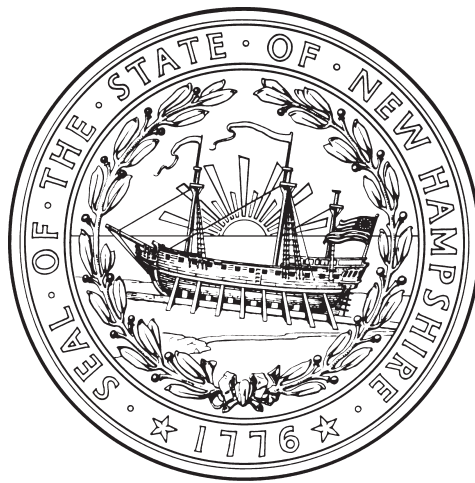


June 6, 2007  
Nos. 19 - 20

# STATE OF NEW HAMPSHIRE

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Legislative

## SENATE JOURNAL

ADJOURNMENT – MAY 31, 2007 SESSION  
COMMENCEMENT – JUNE 6, 2007 SESSION

# SENATE JOURNAL 19 (*Cont.*)

*May 31, 2007*

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in the passage of the following entitled Bills sent down from the Senate:

**SB 30**, combining the judicial branch salary adjustment fund and the judicial branch benefit adjustment account into a single fund.

**SB 33-FN**, equalizing the pay of administrative judges in the judicial branch.

**SB 42-FN**, prohibiting smoking in restaurants, cocktail lounges, and certain enclosed public places.

**SB 53**, relative to membership of the board of trustees of the regional community-technical colleges.

**SB 56**, relative to Old Drewsville Road in the town of Walpole.

**SB 81**, relative to the state building code.

**SB 95**, relative to bingo games conducted by senior citizens' organizations.

**SB 107**, authorizing the judicial branch family division and the superior court to use bail commissioners in civil cases.

**SB 113-FN**, relative to the position of special justice in the district court.

**SB 128-FN**, establishing an enhanced penalty for injuring another as a result of resisting arrest.

**SB 135**, establishing a commission to study lowering costs of health insurance for small businesses.

**SB 139-FN**, relative to the asset transfer penalty in Medicaid.

**SB 182**, establishing a committee to study the confidentiality of health care records in abuse and neglect proceedings.

**SB 184-FN**, relative to residential home care services providers.

**SB 207**, extending the committee to study the funding necessary to operate the hazardous materials program in New Hampshire.

**SB 231**, exempting certain department of corrections practices and procedures from the provisions of RSA 541-A.

**SB 241**, relative to availability of cable television in manufactured housing parks.

**SB 245**, relative to the New Hampshire college tuition savings plan.

**SB 254**, relative to legal representation during contract negotiations.

**SB 258**, relative to reliance on ethics committee advisory opinions.

**SB 260-FN**, relative to the location and budget practices of the lottery commission.

**SB 265-FN**, relative to the state apprenticeship council and the regulation of apprenticeship programs.

**SCR 3**, urging preservation of traditional powers of state and local governments under international trade agreements.

**SCR 4**, calling on the President and the Congress to fully fund the federal government's share of special education services in public elementary and secondary schools in the United States under the Individuals with Disabilities Education Act.

## HOUSE MESSAGE

The House of Representatives concurs with the Senate in its amendments to the following entitled House Bills sent down from the Senate:

**HB 46-FN-A-L**, making an appropriation to fund kindergarten programs in the Merrimack, Hampstead, Goffstown, Fremont, and Timberlane regional school districts.

**HB 56**, relative to the definition of agritourism.

**HB 64-FN**, relative to driving a commercial motor vehicle while violating an out-of-service order.

**HB 86**, establishing a committee to study educational and social services programs that serve families with children 6 years old and younger.

**HB 104-FN**, relative to renewal of drivers' licenses by certain national guard members.

**HB 142**, relative to the sale of out-of-state animals.

**HB 188**, excluding certain watercraft from the definition of ski craft.

**HB 207**, establishing a commission to study and make recommendations on the expansion of the New Hampshire Agricultural Innovation Program.

**HB 218**, relative to chief firewards, engineers, or fire chiefs.

**HB 226**, relative to the investment of trust funds.

**HB 247**, allowing surviving spouses to retain temporarily special number plates for veterans.

**HB 256**, relative to the duties and powers of town treasurers and the notification of a vote taken by the town of Barrington.

**HB 273-FN**, relative to special needs trusts.

**HB 286-FN**, relative to a Medicaid waiver for family planning services.

**HB 303**, allowing Sunday dancing and repealing the prohibition on transporting moving picture films aboard passenger train cars.

**HB 426**, relative to workers' compensation rates and resolution of disputes relative to classification of employees or independent contractors.

**HB 466-L**, relative to removing abandoned vehicles and moving improperly parked vehicles in state park and ride lots.

**HB 482**, adding the song "Live Free or Die" as an official state song.

**HB 495-FN**, relative to criminal record and central registry checks of prospective foster and adoptive parents and relative to the custody of a child placed by the court in a delinquency proceeding or a proceeding for a child in need of services (CHINS).

**HB 499**, relative to the innovation research center.

**HB 543**, establishing a committee to study the licensing process for licensed alcohol and drug counselors.

**HB 551**, allowing cities and towns to use capital reserve funds for debt repayment.

**HB 590-FN**, changing the state migratory waterfowl stamp into a license issued by the fish and game department.

**HB 648**, establishing a commission to develop a comprehensive flood management plan and requiring a no wake order on Silver Lake at a certain water level.

**HB 719**, relative to the statute of limitations for fire code violations and placing restrictions on an exception for the storage of black gunpowder by historical reenactors and certain nonprofit entities.

**HB 782-FN**, relative to reinsurance intermediaries, conduct of examinations, and certain business transfer tax credits.

**HB 790-FN**, relative to dependent coverage for health insurance and establishing the joint legislative oversight committee on insurance expansion initiatives.

**HB 921-FN**, making technical changes in the insurance laws.

**HB 926-FN**, relative to the regulation of pharmacies and pharmacists.

#### HOUSE MESSAGE

The House of Representatives refuses to concur with the Senate in the passage of the following entitled Bills sent down from the Senate:

**SB 57**, requiring a course in civics for high school graduation.

**SB 70-FN**, relative to external review for disability income policies.

**SB 119**, establishing a committee to study the oversight of municipal capital reserve funds.

**SB 129-FN**, requiring interpretation services upon request for persons receiving medical treatment.

**SB 149**, relative to the 2 family support councils for the developmentally disabled serving Lebanon and Claremont.

**SB 183-FN**, requiring health insurance plans for family coverage to extend to dependent under age 26.

**SB 208**, relative to court review of certain planning and zoning decisions.

**SB 220**, establishing a commission to study the feasibility of establishing a public review board for health insurance rate increase requests.

**SB 247**, establishing a committee to study the adjudication of land use issues and ordinance violations.

### **REPORT OF COMMITTEE ON ENROLLED BILLS**

The Committee on Enrolled Bills has examined and found correctly Enrolled the following entitled House and/or Senate Bill(s):

**HB 32**, establishing a commission to study voter registration cards.

**HB 61**, designating segments of the Ammonoosuc River into the rivers management protection program.

**HB 71**, prohibiting the sale, rent, lease, transfer, or distribution of records, information, or lists of licensed dog owners in New Hampshire to another person by the town clerk's office.

**HB 126**, relative to the definition of "school."

**HB 135**, establishing the second Sunday in October as Firefighters Memorial Day.

**HB 144**, relative to operation of boats on Spectacle Pond.

**HB 191**, relative to the authority to unseal ballots following a state election.

**HB 213**, relative to the availability of school nutrition program funds for charter school and nonpublic schools.

**HB 217**, establishing a committee to study the New Hampshire park and ride program.

**HB 227**, relative to identity theft.

**HB 249**, relative to preliminary objections to rules made by the joint legislative committee on administrative rules, and relative to extending the study committee on the rules process.

**HB 251**, relative to the authority of the agricultural advisory board.

**HB 312-FN**, relative to alternative providers for certain health services.

**HB 338**, requiring the plumbers' board to report on the feasibility of reestablishing reciprocity with neighboring states in licensing of plumbers.

**HB 362**, relative to the advisory committee on quality of vital records information.

**HB 418**, relative to RV friendly highway signs.

**HB 440-FN**, relative to the authority to quarantine to prevent dissemination of forest pests, relative to police training for forest rangers, and relative to forest resources and timber harvesting.

**HB 459**, relative to the identification of wells and monitoring wells.

**HB 542**, establishing a study committee to study the approval process of nursing education programs and allowing registered nurses to pronounce an anticipated death in an assisted living residence.

**HB 547-FN**, relative to the inspection of trucks.

**HB 556**, relative to school emergency response plans.

**HB 636-FN**, relative to physician credentialing under the managed care law.

**HB 705**, relative to the disposal of highway or turnpike funded real estate.

**HB 859**, relative to the definitions of agriculture and farming in the motor vehicle laws.

**HB 889-FN**, relative to securities regulation.

**HB 907-FN**, relative to the sale and distribution of certain mercury-added products.

**SB 28**, redefining the “board of the public employer for the judiciary” in public employee collective bargaining.

**SB 40**, relative to the modular building code.

**SB 50**, relative to the membership of the state veterans’ advisory committee and authorizing the state veterans council to accept certain donations and bequests.

**SB 65-FN**, requiring that the state provide 21 days’ written notice to the defendant prior to jury selection for his or her trial of the state’s request for an extended term of imprisonment.

**SB 80**, relative to qualified minor’s trusts.

**SB 87**, making technical corrections to certain lottery commission provisions.

**SB 99**, relative to the terms for payment in lieu of taxes for renewable generation facilities.

**SB 100**, relative to the authority of a real estate escrow agent to hold funds in the event of a dispute.

**SB 104**, relative to the directory of charitable trusts.

**SB 105**, repealing the bond requirement for fund raising counsel of a charitable trust.

**SB 108**, making technical corrections to the probate laws.

**SB 124**, changing the membership of the economic development matching grants screening committee.

**SB 132-FN**, allowing marital masters to be reimbursed for certain expenses and repealing a provision permitting court stenographers to be reimbursed for expenses.

**SB 145-FN**, allowing marital masters and registers and deputy registers of probate to perform notarial acts.

**SB 193**, relative to adjustments to the child support guidelines under special circumstances.

**SB 194**, establishing a commission to study the trafficking of persons across borders for sexual and labor exploitation.

**SB 195-FN**, relative to unemployment benefits for persons needed to care for family members who are disabled.

**SB 221**, establishing a commission to organize events in celebration of the Abraham Lincoln bicentennial.

**SB 234-FN**, relative to privileges, benefits, and immunities for national guard members.

**SB 261**, naming the state law library the John W. King law library.

Senator D’Allesandro moved adoption.

**Adopted.**

**Out of Recess.**

#### **LATE SESSION**

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

**Adopted.**

**Adjournment.**

# **SENATE JOURNAL 20**

*June 6, 2007*

The Senate met at 12:00 p.m.

A quorum was present.

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

*Mysterious God, You ennoble the opportunities of the many with the unimaginably courageous actions of the few. Give us the brave wisdom we need to be continually aware of those things we choose to do and to say and to be in the moments of our lives, that they may become worth what they have cost others to make possible. Amen*

Senator Estabrook led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS SPECIAL ORDER

**Senator Larsen moved that without objection HB 383 be Special Ordered to the Session on June 7, 2007 together with related issue HB 663.**

**HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.

**Senator Gottesman Rule #42 on HB 383.**

### COMMITTEE REPORTS

**HB 137**, relative to food safety in restaurants. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 5-1. Senator Roberge for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 203**, relative to protections for temporary workers. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 6-0. Senator Cilley for the committee.

**Commerce, Labor and Consumer Protection**

**May 29, 2007**

**2007-1953s**

**06/09**

### Amendment to HB 203

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

AN ACT relative to protections for day labor workers.

Amend RSA 275:67, IV as inserted by section 1 of the bill by replacing it with the following:

IV. "Temporary worker employer" means any person or entity whose business consists primarily of:

(a) Recruiting and hiring its own employees;

(b) Locating organizations requiring the services of those employees;

(c) Assigning those employees to work for those organizations to support or supplement such organizations' workforces, or to provide assistance in special work situations such as, but not limited to, employee absences, skill shortages, seasonal workloads, or to perform special assignments or projects;

(d) Placing on assignment individuals who are employed in a professional, administrative, accounting, finance, medical, nursing, technology, legal, clerical, skilled manufacturing, or sales function; and

(e) Attempting to reassign the employees to other organizations at the completion of each assignment.

Amend RSA 275:68, III as inserted by section 1 of the bill by replacing it with the following:

III. Under no circumstances shall a temporary help service charge a direct or indirect fee that exceeds \$1.50, but shall equal the loose change amount only between \$1.01 and \$1.50 as they may apply for the cashing of paychecks, vouchers, or any other means of payment.

### MOTION TO TABLE

**Senator Cilley moved to have HB 203 laid on the table.**

**Adopted.**

### LAID ON THE TABLE

**HB 203**, relative to protections for temporary workers.

**HB 232**, relative to retaliatory rent increases and mediation of manufactured housing park disputes. Commerce, Labor and Consumer Protection Committee. Re-refer to committee, Vote 6-0. Senator Cilley for the committee.

**Adopted.**

**HB 232 is re-referred to the Commerce, Labor and Consumer Protection Committee.**

**HB 236**, relative to the use of "farmer's markets" in trade names. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 6-0. Senator DeVries for the committee.

**Adopted.**

**Ordered to third reading.**



**HB 254**, relative to mandatory employer meetings about political and religious beliefs, including beliefs about joining a union. Commerce, Labor and Consumer Protection Committee. Re-refer to committee, Vote 5-1. Senator DeVries for the committee.

**Adopted.**

**HB 254 is re-referred to the Commerce, Labor and Consumer Protection Committee.**

**HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session. Commerce, Labor and Consumer Protection Committee. Ought to pass with amendment, Vote 5-0. Senator Reynolds for the committee.

**Commerce, Labor, and Consumer Protection**

**May 29, 2007**

**2007-1931s**

**01/09**

#### **Amendment to HB 305**

Amend subparagraph I(b) of section 1 of the bill by replacing it with the following:

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

Amend paragraph III of section 1 of the bill by replacing it with the following:

III. All members of the task force shall be voting members.

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

2 Duties. The task force shall analyze and evaluate options and programs for expanding access to affordable health insurance and develop legislation to be proposed in the 2008 and 2009 legislative sessions. Such analysis and evaluation shall include the review of:

I. Laws in other states regarding access to affordable health insurance.

II. Expansion of the New Hampshire healthy kids corporation.

III. Any other matters that the task force deems necessary.

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

4 Report. The task force shall make an interim report with its findings and any recommendations for proposed legislation for the 2008 legislative session on or before November 1, 2007, and a final report with its findings and any recommendations for legislation on or before November 1, 2009 to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library.

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

**Amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 797**, regulating mandatory overtime for nurses and assistants. Commerce, Labor and Consumer Protection Committee. Ought to Pass, Vote 3-2. Senator Cilley for the committee.

**Senator Roberge offered a floor amendment.**

**Sen. Roberge, Dist. 9**

**June 5, 2007**

**2007-2069s**

**10/03**

#### **Floor Amendment to HB 797**

Amend RSA 275:67, II as inserted by section 1 of the bill by replacing it with the following:

II. The prohibition against mandatory overtime shall not apply in the case of:

(a) A nurse participating in surgery, until the surgery is completed;

(b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;

(c) A public health emergency;

(d) An institutional emergency, such as adverse weather, a catastrophe, or illness, that a facility administrator believes will reduce the number of nursing personnel available for a scheduled shift to an unsafe level;

(e) An unscheduled absence of a subsequent worker or caregiver;

(f) Any situation where the purpose of the overtime is to prevent imminent harm to a resident or patient; or

(g) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

**The question is on the adoption of the floor amendment.**

**A roll call was requested by Senator Barnes.**

**Seconded by Senator Clegg.**

**The following Senators voted Yes: Gallus, Reynolds, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.**

**The following Senators voted No: Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.**

**Yeas: 11 - Nays: 13**

**Floor amendment failed.**

**Senator Hassan offered a floor amendment.**

**Sen. Hassan, Dist. 23**

**June 4, 2007**

**2007-2054s**

**10/04**

**Floor Amendment to HB 797**

Amend RSA 275:67, II as inserted by section 1 of the bill by replacing it with the following:

II. The prohibition against mandatory overtime shall not apply to:

(a) A nurse participating in surgery, until the surgery is completed;

(b) A nurse working in a critical care unit, until another employee beginning a scheduled work shift relieves him or her;

(c) A nurse working in a home health care setting, until another qualified nurse or customary caregiver relieves him or her;

(d) A public health emergency; or

(e) A nurse covered by a collective bargaining agreement containing provisions addressing the issue of mandatory overtime.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 848**, relative to a private right of action to recover workers' compensation coverage payments. Commerce, Labor and Consumer Protection Committee. Inexpedient to Legislate, Vote 4-2. Senator Gottesman for the committee.

**Committee report of inexpedient to legislate is adopted.**



**HB 25-FN-A**, making appropriations for capital improvements. Capital Budget Committee. Ought to pass with amendment, Vote 5-1. Senator Hassan for the committee.

**Capital Budget**  
**May 24, 2007**  
**2007-1781s**  
**10/09**

**Amendment to HB 25-FN-A**

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. Armory - Roofing Projects	\$ 600,000
B. Armory - Statewide Auxiliary Power	1,500,000
Less Federal	<u>- 750,000</u>
Net state appropriation subparagraph B	750,000
C. Armory - Alarm Fire Systems	575,000
Less Federal	<u>- 287,500</u>
Net state appropriation subparagraph C	287,500
D. NHSVC - Columbarium Expansion	765,000
Less Federal	<u>- 765,000</u>
Net state appropriation subparagraph D	0
E. 195th Training Institute Land Acquisition	3,500,000
F. Regional Training Institute Construction	38,000,000
Less Federal	<u>-38,000,000</u>
Net state appropriation subparagraph F	0
G. Mini-Excavator-Veterans' Cemetery	62,000
H. Pole Barn - Veterans' Cemetery	<u>70,000</u>
Total state appropriation paragraph I	\$ 5,269,500

II. Department of Administrative Services.

A. Bureau of Court Facilities.	
1. Hillsborough County North - Asbestos Abatement	\$ 2,000,000
2. Laconia District Court	975,000
3. Merrimack District Courthouse*	<u>7,000,000</u>
Total state appropriation subparagraph A	\$ 9,975,000

\* The sum appropriated in subparagraph A. 3 for the Merrimack district courthouse shall not be spent, obligated, or encumbered until land suitable for a standard court facility similar to the Dover district court layout has been acquired prior to July 1, 2008 provided that there is no cost of land acquisition by the state and that site work and infrastructure costs can be accomplished within the sum appropriated or the authority shall lapse.

B. Bureau of General Services.	
1. State House Annex - Renovate Restrooms	\$ 177,000
2. State House, State Library and LOB – Maintenance and Repointing	270,000
3. Safety Building - Replace HVAC Chillers	720,000
4. Monadnock Mill - New Roof	225,000
5. All State Owned Facilities	100,000
6. All State Owned Buildings - Energy Improvement Fund	250,000
7. Legislative Office Building - Replace Ice Stop System	104,000
8. Statewide Library Renovations	775,000
9. M & S Building Project Additional Renovations	<u>2,985,700</u>
Total state appropriation subparagraph B	\$ 5,606,700
Total state appropriation paragraph II	\$15,581,700
III. Department of Agriculture, Markets, and Food.	
A. NH Building at Eastern States Exposition	\$ 190,000
Total state appropriation paragraph III	\$ 190,000

## IV. Community-Technical College System.\*

A. Automotive Bldg Education and Training Center Updates - Manchester	\$ 3,000,000
B. Main Building Renovations, Interior - Berlin	1,000,000
C. Main Campus Renovations - Laconia	2,000,000
D. Wellness Student Center - Berlin	1,160,000
Less Other**	- 1,160,000

Net state appropriation subparagraph D 0

\*\*To provide funds for the appropriations made in subparagraphs D, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,160,000 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 and notes shall be made from student fees.

E. Health, Education, Technology Center - Nashua	500,000
F. Academic, Career and Health Education Center - NHTI	6,500,000
Less Federal	- 491,032
Less Other**	- 2,008,968

Net state appropriation subparagraph F 4,000,000

\*\*To provide funds for the appropriations made in subparagraphs F, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,008,968 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 and notes shall be made from donations, pledges, and grants.

G. Pease Campus Renovation - Main Campus	11,000,000
Less Other (Sale of Land) **	- 11,000,000

Net state appropriation subparagraph G 0

\*\*The proceeds from the sale of the Stratham campus land shall be used up to July 1, 2010 to offset the sum appropriated for the Pease campus renovation authorized in subparagraph G.

H. Planning Funding for Future Projects – Systemwide	250,000
I. Information Technology- Standardize System wide Network Architecture	1,000,000
J. Critical Maintenance/Repairs - Systemwide	4,000,000
K. Student Services, Nursing Lab and Classroom - Claremont	450,000
L. Christa McAuliffe Planetarium - Alan B Shepard Mem. Wing	4,263,167
Less Other**	- 4,263,167

Net state appropriation subparagraph L 0

\*\*To provide funds for the appropriations made in subparagraph L, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$4,263,167 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 and notes shall be made from the planetarium fund established in RSA 12-L:10.

Total state appropriation paragraph IV \$16,200,000

\* Notwithstanding the requirements of sections 3, 5, 8, 9, and 10 of this act, for the biennium ending June 30 2009, the appropriations made for the purposes mentioned in paragraph IV and the sums available for these projects shall be expended by the community technical college system board of trustees. The board of trustees may choose to utilize the services of the bureau of public works design and construction, department of administrative services, for any project. The community technical college system board of trustees is authorized to hire architects, professional engineers, surveyors, and contractors, in accordance with RSA 21-I:22. The board of trustees shall report on the progress of the projects in paragraph IV to the capital budget overview committee on a quarterly basis.

## V. Department of Corrections.

A. Electronic Security Upgrades - Men's Prison	\$ 350,000
B. Chiller and Tower Replacement – Men's Prison	349,400
C. Structural Wall and Beam Repair – Men's Prison	1,780,000
D. Boiler Room Upgrades – Men's and Women's Prisons	370,000
E. Roof Repairs – Men's Prison	1,300,000
F. Sewer Stormwater Water System Repairs – Lakes Region Facility*	1,300,000

\*The department shall seek and apply for federal matching funds and state revolving funds for the project in subparagraph F. Any matching funds received shall reduce the state appropriation as provided in section 9 of this act.

G. Residential Treatment Unit, Phase 1 - Concord	1,480,000
H. Comprehensive Master Plan and Secure Psychiatric Care*	500,000
* The comprehensive master plan shall include planning for the expansion of the maximum security unit in Berlin and planning for a minimum security unit in Berlin, and shall consider how to best house non-violent offenders.	
I. HVAC and Water Upgrades - Community Corrections	410,000
Total state appropriation paragraph V	\$ 7,839,400
VI. Department of Education.	
A. Renovation Regional Career and Tech Ed Center - Exeter	\$ 6,375,000
B. Renovation Regional Career and Tech Ed Center - Manchester	7,425,000
C. Pre-Engineering Technology	400,000
Total state appropriation paragraph VI	\$14,200,000
VII. Department of Environmental Services.	
A. Drinking Water SRF Matching Funds*	\$ 3,249,460
* The department shall give a priority to the SRF project authorized for the department of corrections in subparagraph V. F.	
B. Wastewater SRF Matching Funds	3,008,863
C. Hazardous Waste Superfund Match I	1,040,000
D. Technical Services - Air Monitoring Program	274,100
E. Stream Gauges	120,000
F. Gorham Office Repairs and Renovations	50,000
Total state appropriation paragraph VII	\$ 7,742,423
VIII. Department of Health And Human Services.	
A. Main Building - Asbestos Abatement	\$ 250,000
B. Main Building - Lead Paint Abatement	191,000
C. Glenciff - Brown Building Patient Room Floor Abatement	950,000
D. Replacement of Huntress and Lodge Houses	976,000
E. Twitchell Bldg - Roof Replacement and Electrical Upgrade	383,000
Total state appropriation paragraph VIII	\$ 2,750,000
IX. Housing Finance Authority.	
A. Affordable Housing *	1,000,000
Total state appropriation paragraph IX	\$ 1,000,000
* The appropriation for affordable housing shall be expended as matching funds for low income workforce housing which is not restricted due to age or children.	
X. Liquor Commission.	
A. Store Parking Lot #76, Manhole/ Surface Repairs, Sealing	\$ 50,000
B. Concord Warehouse Racking	270,000
Total state appropriation paragraph X	\$ 320,000
XI. Pease Development Authority.	
A. Market Street Marine Terminal Pier	2,300,000
Less Other*	- 2,300,000
Net state appropriation subparagraph A	0
B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other*	- 1,560,000
Net state appropriation subparagraph B	0
*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,860,000 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 and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee.	
Total state appropriation paragraph XI	\$ 0
XII. Department of Resources and Economic Development.	
A. Statewide Park Funding	\$ 6,000,000
B. Temple Mountain Purchase*	435,000

\*The sum appropriated in subparagraph B shall not be spent, obligated, or encumbered until the remaining sums required for the purchase are received. The purchase of property shall not be subject to deed restrictions which prohibit the installation of telecommunications or similar towers and associated facilities on the property or which prohibit any off-road motorized vehicular recreational activities. The department of resources and economic development shall not develop, operate, or maintain any recreational facilities on the property unless funding for such development, operation, or maintenance is provided through state, federal, or municipal sources, private contributions, or other sources, nor shall the department use any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property.

C. Statewide - Exterior Repairs, Roofing	400,000
D. New Facility – Allenstown	1,149,758
Less Other (Sale of Land- Concord) *	<u>- 332,000</u>
Total state appropriation subparagraph D	817,758

\* The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the proceeds from the sale of land are received.

E. Statewide Radio System	<u>883,000</u>
Total state appropriation paragraph XII	\$ 8,535,758

A. 5-10% Match for FAA Projects	\$50,765,517
Less Federal	- 41,423,900
Less Other	<u>- 6,632,870</u>
Net state appropriation subparagraph A	2,708,747
B. Public Transit Bus Replacement	384,500
C. Rail - Match*	500,000

\*The state funds authorized for rail match shall not be expended until the local match is acquired.

D. Repair State Rail Lines	950,000
E. Maintenance Hanger at the Skyhaven Airport	650,000
Less Other*	<u>- 650,000</u>
Net state appropriation subparagraph E	<u>0</u>

\*To provide funds for the appropriations made in subparagraph E, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$650,000 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 and notes shall be made from the Skyhaven airport maintenance and operations fund under RSA 422:39.

F. Groveton Branch Line*	<u>500,000</u>
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\* The sums appropriated in subparagraph F shall be expended in accordance with the procedures in RSA 228:66.

Total state appropriation paragraph XIII	\$ 5,043,247
XIV. Veterans' Home.	
A. Upgrades to Facility/Asbestos Abatement	\$ 1,165,000
Less Federal	<u>- 757,250</u>
Net state appropriation subparagraph A	407,750
B. Energy Enhancements	5,000,000
Less Federal	<u>- 3,250,000</u>
Net state appropriation subparagraph B	1,750,000
C. Therapeutic Pool Study	<u>50,000</u>
Total state appropriation paragraph XIV	\$ 2,207,750
Total state appropriation section 1	\$86,879,778

2 Appropriations; Highway Fund. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety.	
A. Sprinklers 3rd Floor 33 Hazen & Elevator Control Upgrades	\$ 550,000
B. 33 Hazen - Computer Room Electrical Upgrades	548,000
C. Lab HVAC Modification/Upgrade	220,000
D. OIT projects for DMV	<u>2,390,000</u>
Total state appropriation paragraph I	\$ 3,708,000

## II. Department of Transportation.

A. Patrol and Salt Sheds	\$ 1,300,000
B. Statewide - Energy/Environmental Renovations	500,000
C. Chesterfield Welcome Center *	3,000,000

\* All rents and lease payments made for use of the Chesterfield welcome center property shall be credited to the highway fund. The liquor commission shall pay rent to the department of transportation for its facility on the property at the rate paid for non-state facilities.

D. Fuel Center Computer System	800,000
E. Hazen Drive – Roadway Improvements and Sidewalk Extension	1,100,000
F. Highway Construction Projects	
1. Consolidated Federal Funds – State Match	27,695,260
2. Betterment *	15,000,000
3. State Highway Construction Aid	3,600,000
4. Municipal Bridge Program *	13,600,000
Total state appropriation subparagraph F	<u>59,895,260</u>

\* Section 9 of this act shall not apply to the sums appropriated in subparagraph F. 2 and F.4 .

Total state appropriation paragraph II	\$66,595,260
Total state appropriation section 2	\$70,303,260

3 Expenditures; General. The appropriation made for the purpose mentioned in sections 1 and 2 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 21-I and RSA 228.

4 Land Acquisition. Any land acquired under the appropriations made in sections 1 and 2 of this act, if any, as may be acquired under the appropriation except such land if any as may be acquired for the water resources board, shall be purchased by the commissioner of department of transportation or the commissioner of administrative services, as appropriate, with the approval of governor and council.

5 Bureau of Public Works Design and Construction; Construction Inspection Services. The appropriations for those projects which are managed by the bureau of public works design and construction, department of administrative services, may be expended to fund temporary personnel for the purpose of providing construction inspection services for those projects included in sections 1 and 2 of this act.

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$157,183,038 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

## 7 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds of the state.

II. The payment of principal and interest on bonds issued for the projects in section 2 shall be made from the highway fund.

## 8 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 hereof.

II. To accept any federal funds which are, or become available for any project under sections 1 and 2 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 6 of this act shall be reduced by the same amount.

9 Transfers. The individual project appropriations provided in sections 1 and 2 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.



10 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1 and 2 of this act is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 6 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

11 Commission Established; Road Toll Authority.

I. There is established a commission to study the transfer of road toll collections to the department of revenue administration.

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

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

(c) The commissioner of safety, or designee.

(d) The commissioner of revenue administration, or designee.

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

IV. The commission shall study transferring the authority for road toll collections and administration from the department of safety to the department of revenue administration.

V. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

VI. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2007.

12 2005 Appropriation; Health and Human Services; Amount Increased. Amend 2005, 259:1, VII, E to read as follows:

E. Renovation/Moving of Dietary Area - Glencliff [-581,000] **1,081,000**

13 2005 Health and Human Services; Total Amended. Amend 2005, 259:1, VII, total state appropriation paragraph VII, to read as follows:

Total state appropriation paragraph VII [\$3,294,000] **\$ 3,794,000**

14 2005 Appropriation Purpose Amended; Amount Increased. Cheshire County Courthouse Design. Amend 2005, 259:1, II, A, 2 to read as follows:

2. Cheshire *and Merrimack* County Courthouse Design [\*], *and*

**Keene District Court Design and Renovate Temporary Space** [250,000] **400,000**

~~[\*The appropriation for the design of the Cheshire County courthouse shall not be expended until input is received from the Cheshire County commissioners.]~~

15 2005 Court Facilities; Total Amended. Amend 2005, 259:1, II, total state appropriation subparagraph A, to read as follows:

Total state appropriation subparagraph A [\$4,833,000] **\$ 4,983,000**

16 2005 Administrative Services; Total Amended. Amend 2005, 259:1, II, total state appropriation paragraph II, to read as follows:

Total state appropriation paragraph II [\$16,957,500] **\$17,107,500**

17 2005 Capital Budget; Total Amended. Amend 2005, 259:1, total state appropriation section 1, to read as follows:

Total state appropriation section 1 [\$81,184,207] **\$81,834,207**



18 2005 Capital Budget; Bonds Authorized; Total Amended. Amend 2005, 259:8, I to read as follows:

I. To provide funds for the total of the appropriations of state funds made in sections 1, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$95,752,207~~]**\$96,402,207** and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

19 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:4, II, D to read as follows:

D. District 5 Office – [~~Hooksett~~] **Bedford, and**  
**Renovate for Manchester Trooper Barracks** 1,780,000

20 Appropriation Purpose Amended. Department of Transportation. Amend 2005, 259:1, XIII, F to read as follows:

F. Railroad Acquisition, Right of First Refusal – **Rail Match\*** 500,000  
**\*The state funds authorized for rail match shall not be expended until the local match is acquired.**

21 Christa McAuliffe Planetarium; Alan B. Shepard Memorial Wing; Project Funding. Amend 2003, 240:1, III to read as follows:

III. Community-Technical College System.	
A. Library Expansion - Academic Program Support - Stratham	\$ 2,373,000
B. Library Addition - Design - Claremont	125,000
C. Ventilation - Berlin	307,000
D. Student Residence Hall Rehabilitation -NHTI	270,000
E. New Academic Building – Laconia	5,500,000
F. MacRury Hall Addition – Dental Facility	1,500,000
G. Critical Repairs	1,252,000
H. Christa McAuliffe Planetarium – Alan B. Shepard Mem. Wing	[ <del>6,200,000</del> ] <b>5,019,000</b>
Less Federal	<del>[-4,900,000]</del> <b>3,719,000</b>
Net state appropriation subparagraph H	1,300,000
I. Police Standards and Training – Storage Building Expansion	95,000
Total state appropriation paragraph III	\$12,722,000

The sum appropriated in subparagraph E for the academic building in Laconia shall not be spent, obligated, or encumbered until the department has received approval of the master plan process from the capital budget overview committee. In addition to the approval of the master plan process, the department shall submit the program and design development drawings which include cost estimates, design criteria, and square footage requirements for the project in subparagraph E to the capital budget overview committee for its review and approval.

~~[No state funds may be expended for the Shepard memorial wing project in subparagraph H until all the federal funds for the project have been received.]~~

22 2001 Capital Budget; Administrative Services; Projects Added. Amend 2001, 202:1, II to read as follows:

II. Administrative Services.	
A. Bureau of General Services.	
1. State Laboratory - Complete HVAC Repairs	\$ 8,552,200
2. E-911 Install Ventilation Unit	133,000
3. 6 Hazen Drive - Install Fire Suppression System	807,500
4. State Library - Install Fire Suppression System	310,000
5. State House Annex - Life Safety Code Improvements	106,500
6. State House Annex - Upgrade Elevators	198,000
7. 6 Hazen Drive - Replace State Laboratory Roof	160,000
8. State House - Upgrade Elevators	198,000
9. State House - Repoint Exterior Granite & Caulk Windows	205,000
10. State House – Dome	300,000
11. State House Annex – Mailroom Lift	93,500
12. Johnson Hall Renovations - State Office Park South	229,576
13. Storrs Street Garage - Parking Garage Repairs	513,000

<b>14. State House Complex, Repairs</b>	<b>316,000</b>
<b>15. Hugh Gallen State Office Park – Roof Repairs</b>	<b>622,930</b>

Total state appropriation subparagraph A	[ <del>\$11,806,276</del> ]	<b>\$12,745,206</b>
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B. Bureau of Court Facilities.

1. Carroll County Courthouse Construction	\$ 6,250,000
2. Roof – Nashua District Court	115,700

Total state appropriation subparagraph B	\$ 6,365,700
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Total state appropriation paragraph II	[ <del>\$18,171,976</del> ]	<b>\$19,110,906</b>
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23 2001 Capital Budget; Health and Human Services; Project Amended. Amend 2001, 202:1, IX to read as follows:

## IX. Department Of Health &amp; Human Services.

A. Patient Res. ADA & Fire Sys/Transitional Housing – State Office Park South	\$ 433,750
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B. Asbestos Abatement - State Office Park South	996,250
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C. Main Building - ADA, Fire/Life Safety Renovations	265,000
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D. MOP Roof Replacement/Wiring, Phone, Alarm - Laconia	210,000
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E. Laconia MR Offenders New Building	500,000
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F. Patient Care Network *	700,000
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G. LITS (Lab Information Tracking System) *	250,000
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H. Bridges Enhancement *	[ <del>3,000,000</del> ]	<b>2,061,070</b>
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Less Federal	- 1,500,000
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Net state appropriation subparagraph H	[ <del>1,500,000</del> ]	<b>561,070</b>
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I. DFA New Heights Enhancements *	3,100,000
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Less Federal	- 1,550,000
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Net state appropriation subparagraph I	1,550,000
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J. Public Health Laboratories Replacement Equipment	495,000
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Total state appropriation paragraph IX	[ <del>\$6,900,000</del> ]	<b>\$ 5,961,070</b>
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24 Community Technical Colleges; Pease Added. Amend 2005, 259:1, III, D to read as follows:

D. Critical Maintenance Manchester/Stratham/ <b>Pease</b>	900,000
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25 University System of New Hampshire; Stadium and Athletic Complex Renovations. Amend 2005, 259:2, III to read as follows:

III. In addition to sums appropriated to the university system of New Hampshire in paragraphs I and II, the sum of \$3,000,000 is appropriated beginning July 1, 2007 for the capital project on the UNH campus for the renovation of the stadium and the athletic complex; provided, however, that the \$3,000,000 state appropriation shall not be expended or encumbered until the board of trustees certifies to the capital budget overview committee that by June 30, [~~2007~~] **2009** the sum of \$30,000,000 in private capital has been raised and committed to the stadium and athletic complex renovation project. The appropriation in this paragraph shall not lapse until July 1, 2009. The board of trustees shall include in the quarterly reports to the capital budget overview committee required under paragraph II a summary of the commitments of private capital for the stadium and athletic complex renovation project.

26 Appropriation Purpose Amended. Amend 2005, 259:4, I, D to read as follows:

D. Milford DMV Office Addition <b>Design, and</b> <b>Renovate Manchester Trooper Barracks at DOT Dist. 5 Office - Bedford</b>	462,000
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27 Appropriation; Department of Environmental Services; Department of Resources and Economic Development.

I. The sum of \$6,220,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of environmental services. The sum appropriated to the department of environmental services shall be expended during fiscal years 2008 and 2009 by the department for the following dam reconstruction and renovation projects: Pittsfield Mill dam, Waumbek dam, Pleasant Lake dam, Mendums Pond dam, Highland Lake dam, Buck Street dam, Alton power dam, Perkins Pond dam, Milton 3 pond, Northwood Lake, Pawtuckaway Lake dam, Seaver reservoir dam, Shehan Pond dam, Little Bog Pond, Jones Brook dam, Woodman Marsh dam, Barnstead Parade, Durham reservoir dam, and the Kelley Falls dam. The department of environmental services may complete the projects authorized in this paragraph by contract construction in accordance with the procedures of the bureau of public works design and construction, or by force account

under RSA 482. The department is authorized to reallocate appropriated funds as necessary to address emergencies or more pressing repair or reconstruction needs at dams other than those that are currently anticipated to be addressed with these funds and the department shall provide written notification to the capital budget overview committee within 30 days following any such reallocation.

II. The sum of \$2,500,000 for the fiscal year ending June 30, 2007 is hereby appropriated to the department of resources and economic development. The sum appropriated to the department of resources and economic development shall be expended during fiscal years 2008 and 2009 on the Hampton Beach sea wall project.

III. These appropriations are in addition to any other funds appropriated to the department of environmental services and the department of resources and economic development. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. Any unexpended sums appropriated by this section shall lapse on June 30, 2009.

28 Lapse Dates Extended to June 30, 2009. The following appropriations are hereby extended to June 30, 2009:

I. The appropriation made to the adjutant general in 2001, 202:1, I, C, as extended by 2003, 240:34, IV, and 2005, 259:25, I, for army aviation support facility construction - Concord.

II. The appropriation made to the adjutant general in 2003, 240:1, I, A, as extended by 2005, 259:25, II, and as amended by 2006, 272:2, for armory renovations, disposals, or land acquisition.

III. The appropriation made to the adjutant general in 2003, 240:1, I, D, as extended by 2005, 259:25, V, for joint service training facility design.

IV. The appropriation made to the adjutant general in 2005, 259:1, I, A, for armory renovations.

V. The appropriation made to the adjutant general in 2005, 259:1, I, B, for armory kitchen expansion.

VI. The appropriation made to the adjutant general in 2005, 259:1, I, C, for re-roofing building F & L.

VII. The appropriation made to the department of administrative services - bureau of court facilities in 2003, 240:, II, A, 1, as extended by 2005, 259:25, VII, for architectural and engineering - Hampton district court.

VIII. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 1, for Laconia district court renovation.

IX. The appropriation made to the department of administrative services - bureau of court facilities in 2005, 259:1, II, A, 2, as amended by section 14 of this act, for Cheshire and Merrimack county courthouse design and Keene district court design and renovate temporary space.

X. The appropriation made to the department of administrative services - bureau of general services, in 1999, 226:1, II, A, 8, as extended by 2001, 202:28, XIV, 2003, 240:34, XX, and 2005, 259:25, VI, for executive/legislative budget system.

XI. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 11, as extended 2005, 259:25, XIII, for Monadnock mill - repair building foundation.

XII. The appropriation made to the department of administrative services - bureau of general services in 2003, 240:1, II, B, 12, as extended by 2005, 259:25, XIV, for site and design parking garage - executive/legislative.

XIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 1, for rehab. Representatives hall.

XIV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 3, for Londergan hall - replace defective windows.

XV. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 4, for all state owned facilities - emergency repairs.

XVI. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 6, for Monadnock mill - report defective masonry.

XVII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 10, for legislative office building - replace chiller.

XVIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 12, for M.S. building, renovation.

XIX. The appropriation made to the department of administrative services - financial data management in 2003, 240:1, II, C, 2, as extended by 2005, 259:25, XVI, for enterprise resource planning.

XX. The appropriation made to the department of administrative services - financial data management in 2003, 240:3, III, A, as extended by 2005, 259:25, LIV, for enterprise resource planning.

XXI. The appropriation made to the department of administrative services in 2006, 258:16, I, for quality assurance evaluation, monitoring and reporting related to the implementation of the ERP system.

XXII. The appropriation made to the community technical college system in 2003, 240:1, III, H, as extended by 2005, 259:25, XVII, and as amended by section 21 of this act for Christa McAuliffe planetarium - Alan Shepard memorial wing.

XXIII. The appropriation made to the community technical college system in 2003, 240:1, III, G, as extended by 2005, 259:25, XX, for critical repairs.

XXIV. The appropriation made to the community technical college system in 2005, 259:1, III, A, for critical maintenance NH technical institute.

XXV. The appropriation made to the community technical college system in 2005, 259:1, III, B, for critical maintenance Berlin, Laconia.

XXVI. The appropriation made to the community technical college system in 2005, 259:1, III, D, as amended by section 24 of this act, for critical maintenance Manchester, Stratham, Pease.

XXVII. The appropriation made to the department of corrections in 2005, 259:1, IV, A for electronic security upgrades – men's prison.

XXVIII. The appropriation made to the department of corrections in 2005, 259:1, IV, C for fire alarm and sprinkler system upgrades – men's prison.

XXIX. The appropriation made to the department of education in 2001, 130:14, II, as extended by 2003, 240:34, XC, and 2005, 259:25, XXI, for information technology projects.

XXX. The appropriation made to the department of education in 2003, 240:1, IV, B, as extended by 2005, 259:25, XXIII, for regional career and technical education center match - Berlin.

XXXI. The appropriation made to the department of education in 2005, 259:1, V, A, for renovation regional career and tech ed center, Concord.

XXXII. The appropriation made to the department of education in 2005, 259:1, V, B, for renovation regional career and tech ed center, Conway.

XXXIII. The appropriation made to the department of education in 2005, 259:1, V, C, for pre-engineering technology.

XXXIV. The appropriation made to the department of environmental services in 2001, 202:1, VIII, B, as extended by 2003, 240:34, XLI, and 2005, 259:25, XXVII, for wastewater state revolving fund matching funds.

XXXV. The appropriation made to the department of environmental services in 2003, 240:1, V, A, as extended by 2005, 259:25, XXVIII, for hazardous waste superfund match.

XXXVI. The appropriation made to the department of environmental services in 2003, 240:1, V, B, as extended by 2005, 259:25, XXIX, for drinking water SRF matching funds.

XXXVII. The appropriation made to the department of environmental services in 2003, 240:1, V, C, as extended by 2005, 259:25, XXX, for waste water SRF matching funds.

XXXVIII. The appropriation made to the department of environmental services in 2005, 259:1, VI, A, for dam repairs, removal and reconstruction.

XXXIX. The appropriation made to the department of environmental services in 2005, 259:1, VI, B, for drinking water SRF matching funds.

XL. The appropriation made to the department of environmental services in 2005, 259:1, VI, C, for wastewater SRF matching funds.

XLI. The appropriation made to the department of environmental services in 2005, 259:1, VI, D, for bedrock aquifer monitoring.

XLII. The appropriation made to the department of environmental services in 2005, 259:1, VI, F, for north country Gorham office.



XLIII. The appropriation made to the department of environmental services in 2005, 259:1, VI, G, for laboratory clean room.

XLIV. The appropriation made to the fish and game department in 2003, 240:2, A, as extended by 2005, 259:25, XXXI, for hatchery system modernization.

XLV. The appropriation made to the fish and game department in 2005, 259:3, I, for headquarters roof replacement.

XLVI. The appropriation made to the fish and game department in 2005, 259:3, II, for hatchery system modernization.

XLVII. The appropriation made to the fish and game department in 2005, 259:3, III, for dam reconstruction.

XLVIII. The appropriation made to the department of health and human services in 2003, 240:11, for a secure facility for committed and detained juveniles.

XLIX. The appropriation made to the department of health and human services in 1999, 226:1, VIII, H, as extended by 2001, 202:28, XLIV, 2003, 240:34, LII, and 2005, 259:25, XXXII, for information technology.

L. The appropriation made to the department of health and human services in 2001, 202:1, IX, B, as extended by 2003, 240:34, LIV, and 2005, 259:25, XXXIII, for asbestos abatement - state office park south.

LI. The appropriation made to the department of health and human services in 2001, 202:1, IX, H, as extended by 2003, 240:34, LVIII, and, 2005, 259:25, XXXIV, and as amended by section 23 of this act for bridges enhancement.

LII. The appropriation made to the department of health and human services in 2005, 259:1, VII, A, for Dolloff building electrical/fire alarm system replacement.

LIII. The appropriation made to the department of health and human services in 2005, 259:1, VII, B, for main building fire sprinkler replacement.

LIV. The appropriation made to the department of health and human services in 2005, 259:1, VII, C, for state office park south – electrical system upgrade.

LV. The appropriation made to the department of health and human services in 2005, 259:1, VII, D, for water damage repair of buildings – Glencliff.

LVI. The appropriation made to the department of health and human services in 2005, 259:1, VII, E, as amended by section 12 of this act, for renovation/moving of dietary area – Glencliff.

LVII. The appropriation made to the department of health and human services in 2005, 259:17, for YDC master plan.

LVIII. The appropriation made to the liquor commission in 2003, 240:1, VII, B, as extended by 2005, 259:25, XXXV, for design/build new store - Keene.

LIX. The appropriation made to the liquor commission in 2005, 259:1, VIII, A, to construct public restrooms - store #38 Portsmouth.

LX. The appropriation made to the liquor commission in 2005, 259:1, VIII, B, to construct public restrooms - store #34 Salem.

LXI. The appropriation made to the liquor commission in 2005, 259:1, VIII, C, for HVAC - Store #38 Portsmouth.

LXII. The appropriation made to the department of resources and economic development in 2003, 240:1, VIII, D, as extended by 2005, 259:25, XXXVIII, for Mount Washington electrification.

LXIII. The appropriation made to the department of resources and economic development in 2005, 259:1, IX, E, for Mount Washington electrification.

LXIV. The appropriation made to the office of information technology in 2005, 259:1, X, A, for administrative services, enterprise resource planning.

LXV. The appropriation made to office of information technology in 2005, 259:1, X, B, for department of health and human services, MMIS procurement.

LXVI. The appropriation made to the department of safety in 2003, 240:3, I, D, as extended by 2005, 259:25, XLI, finish Troop D first floor.

LXVII. The appropriation made to the department of safety in 2005, 259:4, I, A, for enhanced road toll system.

LXVIII. The appropriation made to the department of safety in 2005, 259:4, I, B, for DMV storage building (23 Hazen Drive).

LXIX. The appropriation made to the department of safety in 2005, 259:4, I, C, for DMV offices add fire and intrusion alarms.

LXX. The appropriation made to the department of safety in 2005, 259:4, I, D, as amended by section 26 of this act for Milford DMV office addition design, and renovate Manchester Trooper barracks at DOT Dist. 5 office - Bedford.

LXXI. The appropriation made to the department of safety in 2005, 259:4, I, E, for 33 Hazen drive renovations.

LXXII. The appropriation made to the department of safety in 2005, 259:4, I, F, for radio maintenance expansion.

LXXIII. The appropriation made to the department of safety in 2005, 259:19, for a fire station addition.

LXXIV. The appropriation made to the department of transportation in 1999, 226:1, XIII, C, as extended by 2001, 202.28 XXXIII, 2003, 240:34, LXXVI, and 2005, 259:25, LVI, for acquisition of railroad and airport properties.

LXXV. The appropriation made to the department of transportation in 2003, 240:1, XI, A, as extended by 2005, 259:25, XLVII, for 5-10 percent match for FAA projects.

LXXVI. The appropriation made to the department of transportation in 2003, 240:3, II, A, as extended by 2005, 259:25, XLIX, for patrol and salt sheds-statewide.

LXXVII. The appropriation made to the department of transportation in 2005, 259:1, XIII, A, for 2 ½ - 5 percent match for FAA projects.

LXXVIII. The appropriation made to the department of transportation in 2005, 259:1, XIII, B, for public transit bus replacement.

LXXIX. The appropriation made to the department of transportation in 2005, 259:1, XIII, E, for railroad bridge repairs.

LXXX. The appropriation made to the department of transportation in 2005, 259:1, XIII, F, as amended by section 20 of this act, for railroad acquisition, right of first refusal, rail match.

LXXXI. The appropriation made to the department of transportation in 2005, 259:4, II, A, renovation and addition district 4 office - Swanzey.

LXXXII. The appropriation made to the department of transportation in 2005, 259:4, II B, renovate patrol shed - Franconia.

LXXXIII. The appropriation made to the department of transportation in 2005, 259:4, II, C, new patrol shed - Conway.

LXXXIV. The appropriation made to the department of transportation in 2005, 259:4, II, D, as amended by section 19 of this act, for district 5 office – Bedford, and renovate for Manchester trooper barracks.

LXXXV. The appropriation made to the department of transportation in 2005, 259:4, II, E, salt storage sheds - statewide.

LXXXVI. The appropriation made to the department of transportation in 2005, 259:4, II, H, energy/environmental renovations-statewide.

LXXXVII. The appropriation made to the department of transportation in 2005, 259:4, II, I, Chesterfield welcome center and Antrim rest area.

LXXXVIII. The appropriation made to the department of transportation in 2005, 259:20, for underground fuel tank storage.

LXXXIX. The appropriation made to the New Hampshire veterans' home in 2003, 240:1, XII, A, as extended by 2005, 259:25, LIII, for upgrade fire safety and renovation project.

XC. The appropriation made to the New Hampshire veterans' home in 2005, 259:1, XII, A, for HVAC, Tarr unit roof, life safety updates.



XCI. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, I, for recreation room storm repairs.

XCII. The appropriation made to the New Hampshire veterans' home in 2006, 307:8, II, for recreation room renovation.

29 Effective Date.

I. Sections 27 and 28 of this act shall take effect June 30, 2007.

II. The remainder of this act shall take effect July 1, 2007.

**Amendment adopted.**

**Senator Clegg offered a floor amendment.**

**Sen. Clegg, Dist. 14**

**June 6, 2007**

**2007-2094s**

**10/09**

**Floor Amendment to HB 25-FN-A**

Amend paragraph X of section 1 of the bill by replacing it with the following:

X. Liquor Commission.

A. Store Parking Lot #76, Manhole/ Surface Repairs, Sealing	\$ 50,000
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Total state appropriation paragraph X	\$ 50,000
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Amend section 1 of the bill by replacing the total state appropriation section 1 with the following:

total state appropriation section 1	\$86,609,778
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Amend the bill by replacing section 6 with the following:

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$156,913,038 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

**The question is on the adoption of the floor amendment.**

**A roll call was requested by Senator Barnes.**

**Seconded by Senator Letourneau.**

**The following Senators voted Yes: Gallus, Kenney, Odell, Roberge, Bragdon, Gottesman, Foster, Clegg, Gatsas, Barnes, Letourneau, Downing.**

**The following Senators voted No: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.**

**Yeas: 12 - Nays: 12**

**Floor amendment failed.**

**Senator Hassan offered a floor amendment.**

**Sen. Hassan, Dist. 23**

**June 5, 2007**

**2007-2062s**

**10/09**

**Floor Amendment to HB 25-FN-A**

Amend section 1 of the bill by replacing paragraphs VII through XIV and the total state appropriation section 1 with the following:

VII. Department of Environmental Services.

A. Drinking Water SRF Matching Funds*	\$ 3,249,460
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\*The department shall give a priority to the SRF project authorized for the department of corrections in subparagraph V. F.

B. Wastewater SRF Matching Funds	3,008,863
C. Hazardous Waste Superfund Match I	1,040,000
D. Technical Services - Air Monitoring Program	274,100
E. Stream Gauges	120,000
F. Dam Repairs, Removal and Reconstruction*	1,810,000

\*The sums appropriated in subparagraph F shall be for the following projects: Pittsfield Mill dam, Waumbek dam, Pleasant Lake dam, Mendums Pond dam, Highland Lake dam, Perkins Pond dam, and Milton 3 pond. The department of environmental services may complete the projects authorized by contract construction in accordance with the procedures of the bureau of public works design and construction, or by force account under RSA 482. The department is authorized to reallocate appropriated funds as necessary to address emergencies or more pressing repair or reconstruction needs at dams other than those that are currently anticipated to be addressed with these funds and the department shall provide written notification to the capital budget overview committee within 30 days following any such reallocation.

G. Gorham Office Repairs and Renovations	50,000
Total state appropriation paragraph VII	\$ 9,552,423
VIII. Fish and Game Department.	
A. Dam Construction and Repair;	
Alton Power Dam and Perkins Pond Dam	\$ 450,000
Total state appropriation paragraph VIII	\$ 450,000
IX. Department of Health And Human Services.	
A. Main Building - Asbestos Abatement	\$ 250,000
B. Main Building - Lead Paint Abatement	191,000
C. Glencliff - Brown Building Patient Room Floor Abatement	950,000
D. Replacement of Huntress and Lodge Houses	976,000
E. Twitchell Bldg - Roof Replacement and Electrical Upgrade	383,000
Total state appropriation paragraph IX	\$ 2,750,000
X. Housing Finance Authority.	
A. Affordable Housing*	1,000,000
Total state appropriation paragraph X	\$ 1,000,000

\*The appropriation for affordable housing shall be expended as matching funds for low income workforce housing which is not restricted due to age or children.

XI. Liquor Commission.	
A. Store Parking Lot #76, Manhole/ Surface Repairs, Sealing	\$ 50,000
B. Concord Warehouse Racking	270,000
Total state appropriation paragraph XI	\$ 320,000
XII. Pease Development Authority.	
A. Market Street Marine Terminal Pier	2,300,000
Less Other*	- 2,300,000
Net state appropriation subparagraph A	0
B. Rye Harbor Commercial Fish Pier	1,560,000
Less Other*	- 1,560,000
Net state appropriation subparagraph B	0

\*To provide funds for the appropriations made in subparagraphs A and B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$3,860,000 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 and notes shall be made from fees relating to wharfage, dockage, and other marine terminal operations under RSA 12-G:42. For the appropriation made in subparagraph A, the Pease development authority and the attorney general shall seek reimbursement or restitution for the cost of repairs of damage to the facility, and the appropriation may not be expended until approval is received by the capital budget overview committee.

Total state appropriation paragraph XII	\$ 0
XIII. Department of Resources and Economic Development.	
A. Statewide Park Funding	\$ 6,000,000
B. Temple Mountain Purchase*	435,000

\*The sum appropriated in subparagraph B shall not be spent, obligated, or encumbered until the remaining sums required for the purchase are received. The purchase of property shall not be subject to deed re-

strictions which prohibit the installation of telecommunications or similar towers and associated facilities on the property or which prohibit any off-road motorized vehicular recreational activities. The department of resources and economic development shall not develop, operate, or maintain any recreational facilities on the property unless funding for such development, operation, or maintenance is provided through state, federal, or municipal sources, private contributions, or other sources, nor shall the department use any state park fund money for the purposes of development, operation, or maintenance of the Temple Mountain property.

C. Statewide - Exterior Repairs, Roofing	400,000
D. New Facility – Allenstown	1,149,758
Less Other (Sale of Land- Concord)*	- 332,000
Total state appropriation subparagraph D	817,758

\*The sum appropriated in subparagraph D shall not be spent, obligated, or encumbered until the proceeds from the sale of land are received.

E. Hampton Beach Sea Wall Project	1,000,000
F. Statewide Radio System	883,000
Total state appropriation paragraph XIII	\$ 9,535,758

#### XIV. Department of Transportation.

A. 5-10% Match for FAA Projects	\$50,765,517
Less Federal	- 41,423,900
Less Other	- 6,632,870
Net state appropriation subparagraph A	2,708,747
B. Public Transit Bus Replacement	384,500
C. Rail - Match*	500,000

\*The state funds authorized for rail match shall not be expended until the local match is acquired.

D. Repair State Rail Lines	950,000
E. Maintenance Hanger at the Skyhaven Airport	650,000
Less Other*	- 650,000
Net state appropriation subparagraph E	0

\*To provide funds for the appropriations made in subparagraph E, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$650,000 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 and notes shall be made from the Skyhaven airport maintenance and operations fund under RSA 422:39.

F. Groveton Branch Line*	500,000
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\*The sums appropriated in subparagraph F shall be expended in accordance with the procedures in RSA 228:66.

Total state appropriation paragraph XIV	\$ 5,043,247
XV. Veterans' Home.	
A. Upgrades to Facility/Asbestos Abatement	\$ 1,165,000
Less Federal	- 757,250
Net state appropriation subparagraph A	407,750
B. Energy Enhancements	5,000,000
Less Federal	- 3,250,000
Net state appropriation subparagraph B	1,750,000
C. Therapeutic Pool Study	50,000
Total state appropriation paragraph XV	\$ 2,207,750
Total state appropriation section 1	\$90,139,778

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

2 Appropriations; Highway Fund. The sums hereinafter detailed are appropriated for the projects specified:

I. Department of Safety.	
A. Sprinklers 3rd Floor 33 Hazen & Elevator Control Upgrades	\$ 550,000
B. 33 Hazen - Computer Room Electrical Upgrades	548,000
C. Lab HVAC Modification/Upgrade	220,000
D. OIT projects for DMV	2,390,000
Total state appropriation paragraph I	\$ 3,708,000

## II. Department of Transportation.

A. Patrol and Salt Sheds	\$ 1,300,000
B. Statewide - Energy/Environmental Renovations	500,000
C. Statewide - Underground Fuel Tank Replacement	3,000,000
D. Chesterfield Welcome Center*	3,000,000

\*All rents and lease payments made for use of the Chesterfield welcome center property shall be credited to the highway fund. The liquor commission shall pay rent to the department of transportation for its facility on the property at the rate paid for non-state facilities.

E. Fuel Center Computer System	800,000
F. Hazen Drive – Roadway Improvements and Sidewalk Extension	1,100,000
G. Highway Construction Projects	
1. Consolidated Federal Funds – State Match	27,695,260
2. Betterment*	15,000,000
3. State Highway Construction Aid	3,600,000
4. Municipal Bridge Program*	13,600,000
Total state appropriation subparagraph G	<u>59,895,260</u>

\*Section 9 of this act shall not apply to the sums appropriated in subparagraph G.2 and G.4 .

Total state appropriation paragraph II	\$69,595,260
Total state appropriation section 2	\$73,303,260

Amend the bill by replacing section 6 with the following:

6 Bond Authorized. To provide funds for the total of the appropriations of state funds made in sections 1 and 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$163,443,038 and for said purposes may issue bonds and notes in the names and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

Amend the bill by replacing section 27 with the following:

27 Appropriation Purpose Amended; State House. Amend 2005, 259:1, II, B, 1 to read as follows:

1. State House - Rehab Representatives Hall <i>and Elevette;</i> <i>Repair 3rd Floor Women's Restroom</i>	\$ 388,000
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Amend paragraph XIII of section 28 of the bill by replacing it with the following:

XIII. The appropriation made to the department of administrative services - bureau of general services in 2005, 259:1, II, B, 1, as amended by section 27 of this act for State House - rehab. Representatives hall and elevette; repair 3<sup>rd</sup> floor women's restroom.

Amend section 28 of the bill by inserting after paragraph XCII the following new paragraph:

XCIII. The appropriation made to the judicial branch in 2001, 130:14, VII, as extended by 2003, 240:34, LXVI, for information technology projects.

Amend the bill by replacing section 29 with the following:

29 Effective Date.

I. Section 28 of this act shall take effect June 30, 2007.

II. The remainder of this act shall take effect July 1, 2007.

**Senator Gottesman moved the question.**

**Without objection Senator Larsen moved to close debate.**

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**A roll call was requested by Senator Barnes.**

**Seconded by Senator Clegg.**

**The following Senators voted Yes: Gallus, Reynolds, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, DeVries, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.**

The following Senators voted No: Kenney, Gatsas, Barnes, Letourneau.

Yeas: 20 - Nays: 4

Adopted.

Ordered to third reading.

**HB 558**, repealing the education trust fund. Education Committee. Inexpedient to Legislate, Vote 5-0. Senator Foster for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 822**, relative to enrollment of students in regional vocational schools. Education Committee. Ought to pass with amendment, Vote 5-0. Senator Bragdon for the committee.

**Senate Education**

**May 30, 2007**

**2007-1959s**

**08/04**

#### **Amendment to HB 822**

Amend RSA 188-E:5 as inserted by section 4 of the bill by replacing it with the following:

188-E:5(a) 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.

*(b) Regional vocational centers shall, on a space available basis, enroll any student requesting enrollment who has attended 2 years of high school regardless of the number of academic credits earned, provided that:*

*(1) The student has successfully completed any courses required as a prerequisite for the career and technical education program elected; or*

*(2) The prerequisites have been waived by the regional vocational center. Such a waiver shall not be unreasonably withheld.*

Amendment adopted.

The question is on the adoption of the bill as amended.

Adopted.

Ordered to third reading.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education. Ought to pass with amendment, Vote 4-0. Senator Estabrook for the committee.

**Senate Education**

**June 5, 2007**

**2007-2064s**

**04/01**

#### **Amendment to HB 927-FN**

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

AN ACT relative to the specific criteria and substantive educational program that define an adequate education, the resources required to provide an adequate education, and the establishment of a timetable for costing an adequate education.

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

1 Statement of Purpose.

I. The general court embraces its duty to define a constitutionally adequate public education for every child in the state. The Encouragement of Literature clause of the New Hampshire constitution declares that knowledge and learning spread through a community are "essential to the preservation of a free govern-



ment,” and that “spreading the opportunities and advantages of education” is a means to preserving a free, democratic state. Beyond competencies in reading, writing, and arithmetic, a broad exposure to the social, economic, scientific, technological, and political realities of today’s society is essential for New Hampshire students to compete, contribute and flourish in the twenty-first century.

II. The general court finds that a constitutionally adequate education in New Hampshire consists of the substantive education programs from kindergarten through twelfth grade that deliver the essential opportunities to acquire skills, competencies, and knowledge in the subject areas of English/language arts and reading, mathematics, science, social studies, the arts, world languages, technology, information and communication technologies, health and physical education. The general court finds that an adequate education shall provide every child in New Hampshire with the opportunity to receive these substantive education programs in accordance with the specific criteria and high standards for these such education programs that are set forth in the applicable school approval standards. The general court further finds that each child needs a range of services, educational supports, and instructional resources, including credentialed teachers, in order to receive the opportunity for the substantive educational programs that constitute an adequate education.

III. In September 2006, the New Hampshire supreme court ruled in Londonderry School District SAU #12 & a. v. State of New Hampshire that the state had not met its duty to define a constitutionally adequate education for New Hampshire’s public school students by not identifying the specific criteria and the substantive education program that delivers the opportunity for an adequate education.

IV. In responding to its responsibility to determine the specific criteria and substantive education program that delivers the opportunity for an adequate education, the general court analyzed the current education delivery system established jointly through the legislative and executive branches. Specifically, the general court reviewed the standards for public school approval and the state’s curriculum frameworks. As part of its review, the general court determined which of the standards and curriculum frameworks provide the opportunity for an adequate education. In analyzing the school approval standards and curriculum frameworks, the general court recognized that they were developed with the widespread participation of educators, business people, government officials, community representatives, and parents. As a result of the quality of both the standards and the frameworks, the general court uses them as the basis for its determination of the specific criteria for an adequate education.

V. The general court reviewed and debated numerous bills attempting to determine the specific criteria of an adequate education. An integral part of this legislative process was the gathering of public input through forums throughout the state at which educators, government officials, and members of the public offered their opinions on draft legislation.

VI. The specific criteria for an adequate education, as enacted in this act, are formulated to permit common understanding, foster meaningful application, and allow for objective measurement and assessment.

VII. This act is not intended to stand in isolation from the other statutes and rules, including both state and federal, but instead is one part of a comprehensive system that provides for the delivery of the opportunity for a constitutionally adequate education in New Hampshire.

2 New Section; Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2 the following new section:

193-E:2-a Substantive Educational Content of an Adequate Education.

I. The specific criteria and substantive educational program that delivers the opportunity for an adequate education shall be defined and identified as follows:

II. The general court establishes within the school approval standards the essential opportunities for educational programs in the following areas:

- (a) English/language arts and reading.
- (b) Mathematics.
- (c) Science.
- (d) Social studies.
- (e) Arts education.
- (f) World languages.
- (g) Health education.
- (h) Physical education.
- (i) Technology education, and information and communication technologies.



III. The standards shall cover kindergarten through twelfth grade and shall clearly set forth the opportunities to acquire the communication, analytical and research skills and competencies, as well as the substantive knowledge expected to be possessed by students at the various grade levels, including the credit requirement necessary to earn a high school diploma.

IV. Public schools and public academies shall adhere to the standards identified in paragraph II.

V. The general court shall periodically, but not less frequently than in conjunction with the decennial review of the standards of school approval, review and update, as necessary, the standards identified in paragraph II, and shall ensure that the high quality of the standards is maintained.

VI. This section shall not prohibit or limit the adoption of additional school approval standards other than those standards identified in paragraph II.

VII. The general court requires the state board of education and the department of education to institute procedures for maintaining, updating, improving, and refining curriculum frameworks for each area of education identified in paragraph II. The curriculum frameworks shall present educational goals, broad pedagogical approaches and strategies for assisting students in the development of the skills, competencies and knowledge called for by the academic standards for each area of education identified in paragraph II. The curriculum frameworks shall serve as a guide and reference to what New Hampshire students should know and be able to do in each area of education. The frameworks do not establish a statewide curriculum. It is the responsibility of local teachers, administrators, and school boards to identify and implement approaches best suited for the students in their communities to acquire the skills and knowledge included in the frameworks, to determine the scope, organization, and sequence of course offerings, and to choose the methods of instruction, the activities, and materials to be used.

VIII. In this section, "school approval standards" shall mean the applicable criteria that public schools and public academies shall meet in order to be an approved school, as adopted by the state board of education through administrative rules.

3 New Section; Provision of the Substantive Educational Content of an Adequate Education. Amend RSA 193-E by inserting after section 2-a the following new section:

193-E:2-b Provision of the Substantive Educational Content of an Adequate Education.

I. The general court shall use the definition of an adequate education in RSA 193-E:2-a to determine the resources necessary to provide essential programs, considering educational needs and community resources. Students' educational needs and the resources required to provide the opportunity to meet those needs vary from student to student and school to school. Therefore, the resources needed to provide an adequate education will also vary from school to school, requiring more resources in districts with greater challenges.

II. The general court finds the resources necessary to provide essential programs varies even within school districts. Schools of varying educational challenges often exist within a single school district. The general court shall establish criteria to identify enhanced needs schools.

III. The general court shall provide additional resources for enhanced needs schools. These resource elements shall include, but not be limited to:

- (a) Teachers; experienced teachers in enhanced needs schools.
- (b) Class size; smaller class sizes in enhanced needs schools.
- (c) Kindergarten; full day kindergarten in enhanced needs schools.
- (d) Student support services, including special education, guidance, nursing, psychological services and speech/language services.
- (e) Staff training and development.
- (f) Instructional resources, including library and technology.

IV. The general court shall create a process for initial and periodic determination of the specific resource elements essential to providing the substantive educational content of an adequate education. The general court shall further define such core elements and other resources it may determine are essential to providing the communication, analytical, and research skills and competencies, as well as the substantive educational content, of an adequate education. Following the initial determination, this review should occur no less frequently than in conjunction with the decennial review of the standards for school approval.

4 New Section; Legislative Oversight Committee. Amend RSA 193-E by inserting after section 2-b the following new section:

193-E:2-c Legislative Oversight Committee on Costing an Adequate Education.

I. There is hereby established the joint legislative oversight committee on costing an adequate education. The members of the committee shall be as follows:

(a) Four members of the house of representatives, which shall include 2 members of the house education committee and 2 members of the house finance committee, appointed by the speaker of the house of representatives.

(b) Four members of the senate, which shall include 2 members of the senate education committee and 2 members of the senate finance committee, appointed by the president of the senate.

(c) The governor or designee as ex officio member of the committee.

II. The committee shall review and study the analytical models and formulae for determining the cost of an adequate education and the educational needs and resources needed to deliver an adequate education for children throughout the state and, following a public hearing, shall report its findings and recommendations no later than February 1, 2008 to the governor, the speaker of the house, the president of the senate, and the state librarian.

III. The general court shall complete the determination of the cost of an adequate education in accordance with the provisions of this chapter as expeditiously as possible following submission of the findings and recommendations of the joint legislative oversight committee, but no later than the end of the 2008 fiscal year.

5 Reference Changes. Amend the following RSA provisions by replacing "equitable" with "adequate": RSA 21-N:1, II(c); RSA 193:1, I(c); RSA 193-E:1, II; the section heading and introductory paragraph of RSA 193-E:2; the section heading of RSA 193-E:3; RSA 194-B:3, II(i); RSA 195:14, I(c); RSA 195:14, I(d)(2)-(3); RSA 195:14-a, I; RSA 198:41, II(b); RSA 198:41, III; the section heading of RSA 198:42; RSA 198:42, I-II; RSA 198:43; RSA 198:48; and RSA 198:48-a, VII-VIII.

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

**2007-2064s**

#### AMENDED ANALYSIS

This bill:

I. Sets forth the substantive educational content of an adequate education.

II. Identifies the resources necessary to provide the substantive educational content of an adequate education.

III. Establishes a joint legislative oversight committee on costing an adequate education to study analytical models for determining the cost of an adequate education and the educational needs and resources needed to deliver an adequate education for children throughout the state.

**Senator Gottesman moved the question.**

**Without objection Senator Larsen moved to close debate.**

**The question is on the adoption of the committee amendment.**

**A roll call was requested by Senator Gatsas.**

**Seconded by Senator Bragdon.**

**The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.**

**The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.**

**Yeas: 14 - Nays: 10**

**Amendment adopted.**

**The question is on the adoption of the bill as amended.**

**A roll call was requested by Senator Gatsas.**

**Seconded by Senator Bragdon.**

**The following Senators voted Yes: Reynolds, Sgambati, Burling, Cilley, Janeway, Kelly, Gottesman, Foster, Larsen, DeVries, D'Allesandro, Estabrook, Hassan, Fuller Clark.**

**The following Senators voted No: Gallus, Kenney, Odell, Roberge, Bragdon, Clegg, Gatsas, Barnes, Letourneau, Downing.**

**Yeas: 14 - Nays: 10**

**Adopted.**

**Ordered to third reading.**

**HB 429**, relative to nominations by multiple parties. Election Law and Internal Affairs Committee. Ought to pass with amendment, Vote 3-0. Senator Burling for the committee.

**Election Law and Internal Affairs**

**May 30, 2007**

**2007-1968s**

**03/04**

**Amendment to HB 429**

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

AN ACT relative to nominations by write-in vote.

Amend the bill by replacing section 1 with the following:

1 Disqualification of Candidate, Write-in Votes. Amend RSA 659:91-a, II to read as follows:

II. Notwithstanding the provisions of RSA 655:37, if any candidate is disqualified from accepting the nomination of another party by means of write-in votes because the candidate is disqualified under the provisions of paragraph I, then the nomination shall be given to the candidate who received the highest number of write-in votes and who was not disqualified under the provisions of paragraph I, so long as he or she receives [~~10~~] **100** write-in votes, or write-in votes equaling [~~10~~] **20** percent or more of the total votes cast for that party on the state primary election ballot, whichever is the smaller.

**2007-1968s**

**AMENDED ANALYSIS**

This bill increases the number of write-in votes needed to receive a nomination in cases where another candidate is disqualified from receiving the nomination because he or she ran for that office on a different party's ballot.

**Amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**MOTION TO REMOVE FROM THE TABLE**

**Senator Burling moved to have HB 828-FN removed from the table.**

**Adopted.**

**HB 828-FN**, relative to a state ethics officer.

**The question is on the adoption of the committee amendment (#1693).**

**Amendment adopted.**

**Senator Burling offered a floor amendment.**

**Sen. Burling, Dist. 5**

**June 5, 2007**

**2007-2065s**

**09/01**

**Floor Amendment to HB 828-FN**

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

AN ACT relative to corrupt practices as defined in RSA 640 and state reporting requirements for gifts, honorariums, and expenses.

Amend the bill by deleting section 1 and renumbering the original sections 2-8 to read as 1-7, respectively.

Amend RSA 15-B:6, II as inserted by section 6 of the bill by replacing it with the following:

***II. An elected member of the general court or legislative employee who consumes meals or beverages with a value of greater than \$25 at a meeting or event pertaining to official business pursuant to RSA 15-B:2, V(c)(12) shall file a report with the secretary of state no later than 10 days following the meeting or event at which the meals or beverages were consumed, which report shall be established by the secretary of state, shall be public, and shall contain the same information and affirmations required under RSA 15-B:7.***

**2007-2065s**

#### AMENDED ANALYSIS

This bill:

I. Exempts certain campaign contributions, gifts, and expense reimbursements from the scope of RSA 640, relative to corrupt practices.

II. Makes various changes to RSA 15-B, relative to gifts, honorariums, and expenses.

**Floor amendment adopted.**

**The question is on the adoption of the bill as amended.**

**Adopted.**

**Ordered to third reading.**

**HB 62**, relative to balloons being released into the air. Energy, Environment and Economic Development Committee. Inexpedient to Legislate, Vote 6-0. Senator Fuller Clark for the committee.

**Committee report of inexpedient to legislate is adopted.**

**HB 392**, relative to the use of property held by the state of New Hampshire under an easement specifying low impact recreational use only. Energy, Environment and Economic Development Committee. Re-refer to committee, Vote 6-0. Senator Cilley for the committee.

**Adopted.**

**HB 392 is re-referred to the Energy, Environment and Economic Development Committee.**

**HB 416**, relative to mercury reduction. Energy, Environment and Economic Development Committee. Ought to pass with amendment, Vote 6-0. Senator Hassan for the committee.

**Energy, Environment and Economic Development**

**May 30, 2007**

**2007-1972s**

**06/03**

#### Amendment to HB 416

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

AN ACT relative to mercury reduction and establishing a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.

Amend RSA 149-M:58, II as inserted by section 1 of the bill by replacing it with the following:

II. Owners and operators of solid waste landfills, transfer stations, and incinerators may develop programs to sort, collect, and recycle or dispose of mercury-added products in accordance with applicable laws and regulations.

Amend the introductory paragraph of RSA 149-M:58, V as inserted by section 1 of the bill by replacing it with the following:

V. Owners and operators of solid waste landfills, transfer stations, and incinerators shall not be found to have knowingly accepted or disposed of mercury-added products if, at a minimum, the facility has implemented all of the following mechanisms:

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

2 Committee Established. There is established a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.

3 Membership and Compensation.

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

(a) Two members of the senate, including one member of the energy, environment, and economic development committee, and one member of the ways and means committee, appointed by the president of the senate.

(b) Three members of the house of representatives, including one member of the environment and agriculture committee, one member of the science, technology, and energy committee, and one member of the ways and means committee, appointed by the speaker of the house of representatives.

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

4 Duties. The committee shall:

I. Review the current status of mercury-added thermostat recycling in New Hampshire and evaluate the need for a formal collection and recycling program.

II. Review existing and proposed programs in other states to collect and recycle mercury-added thermostats.

III. Identify options for the funding of such collection and recycling programs, including consideration of manufacturer-funded programs.

IV. Solicit relevant information and testimony from the following organizations:

(a) The New Hampshire department of environmental services.

(b) An organization representing the environmental community in New Hampshire.

(c) An organization representing the thermostat manufacturing sector.

(d) The New Hampshire Municipal Association.

(e) An organization representing the recycling sector.

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

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2007.

7 Effective Date.

I. Section 1 of this act shall take effect January 1, 2008.

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

**2007-1972s**

#### AMENDED ANALYSIS

This bill:

I. Bans the disposal of mercury-added products in solid waste landfills, transfer stations, or incinerators.

II. Establishes a committee to study methods of improving the recycling rate in New Hampshire for mercury-added thermostats.

**Amendment adopted.**

**The question is on the adoption of the bill as amended.**

**A roll call was requested by Senator Hassan.**

**Seconded by Senator Bragdon.**

**The following Senators voted Yes: Gallus, Reynolds, Kenney, Sgambati, Burling, Cilley, Janeway, Odell, Roberge, Kelly, Bragdon, Gottesman, Foster, Clegg, Larsen, Gatsas, Barnes, DeVries, Letourneau, D'Allesandro, Estabrook, Downing, Hassan, Fuller Clark.**

**The following Senators voted No: None.**

**Yeas: 24 - Nays: 0**

**Adopted.**

**Ordered to third reading.**

**HB 460**, relative to conservation restrictions to protect public water supplies. Energy, Environment and Economic Development Committee. Re-refer to committee, Vote 6-0. Senator Fuller Clark for the committee.

**Adopted.**

**HB 460 is re-referred to the Energy, Environment and Economic Development Committee.**

**Senator Foster Rule #42 on HB 460.**

### **SPECIAL ORDER**

**Senator Larsen moved that without objection we will Special Order all remaining House Bill's that are found in the Senate Calendar to Thursday, June 7 and those would be found in 23, 23A and 23B to Thursday, June 7 without objection.**

**HB 1**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2008 and June 30, 2009.

**HB 2**, relative to state fees, funds, revenues, and expenditures.

**HB 51**, permitting adoption by 2 unmarried adults in a familial relationship.

**HB 94**, relative to overpayments of child support.

**HB 134**, relative to electronic prescribing for prescription drugs.

**HB 140**, establishing the New Hampshire commission on deafness and hearing loss.

**HB 148**, establishing a commission to study pharmaceutical costs and the 340B Drug Pricing Program.

**HB 184**, repealing the parental notification law.

**HB 194**, relative to laboratories conducting alcohol concentration tests.

**HB 229**, relative to licensing requirements for operators of games of chance.

**HB 377**, relative to the right-to-know law.

**HB 383**, relative to waterfront buffer and woodland buffer requirements in the comprehensive shoreland protection act.

**HB 393**, relative to information filed by utilities paying the utility property tax.

**HB 488**, relative to the state chief medical examiner and medico-legal death investigations and making an appropriation to the department of justice for autopsy costs.

**HB 498**, dedicating certain OHRV and snowmobile unrefunded road tolls to the fish and game department.

**HB 511**, increasing the total prize value of a bingo game or series of games.

**HB 517**, establishing a commission to investigate cost drivers in providing health care.

**HB 539**, relative to manslaughter.

**HB 663**, relative to the protected shoreland permitting process and establishing and funding positions within the department of environmental services.

**HB 664**, relative to annual dam registration and permit application fees.

**HB 672**, establishing a commission to study requirements for safe and secure landfills.

**HB 699**, establishing a commission to study methods and costs of sewage, sludge, and septage disposal.



**HB 707**, relative to the time frames for hearings in domestic violence cases.

**HB 812**, relative to making permanent certain exceptions to limits on land application of septage and sludge.

**HB 815**, requiring the display of boater education decals on vessels registered in other states.

**HB 826**, relative to coverage of services and items under the medical assistance program.

**HB 827**, relative to the reasonable cost of medical support for dependent children.

### **RESOLUTION**

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

**Adopted.**

### **LATE SESSION**

#### **Third Reading and Final Passage**

**HB 25-FN-A**, making appropriations for capital improvements.

**HB 236**, relative to the use of "farmer's markets" in trade names.

**HB 305**, establishing a task force to develop legislation for expanding access to affordable health insurance for the 2008 and 2009 legislative session.

**HB 416**, relative to mercury reduction.

**HB 429**, relative to nominations by multiple parties.

**HB 797**, regulating mandatory overtime for nurses and assistants.

**HB 822**, relative to enrollment of students in regional vocational schools.

**HB 828-FN**, relative to a state ethics officer.

**HB 927-FN**, relative to the specific criteria and substantive educational program that define an adequate education.

### **ANNOUNCEMENTS**

#### **RESOLUTION**

Senator Foster moved that the Senate recess to the Call of the Chair for the sole purpose of sending and receiving messages, processing enrolled bill reports and amendments, and forming Committees of Conference.

**Adopted.**

**In recess to the Call of the Chair.**