member, Police Officer and Volunteer Firefighter, and

WHEREAS, Charlie Felch did serve his country during World War II as a member of the United States Navy, and later did serve as Commander of the Raymond E. Walton American Legion Post 70 in Seabrook, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Charles H. Felch, Sr., be granted highest praise and recognition for his dedicated and exemplary legislative service, and for his major service to his country and to the Town of Seabrook, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

HOUSE RESOLUTION NO. 57

memorializing State Representative Charles W. Ferguson of Milford

WHEREAS, we have learned, with great sorrow, of the death of our legislative brother, Charles W. Ferguson, a man who easily did earn our admiration and affection, and who was known to us all as Charlie, and

WHEREAS, having been in his eleventh term, Charlie Ferguson did first arrive in the House and did serve seven consecutive terms beginning with the biennium of 1963-1964, and after an absence of fifteen years, did earn re-election for the biennium of 1991-1992, and did serve without interruption to the present, and

WHEREAS, during his outstanding legislative tenure, Charlie Ferguson did sit as a distinguished and esteemed member of the Standing Committees on Appropriations, Finance, Education and most recently as a member of Health, Human Services and Elderly Affairs, and

WHEREAS, having been an amicable man blessed with an abundance of energy and civic pride, Charlie Ferguson did serve the citizenry of Milford in a myriad of ways including as a member of the School Board, as School District Moderator and as Town Moderator, and

WHEREAS, having been born in Quincy, Massachusetts, Charlie Ferguson did graduate in 1951 from the University of Alabama with a bachelors degree, and in 1953 did receive his law degree from Boston University, and

WHEREAS, during World War II, Charlie Ferguson did serve his country as a member of the United States Army, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Charles W. Ferguson be saluted and granted the highest of accolades for his outstanding and dedicated service to his community, his state and his country, and be it further

RESOLVED, that expressions of heartfelt sympathy be extended to his family, and that a copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote.

Piper Douglas Rickard piped "Flowers of the Forest" in memory of Reps. Felch and Ferguson.

SENATE MESSAGES

CONCURRENCE

HB 132-FN, allowing New Hampshire residents on active duty in the armed forces or coast guard to be issued hunting and fishing licenses at no charge.

HB 290, relative to digital signatures.

HB 793, defining the responsibility of individuals engaged in equine activities.

HB 1222, increasing the membership of the Christa McAuliffe planetarium commission.

HB 1235, relative to the small business innovation research program.

HB 1244, relative to collusive bidding at auctions.

HB 1393, extending the reporting date for the postsecondary educational assistance for members of the New Hampshire national guard study committee and extending the repeal date relative to such assistance.

HCR 20, recognizing the 100th anniversary of Old Home Day in New Hampshire.

NONCONCURRENCE

HB 1474, establishing a study committee on a unified corrections system.

REFERRED FOR INTERIM STUDY

HB 1661, relative to eligibility for postsecondary education tuition grants.

REQUESTS CONCURRENCE WITH AMENDMENTS

HB 177, increasing the wild black bear license and tax fee. (Amendment printed SJ 8, 3/26/98)

Rep. Mock moved that the House concur.

Adopted.

HB 385, relative to reporting and registration requirements for lobbyists and employees of lobbyists. (Amendment printed SJ 3, 2/19/98)

Rep. Channing Brown moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Wheeler, Lozeau, Hager and Amanda Merrill

ENROLLED BILLS REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills numbered 290, 627, 793 and 1235 and Senate Bill numbered 302.

Rep. Nowe for the Committee

SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit the extension of the reporting date to May 14, 1998 and the date for final action to May 21, 1998, for all Bills in the possession of the House on or before May 1, 1998.

Reps. Wheeler and Burling spoke in favor.

Adopted by the necessary two-thirds.

COMMITTEE REPORTS

CONSENT CALENDAR

Rep. Wheeler moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Consent Calendar adopted.

SB 315, relative to divorce proceedings. OUGHT TO PASS

Rep. Sandra B. Keans for Judiciary and Family Law: This bill would allow a judge to restore a former name of the person getting a divorce. Right now the judge can only change the individual's name back to the last held name, precluding a maiden name. Also, in uncontested cases, where the stipulations have been agreed to, the individuals need not appear in court. Vote 15-0.

SB 348, relative to property left behind by tenants. INEXPEDIENT TO LEGISLATE

Rep. Marjorie K. Smith for Judiciary and Family Law: This bill is identical to HB 802 which earlier passed the House and has passed the Senate as of 3-19-98. Therefore this bill is redundant. Vote 15-0.

SB 350, relative to probate court procedures. OUGHT TO PASS WITH AMENDMENT

Rep. Sandra B. Keans for Judiciary and Family Law: This is one of five bills that have been proposed by a study committee that met last year. The broad composition of the committee had as its mission the cleaning up of the probate statutes and making the court more "user friendly." Vote 17-0.

Amendment (1281h)

Amend the bill by deleting section 3 and renumbering sections 4-13 to read as 3-12, respectively.

Amend the bill by replacing all after section 10 with the following:

11 Applicability. Section 9 of this act shall apply only to all persons dying after midnight on December 31, 1998.

12 Effective Date.

I. Section 8 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect 30 days after its passage.

SB 419, raising the minimum age for marriage. INEXPEDIENT TO LEGISLATE

Rep. Paul M. Mirski for Judiciary and Family Law: The lack of support on the part of either the sponsor, or on the part of the public, for raising the minimum age of marriage persuaded the committee that a change in the law was unnecessary. Vote 12-4.

SB 366, establishing a study committee to examine the purging of archaic laws.. INEXPEDIENT TO LEGISLATE

Rep. Donnalee Lozeau for Legislative Administration: This bill established a legislative study committee to study the purging of archaic laws. The committee believes that legislative staff may best be suited to look at this issue and provide information relative to those laws that may be considered archaic. As we have changed the laws over the years, we have addressed those that have been included in provisions that we have altered. Just as with gender neutral provisions, we continue to update our statutes. Vote 11-0.

HB 1665-FN-L, relative to the Manchester airport authority security force. INEXPEDIENT TO LEGISLATE

Rep. Joseph E. Stone for Municipal and County Government: The majority of the testimony heard by the Municipal & County Government Committee was against the need of this bill. Only the sponsors were in favor. Maybe, sometime in the future, either the Manchester Aldermen, members of the Manchester Airport Authority or someone else may feel a change is needed in providing the security of the airport. However, the feeling of this committee is there is no need to make a change at this time based on the vote of 15-1. Vote 15-1.

SB 327-L, allowing local political subdivisions to adopt biennial budgets. OUGHT TO PASS

Rep. Marilyn A. Fraser for Municipal and County Government: This bill allows local political subdivisions to adopt biennial budgets. This bill is a result of the committee studying SB 152, (1997, 98). The biennial budget will consist of two distinct 12-month fiscal years. The governing body may allow for the carry over of funds from the first fiscal year of the biennium to the second. Numerous groups spoke in favor of this bill, those groups being the Department of Revenue Administration, Finance Directors from the Cities of Concord and Manchester, board counsels, NHMA and mayors. Vote 16-0.

SB 338, relative to special meetings. OUGHT TO PASS

Rep. Robert A. Lockwood for Municipal and County Government: This bill requires that when the selectmen of a town or the school board of a school district votes to petition the Superior Court for

permission to hold a special meeting, they post notices of the vote within 24 hours after the vote and within 10 days before the filing the petition. This bill also requires that the Selectmen or the school board post notice of the date of the evidentiary hearing on the receipt of notice of the date from the court. Vote 15-1.

SB 390, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility. OUGHT TO PASS WITH AMENDMENT

Rep. Jeb E. Bradley for Science, Technology and Energy: This bill as amended provides a limited exemption to a long standing statute restricting mergers between in-state and out-of-state public utilities. The exemption in this bill will allow a merger between Northern Utilities (a gas utility) and Bay State Gas in Massachusetts. The committee was sympathetic to arguments that a more general exemption to merger restrictions would be appropriate, but not all parties agreed with that course. Due to the fact there was no opposition to this merger, and as such it should proceed, the limited exemption is the appropriate action at this time. The merger still requires Public Utilities Commission approval and rate-making oversight is retained. The PUC had no objection to the bill. Vote 14-1.

Amendment (1284h)

Amend the bill by replacing section 1 with the following:

1 Public Utilities; General Regulations; Exception to Applicability of Foreign Business Entity Prohibitions. The provisions of RSA 374:24 shall not apply to the merger or other reorganization of a gas utility if, on the effective date of this act, such gas utility is engaged in business in this state as a public utility and is a subsidiary of a foreign corporation, provided that this act shall not otherwise alter the jurisdiction of the public utilities commission extant prior to the merger or other reorganization over such gas utility.

SCR 6, urging Congress to establish a centralized registry for security interests in intellectual property to be located in New Hampshire OUGHT TO PASS

Rep. Robert J. Letourneau for State-Federal Relations and Veterans Affairs: This bill urges the Congress of the United States to establish a centralized registry for security interest in intellectual property in the State of NH. Should Congress establish such a registry, NH businesses, software developers, investors and entrepreneurs would benefit. Our own Franklin Pierce Law Center is ranked the number one law school for intellectual property by US News and World Report. It would make sense that a registry would be located here in New Hampshire. Vote 13-0.

SB 386, relative to eligibility for antique motor vehicle plates. INEXPEDIENT TO LEGISLATE

Rep. George N. Katsakories for Transportation: This bill would allow those who have antique motor vehicle plates to display a registration plate which was issued in the same year in which the antique motor vehicle was manufactured. The House has already passed a bill this session that has more comprehensive language. The committee felt that this bill would only duplicate this effort. Vote 15-0.

SB 408-FN, requiring the department of safety to perform a background check to determine if an applicant for a motor vehicle registration is in default or has a warrant issued against the applicant. INEXPEDIENT TO LEGISLATE

Rep. Robert J. Letourneau for Transportation: This bill, while well intended, is vaguely written and is open to interpretation. Testimony revealed that the Department of Safety ran a pilot program that

indicated that the process described in this bill would not produce results that were fiscally sound. The resources needed to comply could be used more efficiently in other areas. Additionally, we learned that law enforcement is beginning to use laptop computers in their cruisers, which will aid in discovering outstanding warrants. The courts are finalizing a system to use credit cards to help alleviate court defaults. Also, SB 440, which is currently in the legislative process, deals with civil bench warrants and civil fines, and this bill has the support of the Department of Safety, and the Senate will deal with this problem using resources efficiently and effectively. Vote 15-0.

REGULAR CALENDAR

HB 1000 FN-L, relative to a 10-year transportation plan and authorizing construction on the Spaulding Turnpike. OUGHT TO PASS WITH AMENDMENT

Rep. Gene G. Chandler for Public Works and Highways: This bill represents the latest version of the state's 10-year transportation improvement program and contains listings for the major federally assisted projects and turnpike expansion projects. The "blue book" entitled State of New Hampshire Ten Year Transportation Improvement Program 1999-2008 represents an alphabetical listing of the total 10-year plan. The first few pages of the book detail how the 10-year plan is molded and how we end up with the final product. The committee did not hear any testimony justifying any change in priorities to the plan as presented, but a strong case was made to move the Manchester to Salem I-93 widening project up in the plan. However, testimony from the Department of Transportation showed a commitment to move this project along as fast as possible, but the design and environmental approval procedures are the limiting factors in how fast the widening project can occur. The I-93 process will commence very soon with a request to the Executive Council for a \$1.7 million contract for a draft environmental impact statement. One part of the amendment to the bill allows the Department of Transportation Turnpike division to use \$311,600 from turnpike surplus for radio system upgrades for the turnpike division as part of the department's overall radio system upgrade. The second part of the amendment takes into account what may be extra federal funds coming to the state over the next few years, and the committee's intent to make sure that should extra funds become available, projects in the 10-year plan would be stepped up in order of their present priorities and the whole plan would be accelerated. Vote 15-0.

Amendment (1253h)

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

AN ACT relative to a 10-year transportation plan, authorizing construction on the Spaulding Turnpike, and relative to the radio system upgrade for the department of transportation.

Amend RSA 240:1 as inserted by section 1 of the bill by replacing it with the following:

240:1 Legislative Intent. This plan is predicated on the report submitted to the legislature by the governor dated December, 1997 and is intended to serve as the guideline for transportation projects in the state for the next decade. In the event the 1998 Session of Congress authorizes and appropriates to the state of New Hampshire an amount of federal highway funding in excess of the \$90,000,000 assumed in drafting this plan, the implementation of this plan shall be expedited accordingly reflecting the priorities and sequencing identified in this plan.

Amend the bill by replacing all after section 3 with the following:

4 Funding; Radio System Upgrade. 1995, 309:4, I, A as amended by 1997,349 is repealed and reenacted to read as follows:

Radio system upgrade - statewide
\$3,036,600

Less turnpike funds (Fund 017 Retained Earnings) \$__
311,600

Net State Appropriation Subparagraph A
\$2,725,000

5 Effective Date.

I. Section 4 of this act shall take effect upon its passage.

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

AMENDED ANALYSIS

This bill updates the 10-year transportation plan to maintain the highways and bridges in the state.

The bill authorizes certain construction on the Spaulding Turnpike.

The bill also increases the sum detailed for statewide radio system upgrade for the department of transportation.

Adopted.

Report adopted and referred to Finance.

SUSPENSION OF RULES

Reps. Wheeler and Burling moved that the Rules be so far suspended as to permit consideration at the present time, without the required notice, of **SB 339-L**, 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.

Adopted by the necessary two-thirds.

REGULAR CALENDAR (CONT'D.)

SB 339-L, 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.
OUGHT TO PASS WITH AMENDMENT

Rep. Katherine D. Rogers for Public Works and Highways: This bill, as amended, is identical to HB 1100 as previously passed by the House. It will provide for the construction of a 500 bed prison facility in Berlin, remove the population cap and closing date for the Lakes Region Department of Corrections facility, authorize the Department of Corrections to establish two additional halfway houses, and appoint ten additional probation and parole officers. Vote 20-1.

Amendment (1315h)

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 June 30, 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 Winnepesaukee 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 nhct - 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

Lakes region facty educ progm

total	439,754
-------	---------

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

Rep. Paul I. LaMott for Public Works and Highways: The last capital budget appropriated funds for a new building at the Glenclyff Home for the Elderly, but, unfortunately, the low bid for the project was higher than the appropriation. This bill transfers \$490,000 from other Health & Human Services capital appropriations to allow the completion of this much needed facility at Glenclyff. The transfer comes from three projects, \$200,000 from the M & S and Thayer buildings at the NH Hospital, \$200,000 for porch renovations at Glenclyff, and \$90,000 for flooring replacement also at

Glencliff. The porch renovations and flooring replacement projects still need to be done at some future date, and undoubtedly will appear as requested items in the next capital budget. There are no immediate plans or needs to do the work at the M & S and Thayer buildings. The committee amendment requires that any state agency that wishes to lease any land, buildings or space for a period longer than five years shall be reviewed and approved by the Long Range Capital Planning and Utilization Committee prior to submission to the Executive Council, thus giving the legislative branch some input into long term leases utilized by state agencies. Vote 16-0.

Amendment (1299h)

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

AN ACT relative to capital appropriations for the Glencliff home for the elderly and relative to approval of certain leases by state agencies.

Amend the bill by replacing section 4 with the following:

4 New Section; Approval of State Agency Leases Exceeding 5 Years; Long Range Capital Planning and Utilization Committee. Amend RSA 4 by inserting after section 39-a the following new section:

4:39-b Approval of State Agency Leases Exceeding 5 Years. Any lease of land, buildings, or space to be used by any state agency, as defined in RSA 21-G:5, III, and which exceeds a term of 5 years, including all options, shall be reviewed and approved by the long range capital planning and utilization committee established in RSA 17-M prior to submission to the governor and council for approval.

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

AMENDED ANALYSIS

This bill changes certain capital appropriations to the department of health and human services to be used for the Brown building addition and renovation at the Glencliff home for the elderly.

The bill also requires approval by the long range capital planning and utilization committee of certain leases by state agencies.

Adopted.

Report adopted and referred to Finance.

REMOVED FROM THE TABLE

Rep. Pfaff moved that ***HB 1520-FN***, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be removed from the table. (Pending question is the adoption of the committee amendment.)

Adopted.

Rep. Arndt moved that the Committee amendment be adopted.

Amendment (0692h)

Amend the bill by replacing section 4 with the following:

4 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) [~~\$500,000~~] **\$625,000** in a state primary election.

(b) [~~\$500,000~~] **\$625,000** in a state general election.

I-a. For United States senator:

(a) [~~\$500,000~~] **\$625,000** in a state primary election.

(b) [~~\$500,000~~] **\$625,000** in a state general election.

II. For representative to Congress:

(a) [~~\$250,000~~] **\$350,000** in a state primary election.

(b) [~~\$250,000~~] **\$350,000** in a state general election.

III. For executive council:

(a) \$50,000 in a state primary election.

(b) \$50,000 in a state general election.

IV. For state senate:

(a) \$20,000 in a state primary election.

(b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) \$.50 per registered voter in the district or the county in a state primary election.

(b) \$.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a

state primary or a state general election made by a candidate and those made on ~~[his]~~ ***the candidate's*** behalf by ~~[his]~~ ***the candidate's*** committee or committees, ~~[his]~~ ***the candidate's*** party, and ~~[his]~~ ***the candidate's*** immediate family. ***For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.*** Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

Amend the bill by deleting section 5 and renumbering the original sections 6-7 to read as 5-6, respectively.

Amend the bill by replacing section 5 with the following:

5 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor and executive council shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. Candidates or candidates' committees for state senate may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. The secretary of state is encouraged to make available on the Internet all campaign reports filed on a computer disk on the third business day after the filing is due. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations;

II. Replaces the notarization with an oath on primary petitions;

III. Requires primary petitions to be filed alphabetically;

IV. Increases primary expenditure limitations for governor, United States senator, and representative to Congress;

V. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy;

VI. Requires certain candidates to file reports on a computer disk for the 1998 election cycle; and

VII. Encourages the secretary of state to post campaign disclosure information relating to the 1998 election on the Internet.

The Committee amendment failed.

Rep. Arndt offered a floor amendment.

Floor Amendment (1341h)

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

1 Elections; Nominations by Primary; Filing Fees; Filing of Petitions Deleted. Amend RSA655:19, I 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 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) For governor, United States senator, and representative to Congress, \$5,000.

(b) For executive councilor, \$500.

(c) For county officer, \$100.

(d) For state senator, \$100.

(e) For state representative, \$25.

2 Elections; Nominations by Primary; Waiver of Filing Fee and Primary Petitions; Petitions Deleted. Amend RSA 655:19-b to read as follows:

655:19-b Waiver of Filing Fee ~~[and Primary Petitions]~~.

I. A candidate for any of the offices enumerated in RSA 655:19 who, pursuant to RSA664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b shall have the filing fee under RSA 655:19 either waived or refunded~~[-and shall have the requirement for filing petitions under RSA 655:20 waived]~~, as provided in paragraph II.

II. If a candidate files the affidavit as specified in RSA 664:5-a at the time he *or she* files the declaration of candidacy or declaration of intent, the filing fee required under RSA 655:19 ~~[and the petitions required to be filed under RSA 655:20]~~ shall be waived. If such affidavit is filed within 3 days following the filing of the declaration of candidacy, the appropriate officer shall refund the filing fee paid by the candidate as soon as practicable.

3 Elections; Nominations by Primary; Administrative Assessment, Primary Petitions and Nomination Papers; Reference Deleted. Amend RSA 655:19-c, I to read as follows:

I. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of candidacy shall pay the administrative assessment in paragraph I or file primary petitions as provided in paragraph III in addition to the filing fee ~~[and primary petition]~~ requirements of RSA 655:19 ~~[and 655:20]~~. Candidates for governor, United States senator, representative to Congress, executive councilor, state senator, county officer, and state representative who file declarations of

intent shall pay the administrative assessment in paragraph I in addition to the filing fee required by RSA655:19 and shall meet the requirements of RSA 655:40-45 for nomination by nomination papers. Neither the administrative assessment which is paid nor the primary petitions which are filed under this section, nor the nomination papers which must be submitted under RSA 655:41 and filed under RSA 655:43, shall be waived or refunded for a candidate for any of the offices listed in this section who, pursuant to RSA 664:5-a, voluntarily accepts the expenditure limitation set forth in RSA 664:5-b. At the time of filing declarations of candidacy or declarations of intent, the administrative assessment shall be as follows:

- (a) For governor and United States senator, \$100.
- (b) For representative to Congress, \$50.
- (c) For executive councilor, \$25.
- (d) For state senator, \$10.
- (e) For county officer, \$10.
- (f) For state representative, \$2.

4 Primary Petition Form Modified. Amend RSA 655:21 to read as follows:

655:21 Form. Primary petitions shall be made in the following form:

State of New Hampshire

County of....., ss.

City (Town) of

I do hereby join in a petition for the printing on the primary ballot of the name of whose domicile is in the city (town) of (ward, street and number, if in a city), in the county of, for the office of to be voted for on Tuesday, the day of September, 19....., and certify that I am qualified to vote for a candidate for said office, that I am a registered member of the party, and am not at this time a signer of any other similar petition for any other candidate for the above office; that my domicile is in the city (town) of (ward, street and number, if in a city), in the county of I certify that to my knowledge the above-named candidate is not a candidate for incompatible offices as defined in RSA655:10, and that he ***or she*** is not a federal employee which makes him ***or her*** ineligible to file as a candidate for this office. I further certify that I believe the above-named person is especially qualified to fill said office.

I hereby swear, under penalty of perjury, that the information above is true and correct to the best of my knowledge and belief.

.....

Print Voter's name

.....

Voter's Signature

~~[State of New Hampshire~~

~~County of, ss.~~

~~City (town) of, 19.....~~

~~The above named, ..., personally known to me, appeared and made oath that the above petition, by him subscribed, is true.~~

~~_____ Before me,~~

~~_____~~

~~Justice of the Peace or Notary Public]~~

5 Elections; Nominations by Primary; Number of Petitions; Nonacceptance of Expenditure Limitations Reference Deleted. Amend RSA 655:22 to read as follows:

655:22 Number of Petitions. The number of primary petitions to be filed for each office under RSA 655:20 shall be as follows: for governor and United States senator, 2,000; for representative in Congress, 1,000; for executive councilor, 500; for county officer, 100; for state senator, 100; for state representative, 10. Candidates for delegate to the state convention shall not be required to submit any primary petitions. ~~[The provisions of this section shall apply to candidates who do not, pursuant to RSA 664:5-a, voluntarily accept the expenditure limitations set forth in RSA 664:5-b.]~~ Primary petitions filed under this section shall be in addition to the number of petitions filed under RSA 655:19-c.

6 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.

7 Elections; Political Expenditures and Contributions; Definitions; Candidate. RSA 664:2, II is repealed and reenacted to read as follows:

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 shall be deemed to be a candidate:

(a) Upon filing for candidacy during the filing period set forth in RSA 652:21;

(b) If the person has received contributions aggregating in excess of \$5,000 or made expenditures aggregating in excess of \$5,000, for the purpose of exploring the person's candidacy for political office; or

(c) If the person has given his or her consent to another person or political committee to receive contributions or make expenditures on behalf of the person for the purpose of exploring the person's candidacy for political office and the other person has received such

contributions aggregating in excess of \$5,000 or has made such expenditures aggregating in excess of \$5,000, whichever occurs first.

8 Elections; Political Expenditures and Contributions; Definitions; Independent Expenditures. Amend RSA 664:2, XI to read as follows:

XI. "Independent expenditures" means expenditures by a person, political committee, or other entity ~~[expressly]~~ advocating the election or defeat of a clearly identified candidate which are **not** made ~~[without cooperation or consultation]~~ **in conjunction or in coordination** with any candidate, or any authorized committee or agent of such candidate, and which are not made in ~~[concert]~~ **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.

9 New Paragraph; Elections; Political Expenditures and Contributions; Definitions; Coordinated Expenditure. Amend RSA 664:2 by inserting after paragraph XVI the following new paragraph:

XVII. "Coordinated expenditure" means an expenditure by a political party, a 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 of the candidate. Any expenditure that is not an independent expenditure or direct expenditure shall be considered to be a coordinated expenditure.

10 Political Expenditure Limitation Amounts. Amend RSA 664:5-b to read as follows:

664:5-b Political Expenditure Limitation Amounts. Total expenditures by a candidate who voluntarily agrees to limit campaign expenditures as provided in RSA 664:5-a shall be as follows:

I. For governor:

(a) ~~[\$500,000]~~ **\$625,000** in a state primary election.

(b) ~~[\$500,000]~~ **\$625,000** in a state general election.

I-a. For United States senator:

(a) ~~[\$500,000]~~ **\$625,000** in a state primary election.

(b) ~~[\$500,000]~~ **\$625,000** in a state general election.

II. For representative to Congress:

(a) ~~[\$250,000]~~ **\$350,000** in a state primary election.

(b) ~~[\$250,000]~~ **\$350,000** in a state general election.

III. For executive council:

(a) \$50,000 in a state primary election.

(b) \$50,000 in a state general election.

IV. For state senate:

(a) \$20,000 in a state primary election.

(b) \$20,000 in a state general election.

V. For representative to the general court and all county offices, based upon the latest figures filed with the secretary of state:

(a) \$.50 per registered voter in the district or the county in a state primary election.

(b) \$.50 per registered voter in the district or the county in a state general election.

VI. For the purposes of this section, RSA 664:5-a and the enforcement provisions of this chapter, "total expenditures" shall mean the sum of all expenditures made to influence either a state primary or a state general election made by a candidate and those made on ~~his~~ **the candidate's** behalf by ~~his~~ **the candidate's** committee or committees, ~~his~~ **the candidate's** party, and ~~his~~ **the candidate's** immediate family. ***For candidates for governor, United States senator, and representative to Congress, "total expenditures" shall include any such expenditures made after January 1 of the election year, regardless of when the person actually declares his or her candidacy.*** Each campaign expenditure limitation amount shall apply solely and independently to either the state primary election or the state general election.

11 Elections; Political Expenditures and Contributions; Reports; Reporting by Political Committee; Reporting by Candidates. RSA 664:6-7 are repealed and reenacted to read as follows:

664:6 Reporting by Political Committee.

I. Any political committee whose receipts of contributions or whose expenditures, including, without limitation, coordinated and independent expenditures on behalf of candidates and general operating expenditures of the committee, in support of or in opposition to a candidate, measure, or political party, exceed in the aggregate \$500, shall file with the secretary of state an itemized statement, in accordance with the provisions of RSA 664:7-b. The statement shall be signed by the chairperson and treasurer of the political committee and shall list each contribution, in alphabetical order by the last name of the contributor, with the amount of the contribution, the date it was received, all of the information as is set forth in RSA 664:7-b, 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. The statement shall contain the date of each expenditure, the name and address of the person or entity to whom each 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 of contributions and expenditures made 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 of contributions and expenditures made 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 or contributions exceeding \$500 in the aggregate which is received after the statement under this paragraph is filed and prior to the day of primary 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 of contributions and expenditures made since the cutoff of the previous report up until the Monday preceding the filing of the statement, shall be filed with the secretary of state before 5 o'clock in the afternoon on each of the following days: the Wednesdays 4 weeks, 2 weeks and immediately preceding the general election and the Wednesday 2 weeks after the general election. In addition to the reporting requirements contained in this section, during the last week before the general election, the secretary of state shall be notified by the fiscal agent within 24 hours of any contribution or contributions exceeding \$500 in the aggregate which are received after the statement under this paragraph is filed and prior to the day of the general election.

V. Any political committee whose receipts of contributions or expenditures in the aggregate do not exceed \$500 for a reporting period need not file. However, when a committee's accumulated receipts of contributions or expenditures for an election in the aggregate exceed \$500 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 RSA 652:11 may make contributions or expenditures on behalf of state candidates without complying with the requirements of paragraphs I through VI, 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 664:4.

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 of contributions and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, 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.

664:7 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 receives contributions or makes expenditures in the aggregate that exceed \$500, shall file statements before and after an election in like manner and detail as prescribed in RSA 664:6 I, II, III, IV, V , and VI, excepting, however, the expenditures of political committees of the party to which the candidate belongs in elections other than primaries.

II. 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, shall report contributions and expenditures exceeding \$500 in the aggregate in like manner and detail as prescribed in RSA 664:6, I, except that the filing of statements for these offices shall be limited to one week and three weeks after the general election and one week after the election for these offices.

III. The candidate shall report all contributions received and expenditures made for the purpose of exploring or promoting such candidacy in the first report filed.

12 New Sections; Elections; Political Expenditures and Contributions; Reports; Form of Contributions; Content of Disclosure Reports; Campaign Finance Disclosure Record. Amend RSA664 by inserting after section 7 the following new sections:

664:7-a Form of Contributions. No contribution may be accepted unless accompanied by the disclosure information set forth in RSA 664:7-b

664:7-b Content of Disclosure Reports. All contributions reported pursuant to RSA 664:6 or RSA 664:7 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. Contributions shall be categorized as 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 664:2, IX and XVII shall be reported in similar detail on forms or other means prescribed by the secretary of state.

664:7-c Campaign Finance Disclosure Record.

I. Disclosure reports required under RSA 664:6 and RSA 664:7 of candidates for governor, United States senator, and representative to Congress may be filed in electronic format. The secretary of state shall enter these reports into an electronic campaign finance disclosure record. The secretary of state shall ensure that these disclosure reports are available through the Internet site of the state of New Hampshire. Such reports shall also be available for paper or electronic copying at a reasonable cost.

II. The secretary of state shall compile and maintain separate cumulative disclosure reports filed under this act by political committees, political action committees, political committees of political parties, and candidates for executive councilor, state senator, state representative, county office, and the offices referenced in RSA 664:7, II.

13 Elections; Political Expenditures and Contributions; Reports; Social Activities. RSA 664:10 is repealed and reenacted to read as follows:

664:10 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 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.

14 Campaign Disclosure Information; 1998 Election Cycle. For the 1998 election cycle, each candidate or candidate's committee for governor shall file the reports required by RSA 664:7 on a computer disk, in addition to a paper copy. All other state candidates or state candidates' committees may file their reports, as required by RSA 664:7, on a computer disk, in addition to a paper copy. Campaign finance filings for United States Senate and representatives to Congress shall be available through a link from the secretary of state's website to the Federal Election Commission.

15 Repeal. RSA 655:20, II, relative to primary petitions to be filed by candidates who do not voluntarily accept expenditure limitations, is repealed.

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

AMENDED ANALYSIS

This bill:

I. Modifies the language required on primary petitions for candidates that do not voluntarily accept expenditure limitations.

II. Replaces the notarization with an oath on primary petitions.

III. Requires primary petitions to be filed alphabetically.

IV. Modifies the definitions of "candidate" and "independent expenditures" and defines "coordinated expenditure."

V. Modifies the reporting requirements for political committees and candidates.

VI. Increases total expenditure limitations for candidates for governor, United States senator, and representative to Congress who voluntarily agree to limit campaign expenditures.

VII. Specifies that any expenditures made after January 1 of the election year shall be counted towards expenditure limitations for governor, United States senator, and representative to Congress, regardless of when the person actually declares his or her candidacy.

VIII. Repeals the requirement that candidates who do not voluntarily accept expenditure limitations must file supplemental primary petitions.

IX. Allows candidates for governor, United States senator, and representative to Congress, to file campaign disclosure reports in electronic format.

X. Prohibits accepting contributions unaccompanied by disclosure information.

XI. Requires the secretary of state to compile and maintain cumulative disclosure reports.

Reps. Buckley and Arnold spoke in favor and yielded to questions.

LAID ON THE TABLE

Rep. Arnold moved that ***HB 1520-FN***, relative to primary petitions, political expenditures, and the jurisdiction of the ballot law commission, be laid on the table.

Adopted.

RESOLUTION

Rep. Wheeler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourns today it be to meet Thursday, April 23, 1998 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

SB 315, relative to divorce proceedings.

SB 350, relative to probate court procedures.

SB 327-L, allowing local political subdivisions to adopt biennial budgets.

SB 338, relative to special meetings.

SB 390, relative to the application of the law governing foreign business entities to a merger or other reorganization of a gas utility.

SCR 6, a urging Congress to establish a centralized registry for security interests in intellectual property to be located in New Hampshire.

SB 339-L, 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.

UNANIMOUS CONSENT

Reps. D'Allesandro, Vaughn and Burling addressed the House.

Rep. Weyler moved that the remarks made by Rep. Vaughn be printed in the Journal.

Adopted.

Rep. Vaughn: Thank you very much, indeed, Madam Speaker and my honorable colleagues and you are, indeed, all honorable. I rise today to mention the fact that the Veteran's Administration has designated April as Prisoner of War month. On this occasion, the Senator from Arizona, John McCain, is opening a POW museum in Andersonville, Georgia. Many of you will recall the great Civil War prison where many, many Union soldiers died of deprivation and starvation. I think that Senator McCain exemplifies the American spirit, a sense of freedom, for the seven years that he put in in the prison camp up in Hanoi. I also want to mention the fact that the Veteran's Administration here in the state of New Hampshire has a get-together here on the 17th of April and I will have that information later. But, let me read one statement in closing that I think all POWs remember and why so many of them give service to their state and nation. This is something that General Omar Bradley said in one of the books that he wrote, and I quote "Of Athenians, in the end, more than they wanted freedom they wanted security. They wanted a comfortable life and they lost it all; security, comfort and freedom. When the Athenians finally wanted not to give to society but society to give to them and when the freedom they wished for most was freedom from responsibility, then Athenians ceased to be free". Thank you.

Rep. Lozeau moved that the remarks made by Rep. Letourneau on March 25, 1998 be printed in the Journal.

Adopted.

Thank you, Madam Speaker. Fellow legislators, today we passed a bill that will include our state motto "Live Free or Die" on all official state plates just as we do on general issuance plates. Those of us that seek re-election this year and are successful will see that motto on our legislative plates next year. I thought it would be appropriate at this time to give a brief history of our motto for those of us that may not be familiar with it. In July of 1777, Vermont sent an appeal to this assembly for assistance in defeating General Burgoyne's march down Champlain Valley. John Langdon, the Speaker of the House, urged them to comply. In a speech attributed to him by Issac Hill, Langdon reputedly said, "I have a thousand dollars in hard money; I will pledge my plate for three thousand more. I have seventy hogsheads of Tobago rum which will be sold for the most it will bring. They are at the service of the state. If we succeed in defending our firesides and our homes, I may be remunerated. If we do not then the property will be of no value to me." To lead these troops the assembly persuaded John Stark, who had served in the French and Indian wars with Rogers Rangers, to come out of retirement. Stark not only had experience, he was a wily tactician and charismatic leader who kept his troops together when most commanders could not. The colorful Stark, who once fought his way through an Indian gauntlet yelling "I'll kiss all your women!", had, according to Colonel Potter, attracted fourteen companies to his standard in as many days after the first battle at Lexington. Now he had no trouble finding volunteers to follow him to Bennington. Stark fought the British and the Hessians from the woods as he had the French and Indians, rallying his men with the cry, "There my boys, are your enemies, the red-coats and Tories; you must beat them or Molly Stark sleeps a widow tonight." This battle, fought on August 16, 1777, turned out to be a pivotal point in the Revolution. John Stark was promoted to Brigadier General in the Continental Army and became New Hampshire's most distinguished hero in the Revolutionary War. In 1809 General Stark was invited to be the keynote speaker at the 32nd anniversary reunion of the Battle of Bennington. He declined because of poor health. However he sent a toast to his wartime comrades, "Live free or Die; Death is Not the Worst of Evils." The following year, a similar invitation (also declined) said; "The toast, Sir, which you sent us in 1809, will continue to vibrate with unceasing pleasure in our ears, Live Free or Die; Death is not the Worst of Evils." In 1945 this legislature was considering a state motto, the last state to do so. The Manchester Union Leader sponsored a contest that had 3,500 responses, and a board of judges settled on "Strong and Steadfast as the Granite Hills," as proposed by Professor Curtis Page of Gilmanton, a former State Senator. The Senate approved Page's suggestion on May 2nd. It was then upset in the House of Representatives the following afternoon. Speaking for patriotic groups, Rep. Walker Wiggin of

Manchester led a successful floor fight to substitute the "Live free or Die" toast for the motto. Rep. John Chandler of Warner also vigorously supported the Wiggin move. It was approved by the House in a lopsided vote of 179-85. The Senate promptly concurred without argument. In 1969, this legislature, led by Rep. Robert Lawton of Laconia, voted to place Stark's motto on all non-commercial motor vehicle plates, beginning in 1970. There have been several unsuccessful attempts to remove the motto from our plates. Throughout the course of our Nation's history, citizens of New Hampshire and other states have been called upon to defend America's freedom. Many of these men and women have paid the ultimate sacrifice to retain our freedom. It would be a dishonor to these men and women to speak in disrespect of this motto. Thank you for your indulgence.

Clerk's note: The remarks made by Rep. Letourneau are printed here for the benefit of the members. In the Permanent Journal they will appear in the Journal of March 25th.

RECESS MOTION

Rep. Wheeler moved that the House stand in recess for the purpose of introduction of bills, enrolled bill amendments and enrolled bill reports only.

Adopted.

The House recessed at 11:50 a.m.

RECESS

BILLS SIGNED BY THE GOVERNOR

Chap. 6, **SB 307**, relative to the display of the POW-MIA flag. (eff. 5/25/98)

Chap. 7, **HB 517**, relative to sentencing for aggravated felonious sexual assault when the victim is less than 13 years of age. (eff. 1/1/99)

Chap. 8, **HB 1151**, relative to the testing of certain domestic animals. (eff. 5/29/98)

Chap. 9, **HB 1168**, relative to municipal economic development and revitalization districts. (eff. 5/29/98)

Chap. 10, **HB 1249**, requiring budget line item appropriations for individual and department dues to national and regional organizations paid from state resources. (eff. 5/29/98)

Chap. 11, **HB 1351**, extending "The Laboratory for New Ideas in Information Technology" pilot project. (eff. 3/30/98)

Chap. 12, **HB 443**, relative to push-polling. (eff. 4/1/98)

Chap. 13, **HB 659**, modifying restrictions on televised political advertising. (eff. 5/31/98)

Chap. 14, **HB 670**, prohibiting telephone solicitors from using caller identification blocking services. (eff. 1/1/99)

Chap. 14, **SB 305**, naming the bridge over the Souhegan River on the F.E. Everett turnpike in the town of Merrimack, New Hampshire, Merrill's Marauders bridge. (eff. 5/31/98)

