State of

New Hampshire

HOUSE RECORD

Second Year of the 155th Session of the General Court

Calendar and Journal of the 1998 Session

Vol. 20 Concord N.H. Thursday, September 24 , 1998 No. 76

Contains: Public Hearings, Notices, Work Sessions, Committee of Conference Statement on HB 1075, Reports and Amendments for September 24

HOUSE CALENDAR

NOTICE

MEMBERS OF THE HOUSE:

The House will meet on Thursday, September 24th at 10:00 a.m. to take up the balance of the regular calendar and the committee of conference report on HB 1075 if adopted by the Senate.

Today's session may be lengthy. I know everyone would appreciate brevity in speeches and questions so that we may conduct our business efficiently

Donna Sytek, Speaker

NOTICE

There will be a Republican Caucus on Thursday, September 24 at 9:00 a.m. in Representatives Hall.

Rep. Robert L. Wheeler, Majority Leader

NOTICE

There will be a Democratic Caucus on Thursday, September 24 at 9:00 a.m. in Rooms 305-307 of the Legislative Office Building.

Rep. Peter Hoe Burling, Democratic Leader

HOUSE DEADLINES

House Rule 64:

June 10, 1998

Last day to act on all bills, excluding those related to the Claremont decision.

June 16, 1998

Final day to sign-off all Committee of Conference Reports at 5:00 p.m., excluding those related to the Claremont decision.

June 18, 1998

Last day to act on Committee of Conference Reports, excluding those related to the Claremont decision.

June 22, 1998

All bills to the Governor, excluding those related to the Claremont decision.

After June 4, 1998, any bills or messages which are received from the Senate concerning the Claremont decision shall be subject to deadlines to be established at a future date.

September 9, 1998, Wednesday

First day for incumbents who are candidates for the House to file LSR's with complete information.

October 5, 1998, Monday

The 10-day sign-off deadline begins (Rule38 (b))

October 30, 1998, Friday

Final day to file, with the Clerk of the House, all 1998 interim study reports.

November 4, 1998, Wednesday

First day for new members to file LSR's with complete information.

November 6, 1998, Friday

Final day to file, with complete information, all bill drafting requests from 1998 interim study work.

THURSDAY, SEPTEMBER 24

REGULAR CALENDAR

FINANCE

HB 1668-FN-A-L, establishing a personal income tax and a statewide school property tax to fund public education and making an appropriation therefor. REFER FOR INTERIM STUDY

Rep. David J. Alukonis for Finance**:** The information and data which the sponsors and other interested parties provided as part of the testimony on this proposal is both comprehensive and valuable. The committee believes it wise to continue consideration of this bill in order to make more complete its understanding of this information as well as of the impacts and issues relevant to enactment of the proposal. Vote 13-6.

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

Rep. David J. Alukonis for Finance**:** This bill adds a capital gains tax to the interest and dividends tax and provides that all

revenues from the interest and dividends tax be deposited to a fund dedicated for the purposes of public education. There was very little support for this sort of tax to be imposed upon the citizens of New Hampshire. Additionally, consideration of any tax increases in order to finance additional appropriations for public education should be made during the normal budget deliberations impacting the year for which the appropriations will be made. Vote 17-2.

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

Rep. Charles L. Vaughn for Finance**:** The Finance Committee had before it two income tax bills relative to funding for a constitutionally adequate education. The committee felt only one bill needed to be studied and believes HB 1668-FN-A-L to be the better vehicle. Vote 16-3.

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

Rep. Avis B. Nichols for Finance**:** This bill establishes a securities excise tax to fund state education obligations. However, the tax can be easily avoided by locating or conducting transfers and sales out of state. The bill would also have a significant negative impact on the New Hampshire retirement system. Furthermore, the bill would discourage the expansion of the financial services industry in the state. For these reasons, the committee recommends the bill be voted inexpedient to legislate. Vote 19-0.

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

Rep. Avis B. Nichols for Finance**:** This bill establishes a proportional statewide property tax to provide funding for state-mandated education and funding for kindergarten. The committee felt the bill should be studied along with certain other proposals for funding education. Vote 14-5.

HB 1675-FN-A-L, establishing a referendum for a new taxation plan to fund public education. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance**:** This bill would establish a procedure whereby the legislature may submit a question regarding the imposition of a statewide tax for funding education to the vote of the people by ballot. It would additionally allow the voters an opportunity to select an alternative tax plan to the tax designated by the legislature. In light of the Finance Committee's action on CACR 45 and numerous other Claremont-related bills, the committee feels that this proposal is not needed. Additionally, serious concerns were raised regarding the understandability and simplicity of the questions as they would be placed on the ballot. Vote 19-0.

HB 1676-FN-A-L, relative to collection by the state of local property taxes paid by business, industrial, and public utility properties and redistribution to municipalities for education purposes on a per pupil basis. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance**:** This bill proposes that local property taxes owed by business, industrial and public utility properties be paid to the state and redistributed to municipalities on a per pupil basis to fund a constitutionally adequate education. The redistribution would require property tax increases on residential property owners in many communities and discourage business development. The committee believes both consequences are undesirable. Vote 19-0.

HB 1679-FN-A-L, relative to local property taxation and state aid to support public education. REFER FOR INTERIM STUDY

Rep. Charles L. Vaughn for Finance**:** This bill is a property tax-based funding plan to address the Supreme Court's decision in Claremont II. Its proponents have offered amendments and provided data that merit additional study. Vote 17-3.

HB 1681-FN-A, increasing the tobacco tax on all tobacco products and designating the increase in revenue for the advancing better classrooms program. INEXPEDIENT TO LEGISLATE

Rep. David J. Alukonis for Finance**:** This bill proposes to increase the rate of the tax on tobacco products in order to finance the Governor's ABC plan. Given that, pursuant to passage of either HB 1075 or CACR 45, additional appropriations for education will not take place until at least fiscal year 2000, there is no need to raise additional revenues at this time. Consideration of any tax increases, as well as budget reductions, in order to finance additional appropriations for primary and secondary education should be considered during the normal budget cycle in the next session of the legislature. Vote 12-9.

CACR 44, relating to clarifying the phrase "proportional and reasonable" in the constitution. Providing that to the extent local

property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 50 percent of the highest tax rate utilized by any other local taxing district. INEXPEDIENT TO LEGISLATE

Rep. Charles L. Vaughn for Finance**:** The issues addressed by this CACR are interwoven with HB 1679 which has been recommended for interim study by the committee. The committee believes that separate study of this CACR is unnecessary. Vote 19-0.

COMMITTEE OF CONFERENCE

HB 1075-FN-A-L, defining a constitutionally adequate public education, providing additional funding for education aid and/or property tax relief and relative to teacher renomination and the application of teacher professional performance standards.

COMMITTEE OF CONFERENCE STATEMENT

HB 1075-FN-A-L, defining a constitutionally adequate public education, providing additional funding for education aid and/or property tax relief and relative to teacher renomination and the application of teacher professional performance standards.

The Committee of Conference report on HB 1075 is an interim plan for responding to the Claremont suit. It is a compromise between the House and Senate versions of the bill. It includes the following provisions from the House version: the policy and purpose section; the definition of adequacy; the provisions for reporting of data and the state report card; the repeal of the cap on school district contingency funds. It includes the Senate provision establishing an education betterment fund for monies to supplement foundation aid amounts. The sum of $62 million is appropriated for distribution through the current foundation aid formula. This new committee of conference report is no longer linked to the passage of a constitutional amendment.

Rep. Donnalee Lozeau

LAID ON TABLE

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

COMMITTEE MEETINGS

THURSDAY, SEPTEMBER 24

COMMISSION TO STUDY SPECIAL EDUCATION ISSUES, (SB 462, Chapter 267:2, II, Laws of 1998), Room 102, LOB

8:00 a.m. Regular meeting to hear presentation by the State Department of Education.

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

9:00 a.m. Regular meeting.

FINANCE, Rooms 210-211, LOB

Noon or lunch recess

Full committee meeting. Executive session on revenue estimates and any other business that may come before the committee.

FRIDAY, SEPTEMBER 25

BOARD OF CLAIMS (RSA 541-B:3), Room 202, LOB

9:00 a.m. Rescheduled regular meeting.

MONDAY, SEPTEMBER 28

CHILD CARE AND FAMILY RESOURCE GROUP STUDY, (SB 360, Chapter 122:2, Laws of 1998), University of New Hampshire Elliot Alumni Center (1925 Room), 9 Edgewood Road, Durham

3:00 p.m. Public hearing.

DEVELOPING AND IMPLEMENTING A STATEWIDE SCHOOL TECHNOLOGY PLAN OVERSIGHT COMMITTEE (HB 262, Chapter 191, Laws of 1997), Room 207, LOB

1:00 p.m. Regular meeting.

JUDICIAL PENSIONS STUDY (HB 300, Chapter 192, Laws of 1997), Room 202, LOB

9:00 a.m. Regular meeting.

PRESERVATION OF AND ACCESS TO RECORDS OF LEGISLATION AT ARCHIVES (HB 111, Chapter 36:2, Laws of 1998), Division of Records Management and Archives, 71 South Fruit Street, Concord

9:00 a.m. Regular meeting.

PUBLIC HIGHER EDUCATION STUDY COMMITTEE (RSA 187-A:25-a), , Room 105A, State House

10:00 a.m. Regular meeting.

TUESDAY, SEPTEMBER 29

ADOPTION OF ARTICLES 41, 72-a AND 73-a OF THE SECOND PART OF THE NEW HAMPSHIRE CONSTITUTION STUDY, (HB 1338, Chapter 330:1, Laws of 1998), Room 208, LOB

10:00 a.m. Rescheduled regular meeting.

CABLE CONSUMERS AND THE ENHANCEMENT OF CABLE ELECTRONIC SERVICES PROTECTION STUDY, (HB 1651, Chapter 52:1, Laws of 1998), Room 304, LOB

9:00 a.m. Regular meeting.

EARLY CARE AND EDUCATION REGULATION OF PERSONNEL STUDY, (HB 1438, Chapter 82:1, Laws of 1998), Room 202, LOB

9:30 a.m. Regular meeting.

ELECTION LAW, Room 203, LOB

10:00 a.m. Subcommittee work session on ***HB 1207-LOCAL,*** relative to the disqualification of election officials.

HOME SCHOOL STUDENTS ACCESS TO PUBLIC SCHOOL FACILITIES AND PROGRAMS STUDY (HB 1247, Chapter 34:1, Laws of 1998), Room 207, LOB

9:00 a.m. Regular meeting.

IN-HOME SUPPORT SERVICES FOR CHILDREN WITH DISABILITIES FUNDING STUDY, (SB 443, Chapter 160:1, Laws of 1998), Room 101, LOB

1:30 p.m. Public hearing. Department of Education and two school districts will present financial and special education issues.

INSURANCE COVERAGE FOR INFERTILITY STUDY, (SB 357, Chapter 92:1, Laws of 1998), Room 102, LOB

10:00 a.m. Work session.

LEGISLATOR ORIENTATION (RSA 17-C:2), Room 201, LOB

1:00 p.m. Regular meeting.

MARINE PATROL SERVICES STUDY, (HB 1605, Chapter 178:1, Laws of 1998), Room 204, LOB

10:30 a.m. Regular meeting.

PHARMACEUTICAL ASSISTANCE FOR THE ELDERLY STUDY, (SB 507, Chapter 221:2, Laws of 1998), The Gallen Building Community Area, 198 Hanover Street, Manchester

1:00 p.m. Regular meeting.

TELEMEDICINE USE STUDY, (SB 383, Chapter 157:1, Laws of 1998), Concord Hospital, Conrad Auditorium

10:00 a.m. Regular meeting.

UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY, (HB 1154, Chapter 62:1, Laws of 1998), Room 301, LOB

9:00 a.m. Regular meeting.

WEDNESDAY, SEPTEMBER 30

COMMERCE, Room 302, LOB

10:00 a.m. Subcommittee work session on ***HB 451,*** providing that health care providers shall determine the appropriate course of patient treatment.

11:00 a.m. Subcommittee work session on ***HB 1582-FN,*** extending small employer health insurance coverage to individuals, limiting annual premium rate increases, and eliminating minimum participation requirements for small employer groups.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Subcommittee work session on ***HB 605,*** relative to procedures regarding delinquent children under RSA 169-B.

11:00 a.m. Subcommittee work session on ***HB 606,*** relative to procedures regarding children in need of services under RSA 169-D.

1:00 p.m. Subcommittee work session on ***HB 1258,*** establishing a committee to study and investigate issues related to The State of New Hampshire v. Edward Silva.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Rescheduled subcommittee work session on ***HB 1477,*** clarifying the waste reduction goals for the state of New Hampshire.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Subcommittee work session on ***SB 367,*** relative to the public protection fund administered by the New Hampshire Bar Association.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

9:30 a.m. Dredging subcommittee meeting.

NEW HAMPSHIRE CONSERVATION NUMBER PLATE ADVISORY COMMITTEE, (RSA 261:97-d), Room 203, LOB

9:00 a.m. Regular meeting.

WINNIPESAUKEE WATERSHED ADVISORY COMMITTEE, (RSA 483-D), Room 105A, State House

10:00 a.m. Regular meeting.

THURSDAY, OCTOBER 1

ADOPTION OF ARTICLES 41, 72-a AND 73-a OF THE SECOND PART OF THE NEW HAMPSHIRE CONSTITUTION STUDY, (HB 1338, Chapter 330:1, Laws of 1998), Room 208, LOB

10:00 a.m. Regular meeting.

COMMISSION TO STUDY SPECIAL EDUCATION ISSUES, (SB 462, Chapter 267:2, II, Laws of 1998), Room 102, LOB

9:00 a.m. Regular meeting to hear presentation by the State Board of Education, the LBA and the Legislative Oversight Committee relative to special education costs.

LAND USE MANAGEMENT AND PROTECTION AND PRESERVATION OF THE STATE'S FARMLAND, RURAL CHARACTER AND ENVIRONMENTAL QUALITY AGAINST LOW DENSITY SPRAWL, URBAN AS WELL AS RURAL, AND THE LOSS OF SENSE OF PLACE STUDY, (HB 1238, Chapter 197:2, Laws of 1998), Room 303, LOB

10:00 a.m. Regular meeting.

LONG-RANGE CAPITAL PLANNING AND UTILIZATION (RSA 17-M), Room 201, LOB

9:30 a.m. Skyhaven Airport subcommittee meeting.

STRATEGIES FOR INCREASING PARENTAL INVOLVEMENT IN PUBLIC EDUCATION STUDY, (HB 1159, Chapter 31:1, Laws of 1998), Room 207, LOB

10:00 a.m. Regular meeting.

FRIDAY, OCTOBER 2

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

10:00 a.m. Regular meeting.

SERVICES PROVIDED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER THE STATE SUBSTANCE ABUSE DELIVERY SYSTEM, (HB 1174, Chapter 247:1, Laws of 1998), Room 102, LOB

10:00 a.m. Regular meeting.

MONDAY, OCTOBER 5

NEW HAMPSHIRE COUNCIL ON APPLIED TECHNOLOGY AND INNOVATION (RSA 12-H:1), Room 304, LOB

1:00 p.m. Technical presentation regarding communication towers.

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

9:00 a.m. Regular meeting.

TUESDAY, OCTOBER 6

AUTHORITY, FUNCTIONS, DUTIES, FUNDING AND RESPONSIBILITIES OF THE BUREAU OF EMERGENCY MEDICAL SERVICES STUDY, (HB 1150, Chapter 30:1, Laws of 1998), Room 302, LOB

1:00 p.m. Regular meeting.

ELECTION LAW, Room 308, LOB

10:00 a.m. Subcommittee work session on ***HB 647-FN-A-L,*** relative to a centralized computer checklist of voters and making an appropriation therefor.

JUDICIARY AND FAMILY LAW, Room 208, LOB

10:00 a.m. Executive session on all interim study bills.

WEDNESDAY, OCTOBER 7

ADOPTION OF ARTICLES 41, 72-a AND 73-a OF THE SECOND PART OF THE NEW HAMPSHIRE CONSTITUTION STUDY, (HB 1338, Chapter 330:1, Laws of 1998), Room 208, LOB

10:00 a.m. Regular meeting.

BUILDING TRADES CONSOLIDATING UNDER A SINGLE LICENSING BOARD FEASIBILITY STUDY, (SB 364, Chapter 123:1, Laws of 1998), Room 101, LOB

9:00 a.m. Regular meeting.

CHILD CARE AND FAMILY RESOURCE GROUP STUDY, (SB 360, Chapter 122:2, Laws of 1998), Rooms 201-203, LOB

10:00 a.m. Regular meeting.

COMMERCE, Room 302, LOB

9:30 a.m. Subcommittee work session on ***HB 1546-FN,*** extending consumer protection rights to purchasers of farm equipment.

10:00 a.m. Subcommittee work session on ***HB 263,*** relative to viatical settlements which are settlements between an insurance provider and a policy holder or certificate holder with a life-threatening illness.

10:30 a.m. Subcommittee work session on ***SB 340,*** relative to the filing fee for securities in a combined prospectus offered for sale in New Hampshire by a mutual fund.

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

10:00 a.m. Executive session on interim study bills.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 202, LOB

10:00 a.m. Subcommittee work session on ***HB 1612-FN,*** establishing a public information system to ensure electronic access to public records.

11:30 a.m. Subcommittee work session on ***HB 1415,*** relative to the regulation of the practice of optometry.

1:00 p.m. Subcommittee work session on ***HB 1528,*** relative to the transfer of certain administratively attached agencies from the secretary of state to the department of administrative services.

SPECIAL EDUCATION SHORTAGE OF QUALIFIED PERSONNEL IN THE DELIVERY OF SERVICES STUDY (HB 1215, Chapter 144:1, Laws of 1998), Room 207, LOB

10:00 a.m. Regular meeting.

THURSDAY, OCTOBER 8

ADOPTION OF ARTICLES 41, 72-a AND 73-a OF THE SECOND PART OF THE NEW HAMPSHIRE CONSTITUTION STUDY, (HB 1338, Chapter 330:1, Laws of 1998), Room 208, LOB

10:00 a.m. Regular meeting.

ALTERNATIVE AGRICULTURAL PRODUCTS EFFECT AND JURISDICTION COMMISSION, (HB 1120, Chapter 103:1, Laws of 1998), Room 307, LOB

9:00 a.m. Rescheduled regular meeting.

STRATEGIES FOR INCREASING PARENTAL INVOLVEMENT IN PUBLIC EDUCATION STUDY, (HB 1159, Chapter 31:1, Laws of 1998), Room 207, LOB

10:00 a.m. Regular meeting.

TUESDAY, OCTOBER 13

CHILD CARE AND FAMILY RESOURCE GROUP STUDY, (SB 360, Chapter 122:2, Laws of 1998), Nashua City Hall, Third Floor Auditorium, 229 Main Street

2:00 p.m. Public hearing.

DRIVER TRAINING PROGRAMS FOR OLDER DRIVERS STUDY, (SB 316, Chapter 212:1, Laws of 1998), Room 102, LOB

10:00 a.m. Regular meeting.

EVENING SESSIONS IN DISTRICT COURTS STUDY, (HB 734, Chapter 29:1, Laws of 1998), Room 208, LOB

10:00 a.m. Regular meeting.

IN-HOME SUPPORT SERVICES FOR CHILDREN WITH DISABILITIES FUNDING STUDY, (SB 443, Chapter 160:1, Laws of 1998), Room 101, LOB

10:00 a.m. Public hearing. Families will talk about their concerns of children with disabilities.

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

10:00 a.m. Regular meeting.

UPDATING NEW HAMPSHIRE LAWS RELATED TO FENCES STUDY, (HB 1154, Chapter 62:1, Laws of 1998), Room 301, LOB

9:00 a.m. Regular meeting.

WEDNESDAY, OCTOBER 14

ELECTRIC RATE REDUCTION FINANCING COMMITTEE, (HB 651, Chapter 263:1, Laws of 1998), Room 304, LOB

10:00 a.m. Regular meeting.

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

9:00 a.m. Regular business.

9:30 a.m. Audits: Department of Regional Community Technical Colleges. Veterans' Home.

THURSDAY, OCTOBER 15

ADEQUATE EDUCATION COSTS PROVISION AND GRANT DISTRIBUTING MUNICIPALITIES COMMISSION (SB 462, Chapter 267:1, III, Laws of 1998), Room 102, LOB

10:00 a.m. Regular meeting.

STRATEGIES FOR INCREASING PARENTAL INVOLVEMENT IN PUBLIC EDUCATION STUDY, (HB 1159, Chapter 31:1, Laws of 1998), Room 207, LOB

10:00 a.m. Regular meeting.

FRIDAY, OCTOBER 16

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

9:00 a.m. Regular meeting.

JUDICIAL COUNCIL (RSA 494), Room 208, LOB

12:00 p.m. Regular meeting.

TUESDAY, OCTOBER 20

IN-HOME SUPPORT SERVICES FOR CHILDREN WITH DISABILITIES FUNDING STUDY, (SB 443, Chapter 160:1, Laws of 1998), Room 101, LOB

10:00 a.m. Full committee review of draft report due November 1st.

THURSDAY, OCTOBER 22

STRATEGIES FOR INCREASING PARENTAL INVOLVEMENT IN PUBLIC EDUCATION STUDY, (HB 1159, Chapter 31:1, Laws of 1998), Room 207, LOB

10:00 a.m. Regular meeting.

FRIDAY, OCTOBER 23

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

9:00 a.m. Regular meeting.

MONDAY, OCTOBER 26

BOARD OF MANUFACTURED HOUSING (RSA 205-A:25), Room 201, LOB

1:00 p.m. Regular meeting.

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

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

TUESDAY, OCTOBER 27

FOSTER CARE SYSTEM TASK FORCE STUDY, (SB 346, Chapter 277:1, Laws of 1998), Room 308, LOB

9:30 a.m. Regular meeting.

WEDNESDAY, OCTOBER 28

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

9:30 a.m. Executive session on interim study bills.

EDUCATION, Room 207, LOB

10:00 a.m. Work and executive session on interim study bills.

THURSDAY, OCTOBER 29

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Executive session on interim study bills, if needed.

OFFICIAL NOTICES

The Nuclear Decommissioning Financing Committee (RSA 162-F:15) will be conducting hearings regarding North Atlantic Energy Service Corporation's (North Atlantic) Annual Decommissioning Update from September 28 through October 2 at 9:00 a.m. in Rooms 305-307, LOB. Further hearings on North Atlantic's Annual Decommissioning Update will be held as needed October 19 through October 23 at 9:00 a.m. at the same location.

Rep. Jeb E. Bradley

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

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

Karen O. Wadsworth, Clerk of the House

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MEMBERS' NOTICES

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

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Prints of the 1997-98 class photo can be ordered from Susan Wood in the House Information Office, Room 314, or by calling 271-3666. A copy of the picture is available in Room 314 for anyone who wants to look at a print before placing an order. The cost is $10.00 for an 8 x 10 print. Only checks will be accepted for payment. Please place your orders as soon as possible and no later than October 1 to ensure prompt delivery of the prints.

Donna Sytek, Speaker

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Please drop by and view fifteen inspirational quilts produced by the students of the D. J. Bakie Elementary School of Kingston. These quilts were created by students in grades one through five during an artist-in-residence program guided by Merrilyn SanSoucie, quiltmaker/fabric artist. The program was supported in part by the NH State Council on the Arts. The student work will be on display in the Visitors' Center until the end of December.

Kenneth Leidner, Director

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September 24th hot breakfast! Governor Jeanne Shaheen invites all legislators and State House staff to a hot breakfast from 8:30 to 10:00 a.m. in the Executive Council Chambers. Scrambled eggs, sausage, the whole works. Please come.

Rep. Peter H. Burling

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The Legislative Aviation Group is pleased to announce that the Aviation Awareness Day meeting of the NH supporters and proponents of the industry shall be held at the Lebanon Municipal Airport on Friday, September 25 at 10:00 a.m. If transportation is needed, please contact Jack Ferns at 271-2552. All legislators interested in aviation are invited to attend!

Rep. Robert H. Milligan

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In recognition of your support, the New Hampshire Law Enforcement Officers' Memorial Committee cordially invites all members of the House to the dedication ceremony of the New Hampshire Law Enforcement Officers' Memorial. The ceremony for the memorial will be held on Saturday, September 26, beginning promptly at 6:00 p.m. at the Legislative Office Building in Concord. The ceremony will proceed rain or shine. Refreshments will be served immediately following the event. Please contact Amy Parker-Donovan at 539-1316 or Chief John Curran of the Meredith Police Department at 279-4561 if you have any questions.

Rep. Allen K. MacNeil

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The 11th Annual Harry S. Truman Dinner, sponsored by the Coos County Democratic Party, will be held Saturday, September 26th at the Town and Country Motor Inn, Route 2, Shelburne. Social hour with hors d'oeuvres and cash bar 6:00 p.m. Dinner 7:00 p.m. Keynote speaker will be US Senator Paul Wellstone from Minnesota. Tickets $25 per person. For tickets call Rep. Paula E. Bradley at 466-2574.

Rep. Paula E. Bradley

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The House Republican Alliance will meet at the Upham Walker House (Park Street across from the State House) at 9:00 a.m. on the following Wednesdays: September 30, October 14 and October 28. Refreshments will be served.

Rep. Robert K. Boyce

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The Legislative Caucus for Young Children will meet on Tuesday, October 6 at 1:00 p.m. in the Upham Walker House.

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

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The Department of Transportation will hold the following meetings:

Sept 28 - Enfield Town Hall, Main Street, Enfield, 7:00 p.m. Public officials meeting, Enfield, replacement of Shaker Hill Road bridge.

Sept 29 - NHDOT, Room 3, 1 Hazen Drive, Concord, 1:00 p.m. Commission meeting, Claremont, NH Route 11.

Sept 29 - Auburn Town Hall, 47 Chester Road, Auburn, 7:00 p.m. Public officials meeting, Auburn, NH 28 bypass bridge.

Oct 6 - Hooksett Town Hall, 16 Main Street, Hooksett, 7:00 p.m. Public officials meeting, Hooksett, US 3/NH 28 bypass intersection.

Oct 29 - Carroll Town Hall Gym, PO Box 146, Carroll, 7:00 p.m. Public hearing (Commission), Carroll-Bethlehem, US Route 302.

Rep. Gene G. Chandler, Chairman

Public Works and Highways

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

Kenneth Leidner, Director

DATE	***TIME***	***GROUP***	***CLASS/Size***
Oct 1	8:00 & 9:45	Merrimack Valley High School	10/60
Oct 2	9:30	Alton Central School	4/46
Oct 5	10:00	Claremont Christian School	4/16
Oct 5	10:00	Victory Baptist School, Londonderry	4/14
Oct 6	12:30	Sullivan Elem. School	4/40
Oct 7	10:00 & 12:15	Sandown Central School	4/100
Oct 8	10:00 & 12:30	Windham Center School	4/90
Oct 9	10:00 & 12:30	Windham Center School	4/90

Oct 13	12:00 & 1:30	Hinsdale Elem. School	4/60
Oct 14	10:00 & 11:30	Wilkins Elem. School, Amherst	4/75
Oct 15	9:00	Manchester School of Technology	HS/25
Oct 15	10:30	Deerfield Community School	4/23
Oct 16	10:30	Manchester School of Technology	HS/25
Oct 19	10:00 & 11:30	Wilkins Elem. School, Amherst	4/75
Oct 20	10:00 & 11:15	Dr Crisp Elem. School, Nashua	5&6/52
Oct 22	9:45 & 12:00	Chester Elem. School	4/70
Oct 23	10:00	Gilsum Elem. School	4/25
Oct 23	12:00	Calvary Christian School, Derry	4/36
Oct 26	10:00 & 12:00	Chamberlain Street School, Rochester	4/80
Oct 27	10:30 & 12:45	Charlestown Primary School	4/50
Oct 28	9:30 & 3:00	Berlin High School English Exchange	HS/100
Oct 28	10:30 & 12:00	Wilton-Lyndeborough High School	8/60
Oct 29	9:30	Westmoreland School	4/20
Oct 30	9:30,11:00 &12:30	Pelham Memorial School	6/160

THURSDAY, SEPTEMBER 24

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1998-2454h

Floor Amendment to CACR 44 - #1

Proposed by Reps. Kurk and Burling

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

RELATING TO: the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

PROVIDING THAT: the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education, and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.***; State's Duty to Assure the Opportunity for an Adequate Primary and Secondary Public Education; Taxes Imposed by Political Subdivisions.***] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution by adding a new paragraph which:

1. Limits local school property tax rates that the state may require for supporting adequate education to no more than 5 percent above the state average tax rate for such taxes; and

2. Defines the state's duty to support public education as the duty "to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; and

3. Prescribes that this duty will be carried out through laws passed by the legislature, subject to approval by the governor; and

4. Requires that such laws be upheld by the courts if they are reasonably related to fulfilling this duty; and

5. Permits the cost of such education to continue to be supported by local school property taxes which are reasonable and proportional throughout that part of the political subdivision in which they are collected; and

6. Authorizes local school districts to determine all matters pertaining to primary and secondary education, except such matters determined by state laws which provide funds for any newly-imposed requirements; and

7. Makes clear that this new paragraph is not intended to restrict amounts the state or any local district may spend for education, or to affect constitutional rights other than the state's duty to support public education; and that such new paragraph shall read as follows:

"The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution?"

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

2. The nature and means of fulfilling such duty shall be determined by statutory provisions, which shall be upheld if such statutes are reasonably related to fulfilling this duty.

3. That in fulfillment of this duty, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state.

4. That such taxes assessed in support of primary and secondary public education shall be reasonable and proportional throughout that part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

5. That all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

1998-2448h

Floor Amendment to CACR 44 - #2

Proposed by Rep. Holt

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

RELATING TO: the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

PROVIDING THAT: the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; in fulfillment of which, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state; such taxes shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education; that no political subdivision shall receive any additional state funding if such political subdivision enacts or maintains the enactment of any local laws, ordinances, rules, or regulations which are intended to or result in the restriction of reasonable economic growth or development within said political subdivision; and that all matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.***; State's Duty to Assure the Opportunity for an Adequate Primary and Secondary Public Education; Taxes Imposed by Political Subdivisions; Effect of Local Restrictions on Reasonable Economic Growth and Development.***] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

The state's duty to support public education shall be governed exclusively by the provisions of this paragraph. Judicial review and enforcement of such duty shall be restricted only to the provisions of this paragraph. It shall be the duty of the state to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. The specific nature and means of fulfilling such duty shall be determined by statute, which shall be upheld if reasonably related to the fulfillment thereof. The state may require the cost of such education to be supported by taxes assessed by political subdivisions of the state, which shall be reasonable and proportional throughout the part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. All matters pertaining to primary and secondary public education shall be determined by the legally constituted authority of the local district providing such education, except as otherwise prescribed by statute in accordance with part 1, article 28-a of this constitution; and provided that no political subdivision, including a school district or an area served by separate school districts, shall receive any additional state funding if such political subdivision enacts or maintains the enactment of any local laws, ordinances, rules, or regulations of any kind which are intended to, or result in, the restriction of reasonable economic growth or development within said political subdivision as determined by statute. Nothing in this article shall be construed to limit the amount

the state or any political subdivision may expend for the purpose of education, or to deny, disparage, or infringe any other right of the people as set forth elsewhere in this constitution.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution by adding a new paragraph which:

1. Limits local school property tax rates that the state may require for supporting adequate education to no more than 5 percent above the state average tax rate for such taxes; and

2. Defines the state's duty to support public education as the duty "to assure the opportunity for an adequate primary and secondary public education to all pupils in the state;" and

3. Prescribes that this duty will be carried out through laws passed by the legislature, subject to approval by the governor; and

4. Requires that such laws be upheld by the courts if they are reasonably related to fulfilling this duty; and

5. Permits the cost of such education to continue to be supported by local school property taxes which are reasonable and proportional throughout that part of the political subdivision in which they are collected; and

6. Authorizes local school districts to determine all matters pertaining to primary and secondary education, except such matters determined by state laws which provide funds for any newly-imposed requirements; and

7. Provides that no political subdivision shall receive any additional state funding if such political subdivision enacts or maintains any laws, ordinances, rules, or regulations which restrict reasonable economic growth or development; and

8. Makes clear that this new paragraph is not intended to restrict amounts the state or any local district may spend for education, or to affect constitutional rights other than the state's duty to support public education?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state.

2. The nature and means of fulfilling such duty shall be determined by statutory provisions, which shall be upheld if such statutes are reasonably related to fulfilling this duty.

3. That in fulfillment of this duty, the state may require the cost of such education to be supported by taxes assessed by the political subdivisions of the state.

4. That such taxes assessed in support of primary and secondary public education shall be reasonable and proportional throughout that part of the political subdivision in which they are collected, provided that no political subdivision shall be required to assess real estate taxes for such purpose at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

5. That no political subdivision shall receive any additional state funding if such political subdivision enacts or maintains enactment of any local laws, ordinances, rules, or regulations of any kind which are intended to, or result in the restriction of reasonable economic growth or development within such political subdivision, as determined by statute.

1998-2452h

Floor Amendment to CACR 44 - #3

Proposed by Rep. Weyler

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

RELATING TO: taxes imposed by political subdivisions in support of public education.

PROVIDING THAT: the state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and that taxes imposed by a political subdivision in support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Amend the resolution by replacing paragraph I with the following:

I. That part second of the constitution be amended by inserting after article 83 the following new article:

[Art.] 83-a. [Taxes Imposed by Political Subdivision in Support of Public Education.] The state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and taxes imposed by political subdivisions of the state for support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that:

"The state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and taxes imposed by political subdivisions of the state for support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected?"

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the state may require a part of the cost of primary and secondary public education to be supported by political subdivisions of the state, and taxes imposed by political subdivisions of the state for support of primary and secondary public education shall be proportional and reasonable only throughout that part of the city, town, or unincorporated place within such political subdivision from which they are collected.

1998-2432h

Floor Amendment to CACR 44 - #4

Proposed by Rep. Vachon

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

RELATING TO: the collection of real estate taxes in support of public education.

PROVIDING THAT: in fulfilling its duty to support primary and secondary public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state; that such taxes shall be equal in valuation and uniform in rate throughout the state, and that no political subdivision shall be required to collect real estate taxes at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc***; State's Responsibility to Provide for Public Education; Delegation to Political Subdivisions.***] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

In fulfilling the state's duty to support public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state. Such taxes shall be equal in valuation and uniform in rate throughout the state and no political subdivision shall be required to collect real estate taxes for this or any other purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to provide that:

"In fulfilling the state's duty to support public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state. Such taxes shall be equal in valuation and uniform in rate throughout the state and no political subdivision shall be required to collect real estate taxes for this or any other purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of public education?"

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state may fulfill its duty to support primary and secondary public education by requiring the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state.

2. That such taxes assessed in support of primary and secondary education shall be equal in valuation and uniform in rate throughout the state, and

3. That no political subdivision shall be required to collect real estate taxes at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

1998-2425h

Floor Amendment to CACR 44 - #5

Proposed by Reps. Franks, Boutin, Cardin, J. Clemons, D. Cote, Dawe, C. Jean, Klemm, McGuirk, Vaughn and Trelfa

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

RELATING TO: the state's responsibility to provide for full funding of foundation aid to education.

PROVIDING THAT: the general court shall ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education.

Amend the resolution by replacing all after the resolving clause with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc.***; State's Responsibility to Provide For Full Funding of Foundation Aid to Education***.] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

In furtherance of its obligation to cherish the interests of public schools, the general court shall, through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, and periodically review the same, ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to include the following language: "In furtherance of its obligation to cherish the interests of public schools, the general court shall, through the exercise of its power to make, ordain, and establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, and periodically review the same, ensure that sufficient funds are appropriated to provide for full funding of foundation aid to education."

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the

governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the general court shall ensure that sufficient funds are appropriated to fully fund foundation aid to education.

1998-2434h

Floor Amendment to CACR 44 - #6

Proposed by Rep. Alger

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

RELATING TO: extending the deadline imposed by the New Hampshire supreme court on the general court regarding the method of funding public education.

PROVIDING THAT: notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to May 31, 2001 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education.

Amend the resolution by replacing paragraph I with the following:

I. That the second part of the constitution be amended by inserting after article 8 the following new article:

[Art.] 8-a. [Applicability of Supreme Court's Public School Funding Decision]. Notwithstanding that portion of the decision of the supreme court of this state in Claremont School District v. Governor, dated December 17, 1997, found in the New Hampshire Reports, volume 142, page 462, which imposed on the general court the end of the 1998 tax year as a deadline for action, and in order that the general court be given a reasonable period of time to effect an orderly transition to a new system, the general court shall no later than May 31, 2001, create and implement a new system of funding public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending the constitution to provide that: Notwithstanding that portion of the decision of the supreme court of this state in Claremont School District v. Governor, dated December 17, 1997, found in the New Hampshire Reports, volume 142, page 462, which imposed on the general court the end of the 1998 tax year as a deadline for action, and so that the general court be given a reasonable period of time to effect an orderly transition to a new system, the general court shall, no later than May 31, 2001 create and implement a new system of funding public education?"

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that notwithstanding that portion of the New Hampshire supreme court's decision in Claremont School District v. Governor, dated December 17, 1997, which imposed on the general court an end of the 1998 tax year deadline for creating and implementing a new system of funding public education, the deadline shall be extended to May 31, 2001 in order that the general court be given a reasonable time to effect an orderly transition to a new system of funding public education.

1998-2451h

Floor Amendment to CACR 44 - #7

Proposed by Reps. Bickford

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

RELATING TO: the state's constitutional responsibility concerning the encouragement of literature and the sciences.

PROVIDING THAT: the legislature shall no longer have the constitutional duty to promote literature and the sciences.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [***Money Raised by Taxation Used for Religious Schools or Sects Prohibited;*** Control of Corporations, Monopolies, etc.] [~~Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that~~] No money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to provide that the legislature shall no longer have the constitutional duty to promote literature and the sciences?

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides that the legislature shall no longer have the constitutional duty to promote literature and the sciences.

1998-2449h

Floor Amendment to CACR 44 - #8

Proposed by Rep. Hemon

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

RELATING TO: sources of funding for public education.

PROVIDING THAT: property taxes shall not be used to fund public education.

Amend paragraph I of the resolution by replacing it with the following:

I. That article 5 of the second part of the constitution be amended to read as follows:

[Art.] 5 [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or

contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same***, provided that property taxes shall not be used to fund public education;*** to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber.

Amend paragraph IV of the resolution by replacing it with the following:

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that property taxes shall not be used to fund public education?

AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides that property taxes shall not be used to fund public education.

1998-2364h

Floor Amendment to CACR 44 - #9

Proposed by Rep. Hess

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

RELATING TO: clarifying the phrase "proportional and reasonable" in the constitution.

PROVIDING THAT: to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 33 1/3 percent of the highest tax rate utilized by any other local taxing district.

Amend the resolution by replacing all after the title with the following:

I. That article 5 of the second part of the constitution be amended to read as follows:

[Art.] 5 [Power to Make Laws, Elect Officers, Define Their Powers and Duties, Impose Fines and Assess Taxes; Prohibited from Authorizing Towns to Aid Certain Corporations.] And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties, or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof, and of the subjects of the same, for the necessary support and defense of the government thereof, and to name and settle biennially, or provide by fixed laws for the naming and settling, all civil officers within this state, such officers excepted, the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them, for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and also to impose fines, mulcts, imprisonments, and other punishments, and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and residents within, the said state; and upon all estates within the same***, provided that to the extent the local property tax is used to fund an adequate education, as defined by the state of New Hampshire, tax rates among different local taxing districts shall be deemed to be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 33 1/3 percent of the highest tax rate utilized by any other local taxing district***; to be issued and disposed of by warrant, under the hand of the governor of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state, and the protection and preservation of the subjects thereof, according to such acts as are, or shall be, in force within the same; provided that the general court shall not authorize any town to loan or give its money or credit directly

or indirectly for the benefit of any corporation having for its object a dividend of profits or in any way aid the same by taking its stocks or bonds. For the purpose of encouraging conservation of the forest resources of the state, the general court may provide for special assessments, rates and taxes on growing wood and timber.

II. That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1998.

III. That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1998 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1998 session of the general court shall be approved.

IV. That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 33 1/3 percent of the highest tax rate utilized by any other local taxing district?

V. That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1998 General Court" shall be printed in bold type at the top of the ballot.

VI. That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

AMENDED ANALYSIS

This constitutional amendment-concurrent resolution provides that to the extent local property taxes are used to fund an adequate education, tax rates among different local taxing districts shall be proportional and reasonable if, utilizing real property valuations equalized throughout the state, the lowest tax rate utilized by any one local taxing district is not less than 33 1/3 percent of the highest tax rate utilized by any other local taxing district.

1998-2431h

Floor Amendment to CACR 45

Proposed by Rep. Vachon

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

RELATING TO: the collection of real estate taxes in support of public education.

PROVIDING THAT: in fulfilling its duty to support primary and secondary public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state; that such taxes shall be equal in valuation and uniform in rate throughout the state, and that no political subdivision shall be required to collect real estate taxes at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

Amend the resolution by replacing paragraph I with the following:

I. That article 83 of the second part of the constitution be amended to read as follows:

[Art.] 83. [Encouragement of Literature, etc.; Control of Corporations, Monopolies, etc***; State's Responsibility to Provide for Public Education; Delegation to Political Subdivisions.***] Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards, and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country; to countenance and inculcate

the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety, and all social affections, and generous sentiments, among the people: Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof. Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.

In fulfilling the state's duty to support public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state. Such taxes shall be equal in valuation and uniform in rate throughout the state and no political subdivision shall be required to collect real estate taxes for this or any other purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of public education.

Amend the resolution by replacing paragraph IV with the following:

IV. That the wording of the question put to the qualified voters shall be: Are you in favor of amending article 83 of the constitution to provide that:

"In fulfilling the state's duty to support public education, the state may require the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state. Such taxes shall be equal in valuation and uniform in rate throughout the state and no political subdivision shall be required to collect real estate taxes for this or any other purpose at a rate more than 5 percent higher than the average equalized rate necessary to support the total statewide cost of adequate primary and secondary public education, as determined by statute. Nothing in this article shall be construed to limit the amount the state or any political subdivision may expend for the purpose of public education?"

AMENDED ANALYSIS

This constitutional amendment concurrent resolution provides:

1. That the state may fulfill its duty to support primary and secondary public education by requiring the cost of such education to be supported by taxes assessed by the state and collected by political subdivisions of the state.

2. That such taxes assessed in support of primary and secondary education shall be equal in valuation and uniform in rate throughout the state, and

3. That no political subdivision shall be required to collect real estate taxes at a rate in excess of 5 percent of the average equalized rate necessary to support the total statewide cost of an adequate primary and secondary public education.

1998-2429h

Floor Amendment to HB 1674-FN-A-LOCAL

Proposed by Rep. Sapareto

Amend the bill by replacing all after section 9 with the following:

10 Transitional Tax Rates.

I. Notwithstanding any other provision of law, for the property tax years ending March30,1999, and March 30, 2000 only, for each municipality in the state the department of revenue administration shall determine the property tax rate which would be applicable in the municipality as the law existed on June 30, 1998. For the purposes of this section such rate shall be termed "old rate." For the same tax years the department of revenue administration shall determine the property tax rate which would

be applicable statewide due to the provisions of this act. For the purposes of this section, such rate shall be termed "new rate."

II. For the property tax year ending March 30, 1999:

(a) In those municipalities in which the old rate is less than the new rate, the property tax rate shall be set at the old rate increased by 1/3 of the difference between the old rate and the new rate; provided that no municipal tax rate shall increase by more than $1 over the municipality's tax rate for the property tax year ending March 30, 1998.

(b) In those municipalities in which the old rate is greater than the new rate, the property tax rate shall be set at the old rate decreased by 1/3 of the difference between the old rate and the new rate.

III. For the property tax year ending March 30, 2000:

(a) In those municipalities in which the old rate is less than the new rate, the property tax rate shall be set at the old rate increased by 2/3 of the difference between the old rate and the new rate; provided that no municipal tax rate shall increase by more than $1 over the municipality's tax rate for the property tax year ending March 30, 1999.

(b) In those municipalities in which the old rate is greater than the new rate, the property tax rate shall be set at the old rate decreased by 2/3 of the difference between the old rate and the new rate.

IV. For the property tax year ending March 30, 2001, the property tax rates throughout the state of New Hampshire shall be uniform and proportional in accordance with this act.

11 Appropriation; Education Trust Fund. Thirty-six million dollars of general fund revenues not otherwise constitutionally or statutorily dedicated collected in each of the fiscal years 1998 and 1999 shall be deposited into the education trust fund established in RSA 198:39 for the fiscal year ending June 30, 1999.

12 Overview Committee. Beginning on July 1, 2001, there shall be a legislative overview committee composed of 3 representatives appointed by the speaker of the house and 3 senators appointed by the senate president. The committee shall examine the progress of RSA 76-A, RSA193:10, and RSA 198:38-50 in meeting the state's obligation to provide an adequate education to the elementary and secondary school student in the state. The committee shall report its findings and recommendations for legislation to the speaker of the house, senate president, house clerk, senate clerk, and state library on or before November 1, 2001.

13 Repeal. The following are repealed:

I. RSA 78:20, relative to the applicability of the tobacco tax.

II. RSA 198:1-3, relative to required annual district property taxes.

III. RSA 198:15-i - 15-t, relative to the kindergarten incentive program, kindergarten aid and alternative kindergarten programs, and the kindergarten construction program.

IV. RSA 198:21, V, relative to the applicability of foundation aid and child benefit service grant recipients in the calculation of average daily membership.

V. RSA 198:22, V, relative to the applicability of foundation aid and dual enrollment grant recipients in the calculation of average daily membership.

VI. RSA 198:27-37, relative to foundation aid and alternative foundation aid.

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

AMENDED ANALYSIS

This bill establishes a proportional statewide property tax to fund an education trust fund to pay for the state-mandated education and funding for kindergarten. The distribution to the municipalities shall be made on an equal per pupil basis, based on the average daily membership of the municipalities by grade. Municipalities may supplement education spending as they deem appropriate.

The bill permits a property taxpayer whose total statewide property taxes on up to $100,000 of equalized value of the homestead are in excess of 10 percent of the taxpayer's household income to apply to the municipality for property tax relief of the

difference not in excess of $2,250.

The bill provides for a 3-year transitional period to phase-in the new tax rate with the rate increases for property tax years ending March 30, 1999 and March 30, 2000 at no more than $1 per year.

The bill also establishes a legislative overview committee to examine the progress of the bill in meeting the state's obligation to provide an adequate education. The committee shall report by November 1, 2001.

1998-2406h

Floor Amendment to HB 1675-FN-A-LOCAL

Proposed by Reps. Cushing and Burling

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

AN ACT relative to state guarantee of school district indebtedness.

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

1 New Subdivision; State Guarantee of School District Indebtedness. Amend RSA 198 by inserting after section 37 the following new subdivision:

State Guarantee of School District Indebtedness

198:38 Statement of Purpose. The general court recognizes the mandate of the Claremont II decision rendered by the supreme court of this state as a call to create and implement a new system of funding public education in this state. The general court shall continue to diligently strive toward this goal, and intends that any changes to existing law necessitated by the Claremont II ruling be incorporated into the operating budget of the next biennium.

198:39 State Guarantee. In addition to the state guarantee of school district bonds or notes issued for the purposes of school construction, enlargement, or alteration as provided under RSA195-C, the governor, with the advice and consent of the council, may award an unconditional state guarantee with respect to all school district indebtedness, including all bonds or notes of a school district, outstanding as of the effective date of this section. The full faith and credit of the state are and shall be pledged for any such guarantees. The governor shall draw a warrant for such sums of money out of any money in the treasury not otherwise appropriated, for the purpose of honoring any guarantee awarded under this section.

2 Repeal. The following are repealed:

I. RSA 198:38, relative to the statement of purpose concerning the Claremont II decision.

II. RSA 198:39, relative to state guarantee of school district indebtedness.

3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2001.

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

AMENDED ANALYSIS

The amendment provides that, through June 30, 2001, the state shall unconditionally guarantee all school district indebtedness, including all bonds or notes of a school district, in existence as of the effective date of this section.