

HOUSE RECORD

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Contains: Corrected Committee Report and Floor Amendments for February 23

ADDENDUM TO HOUSE CALENDAR 15

WEDNESDAY, FEBRUARY 23

REGULAR CALENDAR

SPECIAL COMMITTEE ON EDUCATION FUNDING REFORM

HB 238-FN-A, relative to the assessment of the education tax by towns and cities.

MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.

Rep. Andrew Renzullo for the **Majority** of Special Committee on Education Funding Reform: This bill requires municipalities to assess the education tax on residential and commercial property only after applying a \$100,000 exemption to the valuation. This has the intended consequence of shifting the tax burden to higher value properties. According to the sponsors own figures (unverified by the committee), the break-even point would be a house valued at \$600,000. Homes of lesser value would have a lower percentage tax, while homes of greater value would have a higher percentage tax. This is the first step toward a graduated property tax. It is an attempt to shift the tax burden to those who are apparently more affluent, or, in other words, "those who can afford it." On philosophical grounds, this is class warfare and is unacceptable. On a practical level, redistribution of the real estate tax could impose significant unintended hardship. In the southern tier, many homes have doubled, tripled or even quadrupled in value over the years. People who bought moderately priced homes years ago, and are now living on fixed retirements, have homes of high assessed value. They cannot, and should not, be required to pay the taxes of others. And finally, this legislature is looking to makes changes in education funding. The education tax (state wide property tax) may or may not be part of any comprehensive plan. Thus any tinkering with the tax structure is, at best, premature. In this case, the tinkering is ill-advised and would result in negative consequences. **Vote 10-3.**

CORRECTED MINORITY REPORT

Rep. Gary B Richardson for the **Minority** of Special Committee on Education Funding Reform: This bill would provide an exemption of \$100,000 from the State Wide Education Property Tax (SWEPT) from the assessed valuation for one principal structure per lot used for residential or commercial purposes. The proposal is revenue neutral meaning that the amount raised by the SWEPT for education would remain unchanged. The exemption would cause an increase in the tax rate from \$2.325 per thousand to \$2.77 per thousand, but would result in a reduction in taxes for small businesses and residents owning property assessed at less than \$625,000, and a minor increase for those residents and businesses assessed at more than \$625,000. For example, a residence or business assessed at \$1 million would see an increase of \$165 annually. The minority believes that this bill would assist people to find

basic housing at an affordable cost and encourage small businesses that are the backbone of our economy.

FLOOR AMENDMENTS

(LISTED IN NUMERICAL ORDER)

2011-0437h

Floor Amendment to HB 146 **Proposed by Rep. D. McGuire**

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

AN ACT relative to an informed jury.

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

1 Findings and Intent. Under the decisions of both the New Hampshire supreme court and the United States supreme court, the jury has an undeniable right to judge both the law and the facts in controversy. The jury system functions at its best when it is fully informed of these prerogatives. The general court wishes to perpetuate and reiterate the rights of the jury, as ordained under common law and recognized in the American jurisprudence, while preserving the rights of a criminal defendant.

2 New Sections; Right of Accused; Jury Instruction. Amend RSA 519 by inserting after section 23 the following new sections:

519:23-a Right of Accused. In all criminal proceedings where the defendant has made a timely request, the court shall explicitly instruct the jury in accordance with RSA 519:23-b of its inherent right to disregard the law as well as the facts and to nullify.

519:23-b Text of Jury Instruction. The court instruction provided for in RSA 519:23-a shall be substantially as follows:

“The test you must use is this: If you have a reasonable doubt as to whether the state has proved any one or more of the elements of the crime charged, you must find the defendant not guilty. However, if you find that the state has proved all of the elements of the offense charged beyond a reasonable doubt, you should find the defendant guilty. Ladies and gentlemen of the jury, the words for these instructions are chosen carefully. I emphasize the word “should” because you as jurors have the absolute right to decline to enter a verdict which violates your conscience, even if you find that the state has proven its case beyond a reasonable doubt.

3 Effective Date. This act shall take effect January 1, 2012.

AMENDED ANALYSIS

The bill states that a criminal defendant has a right that the court instruct the jury of its inherent right to disregard the law and the facts in controversy and to nullify.

2011-0422h

Floor Amendment to HB 373 **Proposed by Rep. Bergevin**

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

AN ACT relative to the observance of Constitution Days.

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

1 Observances Proclaimed by the Governor; Constitution Days. Amend RSA 4:13-c to read as follows:

4:13-c Constitution Days. The governor shall annually issue on the following dates a proclamation calling for a proper observance of State Constitution ~~[Day which is]~~ **Days which are** January 5 and ~~[September 17 as]~~ **June 3, and** Federal Constitution Day **which is September 17**, so that the people may be reminded annually on these dates of the blessings of liberty which they enjoy by the adoption of the Constitution of the United States, the Bill of Rights, and the Constitution of the State of New Hampshire.

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

AMENDED ANALYSIS

This bill requires the governor to annually issue a proclamation calling for the observance of January 5 and June 3 as State Constitution Days, and September 17 as Federal Constitution Day.

2011-0434h

Floor Amendment to HB 614 Proposed by Rep. Oligny

Amend paragraph I as inserted by section 1 of the bill by inserting after subparagraph (f) the following new subparagraphs:

- (g) The timeliness of guardian ad litem reports filed with the court.
- (h) The appointment of non-certified guardians ad litem by the court.
- (i) The frequency with which guardians ad litem exceed the fee for services originally set by the court.
- (j) The average cost of guardian ad litem services per case.
- (k) What, if any, additional guardian ad litem statistical performance measures should be routinely collected and publicly reported by the guardian ad litem board.
- (l) The parties' satisfaction with guardian ad litem services, which may include statements relative to the guardian ad litem's performance, legal knowledge, attentiveness, bias and objectivity, and degree of preparedness.

2011-0442h

Floor Amendment to HCR 23 Proposed by Rep. Theberge

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

A RESOLUTION urging the New Hampshire congressional delegation to support funding for the Portsmouth Naval Shipyard and to support the designation of a permanent line item in the regular defense budget for such funding.

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

Whereas, the Portsmouth Naval Shipyard is the oldest operating shipyard in the country; and

Whereas, the Portsmouth Naval Shipyard employs nearly 4,500 employees from New Hampshire, Maine, and Massachusetts; and

Whereas, as a major employer in the area, the Portsmouth Naval Shipyard is essential to the economic wellbeing and development of the seacoast; and

Whereas, failure to assist the Portsmouth Naval Shipyard with federal funds could damage this staple of the community; and

Whereas, the Portsmouth Naval Shipyard is a critical element in the country's defense infrastructure as one of the few places that nuclear submarines can be repaired; and

Whereas, the Portsmouth Naval Shipyard is one of only 4 nuclear facilities and at the present time it is impossible to site more; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring

That the house of representatives of the state of New Hampshire hereby urges the New Hampshire congressional delegation to support funding for the Portsmouth Naval Shipyard and to support the designation of a permanent line item in the regular defense budget for such funding; and

That copies of this resolution be forwarded by the house clerk to the members of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This resolution urges the New Hampshire congressional delegation to support funding for the Portsmouth Naval Shipyard and to support the designation of a permanent line item in the regular defense budget for such funding.

2011-0441h

Floor Amendment to HR 9
Proposed by Rep. Theberge

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

A RESOLUTION supporting funding for public safety.

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

Whereas, the safety of communities in New Hampshire is of the utmost importance; and

Whereas, public safety programs are vital to maintaining the safety of communities in New Hampshire; and

Whereas, public safety programs and services such as first responders and street sweepers are necessary to maintain safe communities in New Hampshire; and

Whereas, certain funding in the federal budget has helped preserve public safety programs and services in New Hampshire; and

Whereas, such funding is in danger of being cut from the federal budget; now, therefore, be it

Resolved by the House of Representatives:

That federal funding for public safety programs and services be maintained in the federal budget; and

That the house clerk deliver copies of this resolution to the members of the New Hampshire congressional delegation.

AMENDED ANALYSIS

This resolution supports federal funding for public safety programs.