HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21 Concord N.H. Thursday, March 4, 1999 No. 25

HOUSE JOURNAL No. 7 (cont.)

Tuesday, February 16, 1999

(Rep. Chandler in the Chair)

RESOLUTION

Rep. Whalley offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 656 through 669, and House Concurrent Resolution numbered 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS and HCR

First, second reading and referral

HB 656, relative to the use of personal watercraft on Beaver Lake in the town of Derry. (Langone, Rock 13; Gibbons, Rock 13; Sabella, Rock 13; Leone, Sull 2; Russman, Dist 19: Transportation)

HB 657-FN, relative to the health services planning and review board. (Emerton, Hills 7; Batula, Hills 18: Health, Human Services and Elderly Affairs)

HB 658-FN, relative to certification and registration requirements for recovery agents who assist bail agents and sureties. (Akins, Graf 14; Dickinson, Carr 2; Murphy, Hills 42; Dokmo, Hills 14: Executive Departments and Administration)

HB 659, relative to the use of ski craft on the waters of the state. (Riley, Ches 7; Avery, Ches 8; Manning, Ches 9; Leber, Merr 1; Wheeler, Dist 21; Hollingworth, Dist 23; Johnson, Dist 3; Roberge, Dist 9: Resources, Recreation and Development)

HB 660, authorizing the New Hampshire Bar Association to assess bar dues and authorizing the supreme court to assess attorneys for professional conduct and public protection fund fees. (Mirski, Graf 12: Judiciary)

HB 661-L, relative to the scope of abatement appeals. (Foster, Hills 10; Stone, Rock 7; V. Clark, Rock 17; Larsen, Dist 15; Below, Dist 5; Squires, Dist 12: Municipal and County Government)

HB 662-FN, relative to the duties of the liquor commission. (M. Fuller Clark, Rock 36; Splaine, Rock 34; Keans, Straf 16; Cohen, Dist 24: Commerce)

HB 663-L, authorizing the granting of abatements to persons whose children are enrolled in schools other than the local public schools. (Soltani, Merr 10; Bruno, Hills 4; Rabideau, Rock 16: Municipal and County Government)

HB 664, establishing a study committee on rights of ownership to cemetery plots. (Knowles, Straf 11: Municipal and County Government)

HB 665, relative to the New Hampshire emergency management compact with other jurisdictions. (Alger, Graf 9; Thulander, Hills 6; Weyler, Rock 18: State-Federal Relations and Veterans Affairs)

HB 666-FN-A-L, relative to the taxation of sand, gravel, loam, and other similar substances. (Chandler, Carr 1; Scanlan, Graf 11; Gilmore, Straf 11; Stone, Rock 7; Guay, Coos 6; Blaisdell, Dist 10; Johnson, Dist 3; Fraser, Dist 4: Finance)

HB 667, relative to the quorum required for sessions of the supreme court. (L. Jean, Hills 17; Wallin, Merr 15; Knowles, Straf 11; Welch, Rock 18; Bradley, Carr 8; Brown, Dist 17; Roberge, Dist 9: Judiciary)

HB 668, adding 2 members to the board of directors of the Pease development authority. (Rubin, Rock 25; M. Fuller Clark, Rock 36: Commerce)

HB 669-FN, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. (Dyer, Hills 8; J. King, Dist 18: Executive Departments and Administration)

HCR 7, urging the federal government not to adopt certain proposed rules requiring financial institutions to monitor their customers' banking habits. (Kurk, Hills 5; Hunt, Ches 10; Fraser, Dist 4: State-Federal Relations and Veterans Affairs)

RECESS

(Rep. Alukonis in the Chair)

RESOLUTION

Rep. Sytek offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 670 through 691, Constitutional Amendment Concurrent Resolutions numbered 24 and 25, and House Concurrent Resolution numbered 11, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, CACRs, HCR

First, second reading and referral

HB 670, establishing an advisory board to study the future of the NewHampshire automated information system's "Webster" Internet site. (S. Holley, Hills 28; Konys, Hills 33; Major, Rock 16; Howard, Carr 10; Maxfield, Merr 9; Brown, Dist 17; Squires, Dist 12: Executive Departments and Administration)

HB 671, adding a member to the council on resources and development. (Fuller Clark, Rock 36: Executive Departments and Administration)

HB 672-FN-A-L, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor. (Christie, Rock 22; O'Neil, Rock 22; Bridle, Rock 22; Francoeur, Rock 22; Kelley, Rock 22; Hollingworth, Dist 23: Public Works and Highways)

HB 670, establishing an advisory board to study the future of the NewHampshire automated information system's "Webster" Internet site. (S. Holley, Hills 28; Konys, Hills 33; Major, Rock 16; Howard, Carr 10; Maxfield, Merr 9; Brown, Dist 17; Squires, Dist 12: Executive Departments and Administration)

HB 671, adding a member to the council on resources and development. (Fuller Clark, Rock 36: Executive Departments and Administration)

HB 672-FN-A-L, relative to creating a master plan for Hampton Beach and Hampton State park to deal with growth, and making an appropriation therefor. (Christie, Rock 22; O'Neil, Rock 22; Bridle, Rock 22; Francoeur, Rock 22; Kelley, Rock 22; Hollingworth, Dist 23: Public Works and Highways)

HB 673-FN-A, establishing special number plates for emergency medical service providers and firefighters and continually appropriating fees charged for such plates to certain funds. (McGough, Hills 18; Milligan, Hills 18; Goley, Hills 37; Burkush, Hills 45; Reidy, Hills 46; Roberge, Dist 9; Johnson, Dist 3: Transportation)

HB 674, relative to the solemnization of marriages. (Robertson, Ches 18: Children and Family Law)

HB 675-FN, extending the applicability of postsecondary educational assistance for NewHampshire national guard members and requiring an annual reporting from state-supported postsecondary institutions. (Thulander, Hills 6; Vaughn, Rock 35; Durham, Hills 22; Gordon, Dist 2; J. King, Dist 18: Education)

HB 676-FN-A, increasing fees for motor vehicle inspection stickers and establishing motor vehicle inspector positions and making an appropriation therefor. (Packard, Rock 29; Bradley, Carr 8; J.Flanders, Rock 18: Transportation)

HB 677-FN-L, establishing a teacher compensation advisory board for the purpose of developing a statewide teacher compensation system. (Babson, Carr 5: Education)

HB 678, relative to leasing of properties owned by the department of environmental services. (Royce, Ches 9: Public Works and Highways)

HB 679-FN, requiring that certain solid waste permit applicants include an environmental impact statement as part of the permit application. (Tuthill, Sull 5: Environment and Agriculture)

HB 680-FN-A, establishing a veterans' programs number plate trust fund and a special veterans' programs license plate, to support state veterans' programs (Kenney, Carr 6; Patten, Carr 9; Johnson, Dist 3: Transportation)

HB 681-FN, requiring that all moneys received by the state treasurer which are not constitutionally dedicated be deposited in the general fund. (Rubin, Rock 25: Finance)

HB 682-FN-A, establishing a statewide program for the removal of graffiti from public property. (Belvin, Hills 14: Public Works and Highways)

HB 683-FN, requiring teachers and school administrators to report incidents of disruptive behavior by students. (Gilman, Graf 1: Education)

HB 684, allowing the department of health and human services to accept and expend federal reimbursement funds. (Kurk, Hills 5: Finance)

HB 685-FN-A, relative to the New Hampshire land and community heritage commission, and making an appropriation therefor. (Fuller Clark, Rock 36; Hager, Merr 18; Musler, Straf 6; Burling, Sull 1; Dokmo, Hills 14; Russman, Dist 19; Johnson, Dist 3; Hollingworth, Dist 23; Blaisdell, Dist 10; Larsen, Dist 15: Resources, Recreation and Development)

HB 686-FN, defining the state heritage collections committee's responsibilities and the process for acquiring or disposing of items and collections. (J. Wall, Straf 9; Whittemore, Merr 13; Thulander, Hills 6; Wheeler, Dist 21; Larsen, Dist 15: Executive Departments and Administration)

HB 687-FN, establishing the criminal offense of identity fraud. (Hunt, Ches 10; J. Wall, Straf 9; Kurk, Hills 5; Withee, Hills15: Criminal Justice and Public Safety)

HB 688, relative to the custody and escheat of abandoned and unclaimed property. (Dyer, Hills 8: Executive Departments and Administration)

HB 689-FN, relative to campaign contributions and expenditures. (Arnold, Hills 20; Jacobson, Merr 2; Hansen, Hills 2; Curran, Hills 9; Burnham, Ches 8; Roberge, Dist 9; Klemm, Dist 22; Larsen, Dist 15; Cohen, Dist 24; Below, Dist 5: Election Law)

HB 690-FN-L, relative to establishing a state board for charter schools. (Hunt, Ches 10: Education)

HB 691-FN, relative to persons receiving split benefit accidental disability retirement benefit allowances. (Dyer, Hills 8; Christie, Rock 22; J. King, Dist 18: Executive Departments and Administration)

CACR 24, relating to county attorneys. Providing that county attorney positions be abolished. (Rubin, Rock 25: Criminal Justice and Public Safety)

CACR 25, relating to the election of governor, executive councilors, and senators. Providing that the governor, executive councilors, and senators shall be elected every 4 years. (Clemons, Hills 31; D. Cote, Hills 29; Franks, Hills 26: Election Law)

HCR 11, urging Congress and the Internal Revenue Service to modify tax laws to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds. (Bradley, Carr 8; MacGillivray, Hills 21; Gilmore, Straf 11; Norelli, Rock 31; Thomas, Belk 3; Below, Dist 5; F. King,Dist 1; Francoeur, Dist 14; Cohen, Dist 24; Hollingworth, Dist 23: State-Federal Relations and Veterans Affairs

RECESS

(Rep. Doucette in the Chair)

RESOLUTION

Rep. Russell offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 692 through 699, and 701 through 730, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 692-FN-A, adopting a single sales factor method of apportionment under the business profits tax. (Mercer, Hills 27; Bradley, Carr 8; Vaughn, Rock 35; Johnson, Dist 3: Finance)

HB 693-FN, limiting access to certain business records. (Dickinson, Carr 2; Mock, Carr 3; Kenney, Carr 6; Vaughn, Rock 35; Johnson, Dist 3; F. King, Dist 1: Commerce)

HB 694-FN, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. (Martin, Hills 34; Spang, Straf 8: Science, Technology and Energy)

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income. (D. White, Hills 25; Brown, Dist 17: Finance)

HB 696-FN-L, relative to the taxation of land held by municipalities for water supply purposes. (Patten, Carr 9; Fraser, Merr 21: Municipal and County Government)

HB 697-FN-L, relative to the collection and use of boat fees. (Avery, Ches 8: Resources, Recreation and Development)

HB 698-FN-L, restricting fees for registration permits for certain vehicles. (Winston McCarty, Hills 38; Chandler, Carr 1: Transportation)

HB 699-FN-A, establishing the granite state scholars program and making an appropriation therefor. (Estabrook, Straf 8; M. Smith, Straf 8; Belvin, Hills 14; O'Hearn, Hills 26; Larrabee, Merr 9; Wheeler, Dist 21; Hollingworth, Dist 23: Education)

HB 701-FN-L, granting the parents of school children an education voucher for a child to attend a school other than the assigned public school. (Bruno, Hills 4; Soltani, Merr 10; Rabideau, Rock 16; Reeves, Hills 37; Roberge, Dist 9: Education)

HB 702-FN, relative to pro-rating the registration fees for recreational campers. (Fenton, Hills 24: Transportation)

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua and making an appropriation therefor. (Lozeau, Hills 30; Knowles, Straf 11: Children and Family Law)

HB 704-FN-A, establishing a wildlife damage control program to prevent and redress damage to certain commercial agricultural property, and making an appropriation therefor. (Melcher, Hills 11; Akins, Graf 14; T. Reardon, Merr 23; Owen, Merr 6; Larsen, Dist 15: Wildlife and Marine Resources)

705-FN-L, privatizing the functions of the community-technical college system. (Rubin, Rock 25: Education)

HB 706, relative to the definition of "sexual contact" under the sexual assault laws. (Welch, Rock 18; Knowles, Straf 11: Criminal Justice and Public Safety)

HB 707-FN, relative to the family division of the courts. (Hager, Merr 18; Gilmore, Straf 11: Judiciary)

HB 708-FN-L, transferring the county attorneys' offices and the county sheriffs' offices to the department of justice and the unified court system, respectively. (Jacobson, Merr 2: Criminal Justice and Public Safety)

HB 709-FN-A-L, relative to the railroad tax. (Chandler, Carr 1; Foster, Hills 10; Alukonis, Hills 23; D'Allesandro, Dist 20; Gordon, Dist 2: Municipal and County Government)

HB 710-FN, relative to expanding the availability of lifetime licenses for hunting and fishing. (R.Nowe, Rock 3: Wildlife and Marine Resources)

HB 711-FN-A, establishing a special fund to subsidize child custody and support seminars. (Bickford, Straf 1; Jacobson, Merr 2; N. Reardon, Rock 15; A.Pelletier, Straf 12: Children and Family Law)

HB 712-FN-L, requiring notification to school districts of certain restraining orders and of the presence, or return to the school, of certain juvenile offenders. (Lundborn, Straf 18; A. Pelletier, Straf 12: Children and Family Law)

HB 713-FN, relative to penalties for multiple DWI offenses. (Almy, Graf 14; Sabella, Rock 13; Bradley, Carr 8; Richardson, Ches 12; Mirski, Graf 12: Criminal Justice and Public Safety)

HB 714-FN, changing the potential penalties for certain acts of solicitation and conspiracy to commit murder and attempted murder to life in prison. (Lozeau, Hills 30: Criminal Justice and Public Safety)

HB 715-FN-A-L, granting responsibility for court security and custody and control of prisoners while in a courthouse to the county sheriff and abolishing certain court security officer positions. (Hunter,

Hills 7; Pepino, Hills 40; Welch, Rock 18; Buckley, Hills 44; Roberge, Dist 9; D'Allesandro, Dist 20: Criminal Justice and Public Safety)

HB 716-FN, requiring review of proposed administrative rules by house and senate policy committees. (Hunter, Hills 7; Pepino, Hills 40; Roberge, Dist 9: Executive Departments and Administration)

HB 717-FN-A, establishing a child care incentive program for training child care workers, and making an appropriation therefor. (Pilliod, Belk 3; Norelli, Rock 31; Wallner, Merr 24; Seldin, Merr 17; Durham, Hills 22; McCarley, Dist 6: Children and Family Law)

HB 718-FN-L, relative to statewide administration and funding of special education in the state of New Hampshire as a single school district. (Vachon, Straf 4: Education)

HB 719-FN, relative to procedures regarding children in need of services. (Lyman, Carr 5: Children and Family Law)

HB 720-FN, relative to the practice of midwifery. (Rabideau, Rock 16; D. Lawton, Belk 1; Dickinson, Carr 2; Copenhaver, Graf 10; Bradley, Carr 8; Wheeler, Dist 21; Cohen, Dist 24; Larsen, Dist 15: Executive Departments and Administration)

HB 721-FN, relative to procedures regarding delinquent children under RSA 169-B. (Lyman, Carr 5; Hansen, Hills 2: Children and Family Law)

HB 722-FN, revising the law relative to protection of persons from domestic violence. (Knowles, Straf 11; Hollingworth, Dist 23; Cohen, Dist 24: Criminal Justice and Public Safety)

HB 723-FN, relative to standby and emergency guardianship proxies. (M. Fuller Clark, Rock 36; C. Kane, Rock 32; O'Keefe, Rock 21; Keans, Straf 16; P. Dowling, Rock 13; Trombly, Dist 7; D'Allesandro, Dist 20: Children and Family Law)

HB 724-FN, relative to an industry average performance system for comprehensive air pollution regulation. (MacGillivray, Hills 21; D. White, Hills 25; N. Kaen, Straf 7: Science, Technology and Energy)

HB 725, relative to rulemaking under the administrative procedures act. (Dyer, Hills 8; Hollingworth, Dist 23: Executive Departments and Administration)

HB 726-FN, relative to the credentialing of personnel in early care and education programs. (Gile, Merr 16; Pilliod, Belk 3; Estabrook, Straf 8; Wallner, Merr 24; Seldin, Merr 17: Children and Family Law)

HB 727-FN, establishing an outdoor lighting code. (E. Gagnon, Hills 48; Chabot, Hills 48; Winston McCarty, Hills 38; M. Fuller Clark, Rock 36; Fields, Hills 18; Cohen, Dist 24; Russman, Dist 19; Larsen, Dist 15; Wheeler, Dist 21: Municipal and County Government)

HB 728-FN, relative to per diem reimbursement to legislators for expenses on days of legislative committee meetings. (G. Brown, Straf 17: Legislative Administration)

HB 729, adding social clubs recognized by the Internal Revenue Service to the definition of "charitable organization" for purposes of the laws governing raffles. (Chandler, Carr 1; MacNeil, Graf 7; Mock, Carr 3; Gordon, Dist2; Johnson, Dist 3: Criminal Justice and Public Safety)

HB 730-FN, establishing a pilot program for the recording of committee proceedings of the general court. (Copenhaver, Graf 10; Nichols, Merr 2; O'Keefe, Rock 21; Gordon, Dist 2: Legislative Administration)

RECESS

(Rep. Pilliod in the Chair)

RESOLUTION

Rep. Dickinson offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 1, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 1-A, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001. (Kurk, Hills 5: Finance)

RECESS

(Rep. Turner in the Chair)

RESOLUTION

Rep. Lynch offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 731, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 731-L, relative to allowing the granting of tax abatements or tax deferrals to owners of open space land. (Lynde, Hills 24: Municipal and County Government)

RECESS

(Speaker Sytek in the Chair)

Rep. Packard moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 8

Thursday, March 4, 1999

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

Prayer was offered by Guest Chaplain, Reverend Lynn Johnson, Pastor of the West Rumney Community Church.

Holy and Eternal God, author of all that enriches life, creator of new possibilities, we recognize, in these moments, that we are in Your presence and this recognition fills us with humility. Grant to us the quiet and simple wisdom that comes from listening to You and working in unity with others. In Your presence, we find ourselves filled with compassion as we remember the love and care You have lavished upon us. Make us loving stewards of the bounty of material, intellectual and community resources which are Your gifts to us. In Your presence, we find hope and we pray that You will grant us courageous expectation and renewed vigor. We ask Your blessing in all we do today. Keep us faithful in our caring, wise in our words and courageous in our hopes for the future. Amen.

Rep. Robert Lawton led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Courchesne, Drabinowicz, Fenton, Eugene Gagnon, Golden and Knowles, the day, illness. Reps. French, Torr and Weatherspoon, the day, important business.

INTRODUCTION OF GUESTS

Alyssa Lyn Virtue, Hal Posselt, Liz Hafidr, Robert Prescott, Deedee Maratea, Richard Vincent, Andy LaBrie, Posy Chandler, John Lenearts, Hillary Nelson and Clair Vanlier, daughter and guests of Rep. Virtue. The Deerfield Community School 4th grade class, guests of Reps. Stone and Rebecca Hutchinson. David and Pam Gattuso, guests of Rep. Stone. John Ford, father of Rep. Reeves. Ted Langdon, guest of Reps. Bergin, Belvin, Rowe and Dokmo. Joseph Sabella, husband of Rep. Sabella. Bill Williams and Leslie Honey, guests of Reps. Batchelder, McGuirk and John Pratt. Former NH Rep. Carol Burney, guest of Rep. DeChane. Barbara Brewster, wife of Rep. Brewster. Heather Makechnie, guest of Rep. Leber.

The House of Representatives offered the following:

house resolution no. 11

Memorializing State Representative Paul E. St. Hilaire of Berlin

WHEREAS, it is with great sorrow that we have learned of the death of our legislative colleague, Paul E. St. Hilaire, a man who easily did share his cheerfulness and ready smile, and easily did win our affection and admiration, and

WHEREAS, having been in his third term representing District 7 of Coos County, Paul E. St. Hilaire, with high enthusiasm and dedication, did sit on the Standing Committees on Labor, Industrial & Rehabilitative Services, and on Resources, Recreation & Development, and for more than four years on the Statutory Committee on Oil Fund Disbursement, and

WHEREAS, having been born in Berlin, Paul E. St. Hilaire was a man blessed with an abundance of energy and civic pride and did serve the citizenry of his hometown in a myriad of ways including as Ward 2 Councilman, as Ward 2 Water Commissioner, as a member of the Coos County Republican Committee, and as a coach of Little League Baseball, and

WHEREAS, having graduated in 1971 from Notre Dame High School, Paul E. St. Hilaire did possess a high value for his North Country roots and never did hesitate to help those in need, as shown by his work assisting the Coos County Epilepsy Support Group, a division of the Granite State Epilepsy Society, and

WHEREAS, having come from a family that has a long, quite proud tradition of meat cutting, Paul E. St. Hilaire, did become, by following a treasured family recipe, a renowned maker of sausage, and those friends and acquaintances who had the good fortune of partaking say it consistently was the greatest of sausage, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that Paul E. St. Hilaire be saluted and granted the highest of accolades for his outstanding and dedicated service to his community and his state, and be it further

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

Unanimously adopted by a rising vote.

COMMITTEE REPORTS

CONSENT CALENDAR

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

HB 342, repealing certain laws pertaining to adverse possession, removed by Rep. Bickford.

Consent Calendar adopted.

HB 79, relative to reports of shortages to the bank commissioner and to safe deposit box openings. OUGHT TO PASS WITH AMENDMENT

Rep. Sheila T. Francoeur for Commerce**:** This bill, as amended, will require banking institutions to file with the Bank Commissioner the same reports they currently file with their federal regulators. This bill specifically addressed the suspicious activity reports. It is important that the Banking Department be able to monitor these reports in a timely manner. Vote 17-1.

Amendment (0095h)

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

AN ACT relative to reports to the bank commissioner and to safe deposit box openings.

Amend the bill by replacing section 1 with the following:

1 Reports of Proscribed Activity. RSA 384:36 is repealed and reenacted to read as follows:

384:36 Reports of Proscribed Activity. Institutions subject to this chapter shall file with the bank commissioner copies of reports required by the provisions of section 208.20 of the Federal Reserve Board's Regulation H(12 CFR 208.20), Federal Deposit Insurance Corporation regulation Part 353 (12 CFR 353.1 et seq.), and National Credit Union Administration regulation Part 748.1(c)(12 CFR 748.1(c)) as may be amended from time to time. Reports required by this section shall be filed with the bank commissioner at the same time such reports are filed with the institution's federal regulators. A financial institution subject to his section, and any director, officer, employee or agent of such financial institution, that files a report pursuant to this section shall be protected from liability for any disclosure contained therein. All reports filed with the commissioner under this section shall be confidential and shall not be subject to subpoena or to the requirements of RSA 91-A, except that the commissioner shall provide copies of such reports upon request to the New Hampshire department of justice, criminal bureau.

Amend the bill by replacing section 3 with the following:

3 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect January 1, 2000.

AMENDED ANALYSIS

This bill requires that certain reports filed with federal regulatory agencies be filed with the bank commissioner. The bill also removes a requirement for notarization before a justice of the peace of lists and statements involved in the opening of abandoned safe deposit boxes.

HB 80, making technical corrections in the banking laws. OUGHT TO PASS WITH AMENDMENT

Rep. Keith R. Herman for Commerce**:** Several years ago this Legislature passed the bank holding company act. This bill makes corrections to this existing law by removing the word "bank" from the statute so it applies to all holding companies; that is, banks, mutual savings, etc. There was no opposition to this bill. Vote 17-1.

Amendment (0007h)

Amend RSA 391:1-a as inserted by section 3 of the bill by replacing it with the following:

391:1-a Establishment and Use of Common Trust by Bank Holding Company Affiliates. Any such bank or trust company which is an affiliate of a bank holding company, as defined by the federal Bank Holding Company Act of 1956, as amended, or of a savings and loan ***holding*** company

as defined by the federal Savings and Loan Holding Company Act, as amended, may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, to other affiliates of the same [~~bank~~] holding company qualified to act as fiduciary in this state as fiduciary, or to itself and others as co-fiduciaries, or to such other affiliates and others as co-fiduciaries. Subject to the limitations upon the investment of funds held in a fiduciary capacity in common trust funds contained in RSA 391:1, the bank or trust company affiliate of a [~~bank~~] holding company establishing such common trust funds and other affiliates of the same [~~bank~~] holding company qualified to act as fiduciary in this state may, as such fiduciary or co-fiduciary, invest funds which it lawfully holds for investment in interest in such common trust funds. The bank or trust company establishing, maintaining, or so utilizing any such common trust fund shall comply with and be subject to all of the provisions of this chapter as though such bank or trust company and the other banks or trust companies participating in such common trust fund or funds were one and the same corporate entity. Any person acting as a co-fiduciary with any such bank or trust company is hereby authorized to consent to the investment in interest in a common trust fund or funds created hereunder.

HB 83, prohibiting owners and operators of manufactured housing parks from charging residents 65 years of age and older fees for keeping dogs. INEXPEDIENT TO LEGISLATE

Rep. Jane S. Langley for Commerce**:** This bill attempts to waive dog pet fees for the elderly. The committee feels the bill is unnecessary as existing law RSA 674:31 enables what this bill attempts to achieve. The committee feels if a dog pet fee is waived it should be for all residents of mobile homes and this is a different issue. Vote 18-0.

HB 201, relative to minimum uninsured motorist liability insurance. INEXPEDIENT TO LEGISLATE

Rep. Stephen G. Avery for Commerce**:** The committee felt that while we do not have mandatory automobile insurance in New Hampshire, it is important to protect insured motorists from both uninsured and underinsured motorists. This is the fabric that allows the current system to work. Vote 19-0.

HB 210, reinstating the corporate charter of C. A. B. Real Estate, Inc. OUGHT TO PASS

Rep. Tim S. McGough for Commerce**:** The process in current law to reinstate a corporate charter required specific legislation to do so. This legislation along with HB 218 accomplishes a reinstatement for the two organizations mentioned in the titles. Additional legislation pending this session has been filed to address the requirement for specific legislation in the future. Vote 19-0.

HB 214, changing the membership of and extending the reporting date for the committee to study women's health care. OUGHT TO PASS

Rep. Martha Fuller Clark for Commerce**:** The committee unanimously agreed with the testimony put forth at the public hearing in support of continuing the work of the women's health care study committee until November 2000 and for enlarging the membership to insure adequate representation so that the work of the committee can move forward in a timely and comprehensive manner. The states of Maine, Vermont and Connecticut are already involved in comparable studies. It is clear that New Hampshire needs to have a better understanding of how it can improve health care services and access for women and girls in this state. Vote 19-0.

HB 218-L, reinstating the corporate charter of Approved Industries, Inc. OUGHT TO PASS

Rep. Stephen G. Avery for Commerce**:** This is a housekeeping bill that reinstates the corporate charter of Approved Industries, Inc. The reinstatement is retroactive to October 31, 1983, which was when it was forfeited because of non-filing. The corporation has paid all fees and a reinstatement fee. Vote 19-0.

HB 373, making technical corrections to the securities laws. OUGHT TO PASS

Rep. Keith R. Herman for Commerce**:** This bill removes department rules and places into statute reporting requirements for brokers and dealers. This will allow greater compliance and oversight for licensees. This bill also extends reporting deadlines by one business day should the deadline date fall on a weekend. This courtesy is extended by other agencies including the IRS and should be extended to licensees covered by this RSA. There was no opposition to this bill. Vote 18-0.

HB 429, prohibiting mortgage foreclosures or demands of mortgages during an economic emergency declared by the governor. INEXPEDIENT TO LEGISLATE

Rep. Keith R. Herman for Commerce**:** The concern of the sponsor is Y2K related. The bill would prevent mortgage holders from foreclosing on homes should the Governor declare a banking emergency if the banking network fails as a result of Y2K computer problems. While there may be some rational concerns over Y2K issues, the committee is extremely concerned that this bill would only affect mortgages held by state-chartered banks and would offer no protection to the vast majority of out of state and private mortgages. In addition, the Governor's current emergency powers do provide ample protection to bank customers in the event of problems. Vote 17-0.

HB 203, making impaired boating laws consistent with driving while intoxicated laws. OUGHT TO PASS

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill makes two changes to the boating laws. First, in 1996, the legislature said all items under RSA 265:82 (driving while intoxicated) would apply to boating, but it did not include the penalty for refusal to take a breath test. Under RSA 270:58, a refusal for a boater means no loss of license, just up to a $500 fine for the underlying B.W.I. The change in this bill makes it consistent with the driving laws. Thus, ALS applies and restoration fees apply the same as in driving laws. Second, in section 3(a) of the law "or operating" has been added. By doing this, we are requiring an owner or operator to file an accident report when injuries or death occur. Vote 18-0.

HB 215, prohibiting name changes for certain felons. OUGHT TO PASS WITH AMENDMENT

Rep. Frank M. Schanda for Criminal Justice and Public Safety**:** This bill, as amended by the committee, prohibits a person from changing his/her name if serving a prison sentence, or on probation or parole, or required to register as a sex offender under RSA 651-B. Only the court may override this and only under compelling circumstances. When amending the original bill, the committee also took into consideration the content of a similar pending senate bill, combining the intents. Vote 18-0.

Amendment (0146h)

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

AN ACT placing restrictions on name changes for certain felons.

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

1 Change of Name. Amend RSA 547:3-i to read as follows:

547:3-i Change of Name.

I. The probate court may grant the petition of any person to change the name of that person or the name of another person***, with the exception of a person serving a prison sentence or on probation or parole, or required to register as a sexual offender or an offender against children pursuant to RSA 651-B***. The court shall not require the petitioner to obtain consents to the name change. ***Except as provided in paragraph II,*** the court may proceed with or without notice, in accordance with RSA 550:4.

II. The court may override the exception under paragraph I only if the petitioner makes a compelling showing that a name change is necessary.

III. Before the probate court may grant a change of name pursuant to this section, the person petitioning for a name change shall serve a copy of the petition on the department of corrections if the person is incarcerated, or on probation or parole, or on the department of safety if the person is required to register as a sexual offender or an offender against children and is no longer subject to supervision by the department of corrections.

2 Effective Date. This act shall take effect January 1, 2000.

AMENDED ANALYSIS

This bill places certain restrictions on the rights of certain felons to legally change their names.

HB 236-FN-L, relative to felonious disarming of a law enforcement officer. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill made a new crime of taking a firearm from a law enforcement officer. In its original form it gave enhanced penalties of 10-15 years and 5-10 years for violations of sections II(a) and (b) of the bill. The committee eliminated the enhanced penalties and just made it a class A felony (7 ½-15 years) for II(a) and a class B felony (3 ½-7 years) for II(b). We believed that by choosing to become a police officer you were aware that you were on the front line of crime fighting and did in fact face increased dangers. Another reason for doing what we did was that section III of the bill makes any other sentence received under this section consecutive with any other term of imprisonment imposed with respect to the same original episode. We changed section IV(b) – the definition of a law enforcement officer to that in RSA 630:1,II, the capitol murder statute. This definition includes sheriff, deputy sheriff, state police officer, constable or police officer or any city or town, an official or employee of any prison, jail or corrections institution, a probation-parole officer, or a conservation officer. Lastly, we added an affirmative defense section to cover the taking of a weapon to help defend an injured officer or taken to be secured due to injury. Vote 18-0.

Amendment (0174h)

Amend RSA 642:3-a as inserted by section 1 of the bill by replacing it with the following:

642:3-a Taking a Firearm From a Law Enforcement Officer.

I. Whoever knowingly takes a firearm:

(a) From the person of a law enforcement officer, while such officer is engaged in the performance of official duties; and

(b) Against that officer's will; or attempts to do so, shall be punished as provided in paragraph II.

II. The punishment for an offense under this section is:

(a) In the case of an offense other than an attempt, or an offense that is an attempt during which the firearm is discharged (other than intentionally by the officer), a class A felony; and

(b) In the case of any other offense that is an attempt, a class B felony.

III. It shall be an affirmative defense to prosecution under this section if an individual acts to disarm an officer engaging in felonious conduct or conduct so reckless as to endanger the lives of others. However, a conviction resulting from that conduct need not be obtained to present this defense.

IV. A term of imprisonment imposed under this section shall not run concurrently with any other term of imprisonment imposed with respect to the same criminal episode.

V. In this section:

(a) "Firearm" has the meaning given that term in section 921 of Title 18 of the UnitedStates Code.

(b) "Law enforcement officer" means law enforcement officer as defined in RSA 630:1, II.

AMENDED ANALYSIS

This bill makes the taking of a firearm from a law enforcement officer or an attempted taking of a firearm from a law enforcement officer where the firearm is discharged a class A felony.

HB 266, increasing the length of license revocation for first-time DWI offenders. INEXPEDIENT TO LEGISLATE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** The subcommittee met twice to discuss this legislation. Members of that committee contacted three judges and two defense attorneys. All five of these professionals agree that the current statute is adequate. The current statute allows license revocation for up to two years at the discretion of the judge. The subcommittees seriously considered recommending ITL, but finally voted re-refer for study in order to further research this bill. The whole committee at executive session moved ITL since the two-year suspension is in place now. Vote 18-0.

HB 272-FN, relative to the use of laser pointing devices. OUGHT TO PASS WITH AMENDMENT

Rep. Robert M. Fesh for Criminal Justice and Public Safety**:** This bill, as presented to the committee, would have created a new section of law that would make the "illuminating" of a motor vehicle or a window with a laser pointer a Class B misdemeanor. It would elevate the penalty to a Class A misdemeanor if a laser device were to be used to illuminate a police officer. The committee was presented with material from manufacturers of laser pointing devices that contained warnings of possible serious injuries to the eyes of an individual who might be the target of such a device. An amendment was presented to the committee that replaces the entire bill and makes it a violation to "illuminate" an occupied vehicle, window or a person and would confiscate the device upon conviction. These devices are not toys and should be used with care, however, since the most common instances of misuse involve children, it is felt that a fine and confiscation might alert parents that their supervision is needed when there is a lack of responsibility shown by their children. The committee agreed to amend the bill. Vote 18-0.

Amendment (0099h)

Amend RSA 631:3-a as inserted by section 1 of the bill by replacing it with the following:

631:3-a Reckless Conduct Involving Laser Pointing Devices.

I. Any person who knowingly uses a laser pointing device to illuminate an occupied motor vehicle, window, or person shall be guilty of a violation and the laser pointing device shall be forfeited after conviction.

II. It shall be an affirmative defense under this section that the laser pointing device was used in an organized meeting or training class by the instructor or speaker.

HB 282-FN-A, relative to bomb dogs and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill would appropriate funding for two specially trained bomb dogs. The committee heard that Sen. Gregg has announced that New Hampshire will be receiving federal grants for two dogs. The committee felt that passing this bill might jeopardize this grant and voted to re-refer the bill to await further information. Vote 18-0.

HB 302, relative to paint ball guns. OUGHT TO PASS WITH AMENDMENT

Rep. Robert M. Fesh for Criminal Justice and Public Safety**:** This bill, as presented to the committee, would have created a new section of law regulating sales of "paint ball" guns to anyone under the age of 18. Paint ball guns are devices that propel small cartridges filled with paint to mark the target by means of compressed air supplied at an approved range under most circumstances. Because the nature of the proposed statute was similar to the current RSA 644:14 relative to Air Rifles, it was voted by the committee to include paint ball guns with air rifles which allows the use of such devices at home only under parental supervision for those under 18 or at an approved range under responsible adult supervision. Anyone who supplies such devices to a person under 18 without written consent of a parent or guardian is guilty of a violation. Vote 18-0.

Amendment (0064h)

Amend the bill by replacing section 1 with the following:

1 Selling of Paint Ball Guns to Persons Under 18 Years of Age. Amend RSA 644:14 to read as follows:

644:14 Selling Air Rifles ***or Paint Ball Guns*** to Young Persons. If any person shall sell, barter, rent, lend, or give an air rifle ***or paint ball gun*** to a person under the age of 18, without the written consent of the parent or guardian, as the case may be, [~~he~~] ***such person s***hall be guilty of a violation. Air rifles ***and paint ball guns*** may be used in New Hampshire only in the home of the person under 18 under parental supervision or on an approved range under responsible adult supervision. Air rifles ***or paint ball guns*** may be possessed by a person under 18 only in his ***or her*** own home under parental supervision or on the way to or from an approved range that is under the supervision of a responsible adult such as an instructor in gun safety or marksmanship.

HB 312, restricting the carrying of firearms in courthouses. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill was to define the "areas used by the court" as it appears in RSA 159:19. It currently is a Class B felony to carry a firearm into an area used by the court. The problem seems to be that there is no consistency in our courthouses as to just what areas are used by the court. Many of our courthouses contain offices of the register of deeds, county attorney and/or country sheriff. An effort by the court to place additional warnings, per RSA 159:19, on various court documents is underway to attempt to minimize those individuals who may appear at a courthouse carrying a firearm. The committee wishes to place the bill into study to allow some time for the court's efforts to bear fruit. Vote 18-0.

HB 323, relative to restricting the decibel level of motor vehicle sound systems. INEXPEDIENT TO LEGISLATE

Rep. Walter J. Mikowlski for Criminal Justice and Public Safety**:** This bill attempts to restrict the decibel level of noise coming from within motor vehicles. The committee agreed that many communities already impose noise ordinances to cover varying situations. Also, it could be difficult to enforce the restriction of 80 decibels without special equipment in all law enforcement vehicles. The committee agreed to leave this a local issue. Vote 16-1.

HB 423, relative to advertisements for sweepstakes and gambling. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety**:** The sponsor felt that the sweepstakes authority should publish more prominently on all their advertisements the fact that the odds of winning are very much against the purchaser. The committee examined all the current advertising and the odds are published completely on each type of ticket and well within the law. We agree that the advertising is very marketing oriented and in some cases extremely seductive but the odds are shown for all to review. Vote 18-0.

HB 424, relative to fire protection and warning devices. INEXPEDIENT TO LEGISLATE

Rep. Everett A. Weare for Criminal Justice and Public Safety**:** This bill would mandate that all multi-unit dwellings shall have fire suppression systems consisting of automatic or manually operated fire alarm system, non-battery operated smoke detection system, and automatic water sprinkler system in certain areas that meet the approval of the state fire marshal and sets forth a penalty for violation or non-compliance. This action must be complied with by the year 2010. The sponsor of the bill should be commended for his interest in improving the level of fire protection and safety in multi-unit dwellings. However the state fire codes, life safety code, and building codes adopted in accordance with RSA 541-A are more than adequate to insure proper protection for the buildings and occupants. The proposed penalty is less than that required by present law. The

deadline of the year 2010 could possibly cause property owners to insist they be allowed to wait until 2010 until they make the necessary improvement resulting in a 10 year period during which no fire safety improvements are made to buildings. Vote: 18-0.

HB 437, establishing a study committee on state reimbursement of municipalities for emergency responses along interstate highways. INEXPEDIENT TO LEGISLATE

Rep. Herbert R. Hansen for Criminal Justice and Public Safety**:** The purpose of this bill was to establish a committee to study reimbursement of municipalities for emergency responses of their fire, rescue and police equipment on sections of interstate highways that pass through or abut their municipalities. Currently, RSA 151-B:l addresses the Reimbursement for Public Agency Response Services under circumstances where negligence was responsible for the accident. On all other occasions the committee felt that it was the abutting town's responsibility to provide emergency response in the same manner that they do for accidents on their own thoroughfares and roads. In addition, to provide reimbursement for incidents handled on the interstate highway system would open up requests for the same treatment for responses on the entire state highway system. Vote 18-0.

HB 447, repealing the laws prohibiting certain promotional games. OUGHT TO PASS

Rep. Herbert R. Hansen for Criminal Justice and Public Safety**:** The law that is being repealed was passed during 1973 to curb a somewhat punitive practice of the major oil companies that forced service stations to participate in promotional games and drawings. Now the situation is reversed and the service stations want to be able to participate if they so desire. No one appeared at the public hearing to testify against the bill and in December 1997, Massachusetts repealed a similar law. Vote 18-0.

HB 478, prohibiting smoking in all areas of prisons. RE-REFER TO COMMITTEE

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill would have prohibited smoking by staff and inmates in all state prison facilities by January 1, 2000. At the public hearing, Corrections Commissioner H. Risley explained that this process had already begun. The target date for smoke free prisons is April l, 1999, for the women's facility and January 1, 2000 for the Concord men's facility. The new Berlin prison will be smoke free. The State Employee's Association supports the ban. The committee decided to re-refer the bill to watch progress on the administrative handling of this situation before passing legislation, which may not be necessary. Vote 18-0.

HB 349-FN-L, relative to revising annual grant amounts made for school building aid. RE-REFER TO COMMITTEE

Rep. Robert E. McKinley for Education**:** The method of funding school building aid is a subject that the Education Committee feels should be studied in depth. This bill, along with HB 273 which covers the same subject, will be studied together. Vote 15-2.

HB 358, relative to the term of office for members of the state board of education. OUGHT TO PASS

Rep. Susan B. Durham for Education**:** This bill will reduce the term of office for members of the State Board of Education from five years to four years with a maximum of three consecutive terms instead of the current two terms. The intent of these changes is to make it easier to recruit outstanding people to serve on that board. A term of four years seemed to be reasonable. Vote 17-0.

HB 213, relative to voting by prisoners OUGHT TO PASS WITH AMENDMENT

Rep. Robert E. Clegg, Jr. for Election Law**:** This bill defines, in accordance with the recent court decision, where an incarcerated person may register to vote. The domicile of incarcerated persons shall be that from which they came immediately prior to incarceration. This bill also allows for voting by absentee ballot for incarcerated persons. Vote 15-0.

Amendment (0120h)

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

1 New Section; Elections; Voters and Checklists; Eligibility; Voters Confined in Penal Institutions. Amend RSA 654 by inserting after section 2 the following new section:

654:2-a Voters Confined in Penal Institutions. The domicile for voting purposes of a person confined in a penal institution shall not include the municipality where the person is confined unless the person was domiciled in that municipality prior to confinement. A person confined in a penal institution who is a citizen of the United States, at least 18 years of age, and not prohibited from voting by Article 11 of Part First of the Constitution of New Hampshire shall have the right to vote absentee in any state election in the town or city in New Hampshire in which such person had his or her domicile immediately prior to such confinement, even though such person no longer maintains a domicile in said town or city and even though his or her intent to return thereto is uncertain, provided:

I. The person complies with all other applicable requirements and qualifications of the state of New Hampshire.

II. The person is not registered to vote in any other state or election district of a state or in any territory or possession of the United States.

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

AMENDED ANALYSIS

This bill provides that the domicile for voting purposes of a person confined in a penal institution is the domicile preceding confinement and not the municipality of incarceration.

HB 286, establishing a committee to study the issue of an HIV infected person's failure to warn his or her sexual partners that he or she is infected with HIV. INEXPEDIENT TO LEGISLATE

Rep. McKim W. Mitchell for Judiciary**:** After several subcommittee meetings on HB 286, including one with County Attorney Michael Johnson, it became apparent that prosecutors have tools already in place to deal with an HIV infected person's failure to warn his or her sexual partner of the risk involved. The committee believes we should be looking more into the area of health and education services rather than the criminal or civil aspects which are already in place. HIV shouldn't be the only disease addressed. What should be addressed is: contagious diseases, reporting, public information programs and education. Vote 16-0.

HB 306, relative to discoverability of environmental audit reports. OUGHT TO PASS WITH AMENDMENT

Rep. Robert H. Rowe for Judiciary**:** This bill was passed so that the wording of RSA 147-E complies with the requirement of the Federal Environmental Protection Agency. Without this amendment

DES would lose up to $7 million in annual funding. NHDES recommended this amendment. The committee felt pressured and uncomfortable having a federal agency holding a club over our head all in the name of federal money. However, during these times, it felt that it was a wise decision to make the necessary changes. Vote 13-0.

Amendment (0115h)

Amend the bill by replacing section 2 with the following:

2 Environmental Audits; Exceptions. RSA 147-E:4, IV is repealed and reenacted to read as follows:

IV. In a civil or administrative proceeding, if the court having jurisdiction under RSA 147-E:6, after an in camera review, determines that the environmental audit was undertaken for a fraudulent purpose, including without limitation the use of the privilege to avoid disclosure to regulators of violations known to exist or reasonably believed to exist by the regulated entity, or commenced by a regulated entity after learning of or receiving an official notice of impending government inspection or investigation.

Amend the bill by inserting after section 3 the following and renumbering the original sections 4-6 to read as 5-7:

4 In Camera Proceedings. Amend RSA 147-E:6, I to read as follows:

I. In the event of a dispute in any civil [~~or criminal~~] proceeding over whether an environmental audit report is privileged under RSA 147-E:3, is subject to an exception set forth in RSA 147-E:4, IV, or is nonprivileged under RSA 147-E:5, any party to the proceeding may file with the court having jurisdiction over the matter a motion requesting an in camera hearing to determine whether such environmental audit report or portions thereof are privileged or subject to disclosure. Any such motion shall state the grounds on which the party filing the motion is claiming the privilege or is entitled to disclosure. Upon the filing of such motion, an in camera review shall be conducted as set forth in paragraph III of this section.

Amend the bill by replacing section 7 with the following:

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

HB 255, authorizing the appointment or election of the combined office of town clerk-tax collector. INEXPEDIENT TO LEGISLATE

Rep. Robert W. Brundige for Municipal and County Government**:** The present system of electing the town clerk retains the direct accountability between the town clerk and the voters and it maintains the independence of the town clerk. This system was incorporated into the New Hampshire Constitution and is working well. The Committee agrees "if it ain't broke, don't fix it." Subsequent to the original Committee vote of ITL, the sponsor submitted an amendment to the bill. After discussion of the amendment, the Committee voted 15-0 not to reconsider the original motion. Vote 15-0.

HB 268-L, relative to the rescission of the official ballot form of meeting. OUGHT TO PASS WITH AMENDMENT

Rep. Norma A. Sabella for Municipal and County Government**:** This bill, as amended, clarifies the adopting question and rescission question of RSA 40:13 (known as SB2). Vote 15-0.

Amendment (0127h)

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

AN ACT relative to the adoption and rescission of the official ballot form of meeting.

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

1 Official Ballot Meeting; Adoption of Official Ballot Form of Meeting. Amend RSA 40:14, V to read as follows:

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 ***(known as SB 2)*** to allow official ballot voting on all issues before the (local political subdivision)?"

AMENDED ANALYSIS

This bill clarifies the wording of the question which proposes the rescission of the official ballot form of meeting.

This bill also clarifies that the official ballot form of meeting is that which is commonly known as SB 2.

HB 377, relative to staying adoption of zoning ordinances under certain circumstances. INEXPEDIENT TO LEGISLATE

Rep. Linda T. Foster for Municipal and County Government**:** The design phase of the planning process is informal, non-binding, and not mandatory. RSA 676:12 V grandfathers projects when they are accepted by the board. This meeting has been noticed and the abutters have been notified. This is a more appropriate time to grandfather a project. Vote 13-0.

HB 378, relative to discharge or suspension of county employees. INEXPEDIENT TO LEGISLATE

Rep. Elizabeth S. Hager for Municipal and County Government**:** The Committee could find no reason why this suggested change was needed. The counties indicated the current language has not presented any problems. Vote 14-0.

HB 384-L, relative to permitting the election of city officers to be held on biennial election day. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice for Municipal and County Government**:** This same proposition was turned down last year for another city. The city of Franklin already has sufficient options. There is great concern about having two or more overcrowded ballots slowing down the voting process to an unacceptable degree, as well as conflicting filing deadlines, absentee balloting, and mixing partisan and non-partisan ballots. Vote 14-0.

HB 460, relative to adoption and final approval of master plans for municipalities. INEXPEDIENT TO LEGISLATE

Rep. Anthony F. Simon for Municipal and County Government**:** This bill would have required legislative body approval of a master plan. The Committee feels that there is no need to affect the master plan process in this way. Vote 13-0.

HB 461-L, relative to inclusion of conservation, preservation, and local water resources management provisions in local master plans. INEXPEDIENT TO LEGISLATE

Rep. Thomas E. P. Rice for Municipal and County Government**:** This bill constitutes an unfunded mandate and is therefore not constitutional. Vote 14-0.

HB 350-FN, relative to an additional lane on Route 102 in Chester and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Charles W. Morse for Public Works and Highways**:** The committee recognizes the hardship this bill places on the local school district. However, this bill would set a precedent for future funding. The committee agrees with Department of Transportation testimony that this bill be Inexpedient to Legislate. The committee and the sponsor will continue to pursue with the DOT avenues to find a solution to this problem. A question was raised regarding a 28-a issue, and the committee felt that since this is a new facility all current regulations need to be met. 28-a would apply if this work was required at the existing facility. Vote 16-0.

HB 365, establishing a committee to study the current practice of posting roads and its effect on the economy. OUGHT TO PASS

Rep. John R. Cloutier for Public Works and Highways**:** The committee majority believes such a study committee is needed after hearing persuasive testimony from the sponsor and a number of concerned citizens. The intent of such a committee would be to inquire how the posting of roads by the state and municipalities could be better and more equitably done so as to possibly lessen any adverse impacts to affected businesses, especially those that rely on trucks. But, the committee should also study if trucks are paying their fair share of any damage to roads in the spring. The Department of Transportation indicated it is in favor of such a study committee. Vote 15-0.

HB 401, relative to the International Trade Corridor and Border Crossing Planning and Development Program. INEXPEDIENT TO LEGISLATE

Rep. Bernard J. Raynowska for Public Works and Highways**:** This bill was filed prior to the filing of an application for funds under the National Corridor Planning and Development Program. Since that time an application has been completed and forwarded to Washington. Due to the filing, this bill requires something to be done that has already been accomplished. The sponsor is in complete agreement. Vote 15-0.

HB 406-FN-L, relative to certain private rail lines. INEXPEDIENT TO LEGISLATE

Rep. Winston H. McCarty for Public Works and Highways**:** The committee admires the initiative of the town to be encouraging commercial and industrial development. The committee did believe it would be setting the wrong precedent to spend state monies for railroad crossing signal lights on a newly proposed town road to private land for speculative development. Vote 16-0.

HB 416-FN-L, transferring control of all rest areas on state ways to the city or town in which each rest area is situated. INEXPEDIENT TO LEGISLATE

Rep. John R. Cloutier for Public Works and Highways**:** The overwhelming committee majority believes this bill is not needed. There was no testimony from any municipalities that wanted to take over the 15 rest stops now owned and operated by the state. Furthermore, under the bill, if any of the municipalities refused to take over such stops, they would be offered to private owners. But, there was no testimony in favor from any potential private owners. Finally, the Transportation Commissioner stated that he believes such stops are now well operated, and that passage of the bill might force the state to reimburse the federal government for any money originally spent in building such stops. Vote 15-0.

HCR 4, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway. OUGHT TO PASS

Rep. Edwin O. Smith for Public Works and Highways**:** This resolution urges the U.S. Secretary of Transportation to include U.S. Route 2 in a funding portion of the TEA 21 federal highway program. Money for this would come from those funds appropriated for border infrastructure improvement, and not affect other funds coming to the state as a result of TEA 21 funding. The state has nothing to lose, and would receive additional funding if included in the federal program. Vote 15-0.

REGULAR CALENDAR

HB 204-FN, relative to driving after license revocation or suspension. OUGHT TO PASS WITH AMENDMENT

Rep. Andrew Christie, Jr. for Criminal Justice and Public Safety**:** This bill establishes penalties for collisions resulting in injuries or property damage when the collision was caused or contributed to by a driver whose license is under revocation or suspension. Section l of this bill makes no changes other than to go to gender neutral language. Section 2 is the new part and the committee amendment is substantially the same as the original bill but we took out the property damage in excess of $1000. It now says that if you drive while under revocation or suspension and are in an accident that causes death or injury to any person you shall be guilty of a class B felony. We also added a provision saying if you are suspended pursuant to RSA 263:14 (the 20 day administrative suspension) you shall be guilty of only a misdemeanor. We did this because if you are over 20 years old, you would just pay a fine for these minor-moving violations but if you are under 20, you pay a fine and get suspended. We felt that this was the fairest way to do this. Vote 17-1.

Amendment (0155h)

Amend RSA 263:64, V-a as inserted by section 2 of the bill by replacing it with the following:

2 New Paragraph; Driving After License Revocation or Suspension. Amend RSA 263:64 by inserting after paragraph V the following new paragraph:

V-a.(a) Except as provided in subparagraph (b), any person who drives a motor vehicle in this state during the period of suspension or revocation of his or her license or driving privilege and is involved in a collision resulting in death or injury to any person shall be guilty of a class B felony, where such person's unlawful operation of the motor vehicle caused or materially contributed to the collision. Evidence that the driver violated any of the rules of the road in causing or materially contributing to the collision is prima facie evidence of unlawful operation of a motor vehicle.

(b) A person violating this section whose license or driving privilege has been suspended pursuant to the provisions of RSA 263:14 only shall be guilty of a misdemeanor.

AMENDED ANALYSIS

This bill establishes penalties for collisions resulting in injuries when the collision was caused or contributed to by a driver whose license is under revocation or suspension.

Adopted.

Report adopted and ordered to third reading.

HB 108-FN-A-L, establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor. MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS WITH AMENDMENT.

Rep. Jeffrey C. MacGillivray for the Majority of Finance**:** After this statewide property tax bill was recommitted, the sponsor proposed an amendment which incorporated most of the additional revenues used in HB 117 as amended. This reduced the property tax rate to $9.99 and significantly decreased the impact on "donor towns", and made HB 108 more like HB 117. We again thank the sponsors for their years of work and their ideas, and for their incorporation of the same additional revenues as in HB 117. However, HB 108 still has a larger adequacy number than HB 117, no homestead exemption, no donor town transition grants, and expands the state kindergarten aid program. These differences explain HB 108's higher statewide property tax rate. The committee has decided to recommend HB 117 as amended instead, with its homestead exemption, its donor town transition grants, continuation of the existing kindergarten program, and targeting of the last few hundred dollars of state aid to property-poor communities. Vote 25-1.

Rep. Steve Vaillancourt for the Minority of Finance**:** The amendment reduces the statewide property tax rate from $12 to $9.99 per thousand. This is accomplished by using, as is done in the SMART plan, $125 million in cigarette tax money. The amendment goes a long way in reducing the "pain" on so-called donor towns. The amount to be transferred from donor to receiver towns has been reduced from $133 million to $63 million, as opposed to the $52 million (prior to any constitutionally questionable give-back grants) in the SMART plan. The advantage to this bill is in the adequacy amount. Unlike the SMART plan which still contains an unrealistic level of $708 million, this bill sets adequacy at a rate of $864 million, $4000 for elementary students and $4500 for high school students. That's a compromise from the $966 million we hear on the Senate side. This bill also targets funding to the communities which need help the most. A special weighting of .4 is allowed for students on free or reduced lunches. SMART proponents realized the wisdom of this approach but limited the weighting to .1. Also, unlike SMART, this bill will pass constitutional muster and not cause us to be back here "fixing" things in a few months. Fair and constitutional, this bill solves the Claremont dilemma with an adequate number and without the disruptive influence of an income or sales tax. And it will provide significant property tax relief to three out of four homeowners in the state.

Rep. Sapareto spoke against and yielded to questions.

Rep. Mirski and Alger spoke against.

Rep. Alukonis spoke in favor.

motion to lay on the table

Rep. Rubin moved that ***HB 108-FN-A-L,*** establishing a statewide education property tax to provide equal per student funding for state-mandated education and funding for kindergarten and making an appropriation therefor, be laid on the table.

The motion failed.

The question now being the adoption of the majority report.

Rep. Sapareto requested a roll call; sufficiently seconded.

Without objection, Rep. Sapareto withdrew his request for a roll call.

Rep. Mirski objected and requested a roll call; sufficiently seconded.

YEAS 247 NAYS 131 **YEAS 247**			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas	Rosen, Ralph	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	Torressen, Gary
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	DePecol, Benjamin	Hunt, John
Mitchell, McKim	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	
COOS			
Davis, Perley	Guay, Lawrence	Horton, Lynn	Merrill, Gerald
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David

Ham, Bonnie	Harmon, Hobart	Hinman, Harry	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Nordgren, Sharon	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Baroody, Benjamin
Batula, Peter	Beaupre, Roland	Belvin, William	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Clegg, Robert, Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dyer, Merton	Emerton, Lawrence	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Ford, Nancy	Foster, Linda	Goulet, Maurice
Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarthy, William	McCarty, Winston
McDonald, James, Sr	McDonough-Wallace, Alice	McGough, Tim	Mercer, Robert
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Wall, Nancy	White, John
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Jacobson, Alf	Kennedy, Richard
Larrabee, David, Sr	Leber, William	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	Soltani, Tony
Wallner, Mary Jane	Whalley, Michael		

ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Belanger, Ronald
Blanchard, MaryAnn	Bridle, Russell	Carson, Gregory	Case, Margaret
Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard	Corbin, C David
Cote, Patricia	Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony
Dolan, Richard	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gleason, John
Grant, Kenneth	Griffin, Mary	Henderson, Warren	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	Mikowlski, Walter	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Whittier, John
Zolla, William			
STRAFFORD			
Berube, Roger	Brennan, William	Brown, Julie	Cossette, Larry
Estabrook, Iris	Grassie, Anne	McKinley, Robert	Musler, George
Rollo, Michael	Smith, Marjorie	Spear, Barbara	Taylor, Kathleen
Tsiros, William	Twardus, Joseph	Vincent, Francis	Woods, Phyllis
SULLIVAN			
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Tuthill, John	Young, David	
NAYS 131 **BELKNAP**			
Wood, Jane			
CARROLL			

None			
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Doucette, Richard	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meader, David	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy		
COOS			
Glines, Sara	Hawkinson, Marie	Landers, Dana	Mears, Edgar
Pratt, Leighton	Rodrigue, Robert		
GRAFTON			
Alger, John	Brothers, Richard	Copenhaver, Marion	Guest, Robert
Johnson, Gary	Solow, Martha		
HILLSBOROUGH			
Arnold, Thomas, Jr	Arthur, Rose	Bergeron, Lucien	Bergin, Peter
Buckley, Raymond	Burkush, James	Christiansen, Lars	Clemons, Jane
Craig, James	Daigle, Robert	Dwyer, Paul, Sr	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Hall, Betty	Herman, Richard	Jean, Claudette
Keye, Harvey	Konys, Christine	LaPorte, George	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Leonard, Peter	Lynde, Harold
McColgan, Philip, Jr	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Murphy, Robert	Ouellette, Mary	Perkins, Paul	Simon, Anthony
Vaillancourt, Steve	White, Donald	Williams, Carol	
MERRIMACK			
Brewster, Richard	Chase, George	Crosby, Toni	Daneault, Gabriel
Davis, Francis	Fortnam, Janet	Fraser, Marilyn	Gile, Mary
Hoadley, Elizabeth	Langer, Ray	Lavoie, Gerard	Lockwood, Priscilla
Owen, Derek	Potter, Frances	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			

Bishop, Franklin	Clark, Martha	Cox, Russell	Dowling, Patricia
Downing, Michael	Gibbons, Paul	Hamel, Albert	Hutchinson, Karen
Kane, Cecelia	Kelley, Jane	McKinney, Betsy	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Weyler, Kenneth
STRAFFORD			
Bickford, David	Brown, George	Callaghan, Frank	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie	Snyder, Clair
Spang, Judith	Vachon, Dennis	Wall, Janet	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Robb-Theroux, Amy	Wiggins, Celestine	

and the majority report was adopted.

HB 114-FN-A-L, establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. William S. Belvin for Finance**:** As originally crafted the bill's core concept was to provide a homeowner with a local property tax education homestead allowance of 50% of the first $100,000 of the home's value. The bill was recommitted to consider new amendments to this proposal.

The amendment offered by the bill's sponsors had both a policy and technical component. The policy change was to accelerate the availability of the full homestead allowance to the tax year 2000 from the previous tax year 2008. The technical provisions addressed the mechanics of the Education Homestead Allowance Fund's operations.

After considering the proposed amendment the majority of Finance believes that the significant original concerns remain. The amended bill leaves in place varying local property tax rates which raises constitutional concerns; does not address education adequacy in any form, and relies on unspecified revenue sources to fund the homestead allowance. Vote 25-1.

Rep. Langley spoke against and yielded to questions.

Reps. Howard and Boyce spoke against.

Rep. Kurk spoke in favor.

motion to lay on the table

Rep. Wendelboe moved that ***HB 114-FN-A-L,*** establishing a local property tax education homestead allowance against school taxes on residential real estate, establishing a fund to reimburse municipalities for such exemptions, and making an appropriation therefor, be laid on the table.

Rep. McGough requested a roll call; sufficiently seconded.

YEAS 157 NAYS 219 **YEAS 157** **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Wendelboe, Francine		
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Torressen, Gary	
CHESHIRE			
Avery, Stephen	Hunt, John	Pratt, Irene	Riley, William
Royce, H Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Tholl, John, Jr
GRAFTON			
Alger, John	Cobb, John	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Ham, Bonnie	Harmon, Hobart
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Bruno, Pierre	Buckley, Raymond	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Daigle, Robert	Dalianis, Griffin	Daniels, Gary

Desmarais, Vivian	Desrosiers, William	Durham, Susan	Emerton, Lawrence
Fletcher, Richard	Flora, Kathleen	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren
Keye, Harvey	Konys, Christine	Kurk, Neal	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	Martel, Andre	McCarty, Winston
McGough, Tim	McRae, Karen	Milligan, Robert	Moran, Edward
O'Hearn, Jane	Ouellette, Dean	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Lavoie, Gerard	Leber, William	Soltani, Tony
Whalley, Michael	Whittemore, James		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Clark, Martha	Clark, Vivian	Corbin, C David
Cote, Patricia	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dowling, Patricia	Fesh, Robert	Flanagan, Natalie
Flanders, David	Francoeur, Sheila	Gleason, John	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Langley, Jane
Letourneau, Robert	Major, Norman	Mikowlski, Walter	Nowe, Mary Lou
Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Rabideau, Marie	Rubin, George
Ruffner, Walter	Sapareto, Frank	Stickney, Nancy	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Weare, Everett	Welch, David
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Kaen, Naida	McKinley, Robert	Musler, George
Spear, Barbara	Tsiros, William	Woods, Phyllis	
SULLIVAN			
Burling, Peter	Wiggins, Celestine	Young, David	

NAYS 219			
BELKNAP			
Lawton, David	Lawton, Robert	Pilliod, James	Salatiello, Thomas
Turner, Robert	Wood, Jane		
CARROLL			
Kenney, Joseph			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Roberts, William	Robertson, Timothy
Rose, William	Zerba, Roger		
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Pratt, Leighton	Rodrigue, Robert	Woodward, David
GRAFTON			
Akins, Ralph	Almy, Susan	Brothers, Richard	Copenhaver, Marion
Densmore, Jessica	Guest, Robert	Johnson, Gary	Marshall, Gene
Scanlan, David	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Burkush, James	Calawa, Leon, Jr	Carlson, Donald	Clemons, Jane
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Dawe, Eileen	Dokmo, Cynthia	Dwyer, Paul, Sr
Fields, Dennis	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Herman, Richard	Johnson, Lionel	L'Heureux, Robert	LaPorte, George
LaRose, Richard	Lasky, Bette	Leishman, Peter	Leonard, Peter

Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Moriarty, Mary	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	Ouellette, Mary
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Sarette, John	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	Gile, Mary	Hager, Elizabeth	Hess, David
Jacobson, Alf	Larrabee, David, Sr	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Carson, Gregory	Case, Margaret
Christie, Andrew, Jr	Cooney, Richard	Dolan, Richard	Downing, Michael
Dunham, Vivian	Flanders, John, Sr	Gibbons, Paul	Grant, Kenneth
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Lovejoy, Marian	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Sabella, Norma	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Stone, Joseph	Vaughn, Charles
Whittier, John	Zolla, William		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin

Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Kibbey, David	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	

and the motion failed.

The question now being the adoption of the report.

Rep. Mirski requested a roll call; sufficiently seconded.

YEAS 294 NAYS 85			
YEAS 294			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, David
Lawton, Robert	Pilliod, James	Salatiello, Thomas	Thomas, John
Turner, Robert	Wood, Jane		
CARROLL			
Babson, David, Jr	Lyman, L Randy	MacDonald, Kenneth	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, Irene	Pratt, John
Richardson, Barbara	Riley, William	Roberts, William	Robertson, Timothy
Rose, William	Royce, H Charles	Smith, Edwin	Zerba, Roger
COOS			

Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Rodrigue, Robert
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Guest, Robert
Hall, David	Ham, Bonnie	Johnson, Gary	LaMott, Paul
MacNeil, Allen	Marshall, Gene	Nordgren, Sharon	Picconi, Al
Scanlan, David	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Brundige, Robert	Bruno, Pierre	Burkush, James
Calawa, Leon, Jr	Chabot, Robert	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Dalianis, Griffin	Dawe, Eileen	Desmarais, Vivian
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Ford, Nancy	Foster, Linda
Franks, Suzan	Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Herman, Richard	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Mercer, Robert	Messier, Irene	Milligan, Robert	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Mary	Pepino, Leo	Perkins, Paul
Peterson, Andrew	Reeves, Sandra	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Tate, Joan

Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Hager, Elizabeth	Hess, David	Jacobson, Alf
Larrabee, David, Sr	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whalley, Michael	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Christie, Andrew, Jr	Clark, Vivian
Cooney, Richard	Corbin, C David	Cote, Patricia	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Flanders, David	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Grant, Kenneth	Griffin, Mary	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis
Kelley, Jane	Kobel, Rudolph	Langone, John	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Moore, Benjamin	Morse, Charles
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Tufts, J Arthur	Vaughn, Charles	Weare, Everett
Welch, David	Weyler, Kenneth	Whittier, John	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin

Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Lundborn, Raymond	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Tsiros, William
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Flint, Gordon, Sr
Jones, Constance	Kibbey, David	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	
NAYS 85 **BELKNAP**			
Boyce, Robert	Czech, Stanley	Johnson, James	Rice, Thomas
Rosen, Ralph	Wendelboe, Francine		
CARROLL			
Bradley, Jeb	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Torressen, Gary	
CHESHIRE			
None			
COOS			
Landers, Dana	Pratt, Leighton	Tholl, John, Jr	Woodward, David
GRAFTON			
Alger, John	Brothers, Richard	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	Mirski, Paul	Phinney, William	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Arnold, Thomas, Jr	Beaupre, Roland	Buckley, Raymond	Carlson, Donald
Christiansen, Lars	Clegg, Robert, Jr	Daniels, Gary	Desrosiers, William
Flora, Kathleen	Goulet, Maurice	Holley, Sylvia	Jean, Loren
Konys, Christine	Lefebvre, Roland	Martel, Andre	McCarty, Winston

McGough, Tim	McRae, Karen	Moran, Edward	Ouellette, Dean
Wall, Nancy	White, Donald		
MERRIMACK			
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Lavoie, Gerard
Soltani, Tony	Whittemore, James		
ROCKINGHAM			
Beaulieu, Jon	Bishop, Franklin	Carson, Gregory	Clark, Martha
Cox, Russell	Dalrymple, Janeen	Fesh, Robert	Flanagan, Natalie
Gleason, John	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Langley, Jane	Letourneau, Robert	Mikowlski, Walter	Noyes, Richard
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Rabideau, Marie
Sabella, Norma	Sapareto, Frank	Stickney, Nancy	Stritch, C Donald
Varrell, Thomas			
STRAFFORD			
Brown, Julie	McKinley, Robert	Woods, Phyllis	
SULLIVAN			
Burling, Peter	Wiggins, Celestine	Young, David	

and the report was adopted.

HB 116-FN-A-L, establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. William S. Belvin for Finance**:** This bill is based on an Alternative Consumption Tax (ACT) that would apply a 1% tax on New Hampshire goods and services as a revenue base to address Claremont. It then adds a statewide property tax of $5.07 per $1,000 of assessed valuation as well as other funds from tobacco and utility tax to raise $829 million for education funding. The bill was recommitted to allow the sponsors time for additional amendments.

The offered amendment made material changes to the legislation. The statewide property tax rate has been reduced to $4.74. The ACT funding estimate is now $327 million net of expenses. The tobacco tax increases proposed in HB 112 is included but the Tobacco State Settlement moneys from the industry are removed from the dedicated education fund. Also removed from the ACT tax are all medical services and HMOs. The distribution formula now includes a poverty weighting based on school lunch program data, and an additional feature is included to encourage education expenditures above the adequacy level through additional state aid to property poor towns. Lastly a collection fee of 3% of the taxes actually collected is included to assist the state's businesses in their collecting and remitting the tax to DRA.

The committee recognizes the sponsor's significant and sincere efforts to assemble a comprehensive proposal to solve the education funding issue. Should there be a need for additional revenue sources, the services base for the ACT tax represents an important option. However, the revenue estimates in this amended version of the bill need additional verification. In order to allow the bill's unique features to remain under consideration, and to improve the revenue estimates' accuracy, the Finance Committee recommends the bill be re-referred to committee. A motion to table the bill will be made to keep this creative option before us. In the meantime, the LBA has been asked to work on the revenue estimates in detail Vote 17-9.

Rep. Kurk spoke in favor.

laid on the table

Rep. Peterson moved that ***HB 116-FN-A-L,*** establishing an alternative consumption tax as a source of funding for education and making an appropriation therefor, be laid on the table.

Rep. Scanlan requested a roll call; sufficiently seconded.

YEAS 225 NAYS 153 **YEAS 225**			
BELKNAP			
Bartlett, Gordon	Czech, Stanley	Holbrook, Robert	Johnson, James
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin	Zerba, Roger		
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Horton, Lynn
Landers, Dana	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			

GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Eaton, Stephanie	Gilman, G Michael
Hall, David	Ham, Bonnie	Harmon, Hobart	LaMott, Paul
MacNeil, Allen	Marshall, Gene	Nordgren, Sharon	Picconi, Al
Scanlan, David	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Batula, Peter	Belvin, William	Bergin, Peter
Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Curran, James
Daigle, Robert	Dalianis, Griffin	Daniels, Gary	Dawe, Eileen
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Emerton, Lawrence
Fields, Dennis	Flora, Kathleen	Ford, Nancy	Gagnon, Paul
Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert	Herman, Keith
Herman, Richard	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Keye, Harvey	Konys, Christine	Kurk, Neal
LaRose, Richard	Lasky, Bette	Lefebvre, Roland	Leishman, Peter
Leonard, Peter	Lozeau, Donnalee	Martel, Andre	McCarty, Winston
McColgan, Philip, Jr	McGough, Tim	Mercer, Robert	Milligan, Robert
Moran, Edward	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Peterson, Andrew	Rowe, Robert
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Crowell, Peter
Davis, Francis	Fortnam, Janet	Gile, Mary	Hager, Elizabeth
Hoadley, Elizabeth	Kennedy, Richard	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Nichols, Avis	Rodd, Beth	Soltani, Tony
St Cyr, Gerard	Whalley, Michael		

ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Bishop, Franklin	Bridle, Russell
Carson, Gregory	Case, Margaret	Christie, Andrew, Jr	Clark, Martha
Clark, Vivian	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia
Francoeur, Sheila	Gibbons, Paul	Griffin, Mary	Henderson, Warren
Hutchinson, Karen	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin
Nowe, Mary Lou	Nowe, Ronald	O'Neil, Michael	Packard, Sherman
Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne	Rabideau, Marie
Rubin, George	Ruffner, Walter	Schanda, Frank	Shelton, Richard
Splaine, James	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			
Berube, Roger	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Kaen, Naida	Lent, Donald	McKinley, Robert	Musler, George
Rogers, Rose Marie	Spear, Barbara	Taylor, Kathleen	Vincent, Francis
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Burling, Peter	Flint, Gordon, Sr	Jones, Constance	Kibbey, David
Leone, Richard	McIntyre, Sara	Tuthill, John	Wiggins, Celestine
Young, David			
NAYS 153 **BELKNAP**			
Boriso, Thomas	Boyce, Robert	Lawton, David	Lawton, Robert
Pilliod, James	Rice, Thomas	Salatiello, Thomas	Wood, Jane
CARROLL			
Howard, Godfrey	Torressen, Gary		

CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Lynott, Margaret	Robertson, Timothy	Russell, Ronald	
COOS			
Hawkinson, Marie	Rodrigue, Robert	Woodward, David	
GRAFTON			
Densmore, Jessica	Dudley, Terri	Guest, Robert	Hinman, Harry
Johnson, Gary	Mirski, Paul	Phinney, William	Solow, Martha
HILLSBOROUGH			
Baroody, Benjamin	Beaupre, Roland	Bergeron, Lucien	Brundige, Robert
Bruno, Pierre	Burkush, James	Clemons, Jane	Cote, Peter
Craig, James	Desrosiers, William	Dwyer, Paul, Sr	Fletcher, Richard
Foster, Linda	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Hall, Betty	Johnson, Lionel
L'Heureux, Robert	LaPorte, George	Lessard, Rudy	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	McDonald, James, Sr	McDonough-Wallace, Alice
McRae, Karen	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Mosher, William	Ouellette, Mary	Pepino, Leo
Perkins, Paul	Reeves, Sandra	Reidy, Frank	Sarette, John
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, John
Williams, Carol			
MERRIMACK			
Brewster, Richard	Chase, George	Daneault, Gabriel	Feuerstein, Martin
Fraser, Marilyn	Hess, David	Jacobson, Alf	Langer, Ray
Larrabee, David, Sr	Lavoie, Gerard	Marple, Richard	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Seldin, Gloria	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Blanchard, MaryAnn	Cooney, Richard

Corbin, C David	Downing, Michael	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr	Gleason, John
Grant, Kenneth	Hamel, Albert	Hutchinson, Rebecca	Katsakiores, George
Katsakiores, Phyllis	Langone, John	Morse, Charles	Norelli, Terie
Noyes, Richard	O'Keefe, Patricia	Putnam, Ed, II	Quandt, Marshall
Raynowska, Bernard	Reardon, Neil	Sabella, Norma	Sapareto, Frank
Shultis, Elizabeth	Stickney, Nancy	Stritch, C Donald	
STRAFFORD			
Bickford, David	Brennan, William	Brown, George	Brown, Julie
Cossette, Larry	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Grassie, Anne	Heon, Richard	Johnson, Nancy	Keans, Sandra
Lundborn, Raymond	Pelletier, Arthur	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Tsiros, William	Twardus, Joseph
Vachon, Dennis			
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas, Jr	Phinizy, James
Robb-Theroux, Amy			

and the bill was laid on the table.

vacate

Rep. Packard moved that the House vacate the reference of ***HB 610-FN-A-L,*** prohibiting the use of wheeled OHRVs on trails maintained by the bureau of trails during the winter, to the Committee on Transportation.

Adopted and referred to Resources, Recreation and Development.

RECESS

(Rep. Jacobson in thChair)

HB 117-FN-A-L, relative to local property taxation and state aid to support an adequate public education and making an appropriation therefor. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE

Rep. Neal M. Kurk for the Majority of Finance**:** HB 117, the SMART plan, as amended by the Committee, fully addresses education funding issues within the existing framework of our current

tax system. It does so without an income tax or a sales tax and without expanded gambling. The SMART plan preserves the New Hampshire advantage.

The SMART plan sets the cost of an adequate education at an average of $3700 per pupil, with a provision for supplementary grants of up to $400 per pupil to property-poor communities. State building aid, kindergarten aid, and catastrophic special education aid are continued in their present form.

The SMART plan funds its $707 million cost with an $8.75 per thousand statewide property tax. In effect, this tax replaces part of the school portion of the local property tax. The plan provides for a 25% homestead exemption for a taxpayer's primary residence (capped at $40,000) and a phased-in, five-year hardship exemption for individuals in donor communities whose school property taxes increase by more than 20% in a year. Additional revenue comes from an $8.75 statewide tax on utility property; the tobacco tax, including the recently passed increase; the nuclear property tax; Sweepstakes revenues; and the school portion of revenue sharing. As a result, some 180 communities will see their property taxes decrease.

The amendment includes a new property tax transition grant to donor communities. The purpose of the grant is to mitigate the effect of the statewide property tax on low-income property owners. The Committee believes that it is better policy to help property-poor communities without harming property-rich communities. These grants are not like the unconstitutional ABC abatements, because the grants are not abatements of taxes but, like revenue sharing, are appropriations from the general fund. Further, the proposal allows for the community to best decide how the funds can and should be utilized. If the funds are used to reduce property taxes, almost all communities will see their property tax burden decrease.

The plan funds grants of $46 million to offset the $52 million of statewide property tax paid in by the donor communities. Municipalities will decide how to use these funds. This new grant program makes the phase-in program unnecessary, and it has been removed from the SMART plan.

The Committee understands the concerns expressed by the municipalities about the administrative impact of the implementation of a statewide property tax. Therefore a formal subcommittee has been established that is committed to working with the NH Municipal Association and others to address and resolve those concerns. Vote 16-10.

Rep. Mary Jane Wallner for the Minority of Finance**:** After all that's been done, this bill is still fatally flawed by its "inadequate" adequacy figure. It won't do the job at $3,700 per student.

No one should be confused by that number. It disregards "weighted students." The $708 million pulled together in this bill really means that the adequacy number for an elementary school student is less than $3,100, and kindergarten students are left out of the formula entirely. While we can debate the "ultimate" value of the adequacy number, it must be clear that this figure is unrealistic and sadly lacking. It must also be clear that if this bill is brought to the Court, as it surely will be, it will fail review, be found deficient and be struck down.

This bill also funds itself by taking at least $75 million from the general fund, without identifying where it will come from in the budget. Given the tightness of the Governor's budget, the use of any sums at this level will have to come from monies for cities and towns or human services. We should not leave ourselves short in the budget process by stealing such massive revenue before the budget process has even begun.

There is no easy fix for this bill because its adequacy number is arbitrarily low, and it generates insufficient new funds. The minority believes the House should reject this bill, and adopt a plan or plans with an appropriate adequacy number, a detailed description of revenue sources, and a source or sources of new revenue sufficient to the task at hand.

The Property Tax Transition Grant which is added in this amended version contains a formula for returning funds to donor communities purportedly to alleviate the harm to low income people. But the formula contained in this bill does not accomplish its intended goal.

The latest amendment, developed last week with the intent of easing the pain of donor communities, could in fact end up hurting donor communities even more. Their payment level is increased from $48 to $52 million and should the grant language be struck down as unconstitutional, the entire $52 million would be due in the first year, because the four year phase-in has been eliminated. Thus, donor towns would owe $52 million rather than $12 million. That's far from an easing of the pain.

Local municipalities have been urging the Finance Committee to include provisions in this bill which would address the issues facing communities in collecting a state property tax. Even though we had the extra time, the committee did not address the needs of the municipalities.

Rep. Burling requested a quorum court. The Chair declared a quorum present.

clerk's note

The Committee amendment (0224h) was not was not considered.

Rep. Kurk offered a floor amendment.

Floor Amendment (0262h)

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

AN ACT establishing a uniform education property tax to provide funding for an adequate public education and making an appropriation therefor.

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

1 Intent.

I.(a) The New Hampshire supreme court has ruled that the state has a duty to fund a constitutionally adequate education for public elementary and secondary pupils. The state has long relied upon a system of localized property taxation to fund education, a system to which many have become accustomed and about which economic forces have acquired settled expectations. The court, however, has said that such system violates the constitutional requirement that all taxes levied in the state be proportional and reasonable. A fiscal policy based upon property taxation, according to the court's interpretation, must be "equal in valuation and uniform in rate throughout the state." Acknowledging that reorganization of the revenue raising structure for public elementary and secondary education is now compelled, the general court chooses hereby to do so in a manner that is the least disruptive of settled economic expectation and social fabric of the community.

(b) By this act the general court establishes a fair taxation policy intended to preserve local control of public schools and retain the incentive for parental and local community

participation in the education of the children of New Hampshire. Such involvement is essential to the maintenance of the quality of the state's educational institutions which have heretofore produced high scores on comparative measures of educational outcome. The general court recognizes that disparity exists among cities and towns relative to their ability to raise basic expenses of an adequate public education. Assistance, where required, must be supplied. Recognition is also accorded to the principle of home ownership. Homeowners provide a substantial commitment to the communities in which they live, which is essential to the quality of life in New Hampshire.

(c) The following are intended to carry out this legislative purpose:

(1) Impose a uniform state tax at the lowest possible rate consistent with providing funding for educational adequacy throughout the state.

(2) Subsidize with state grants funded from other sources municipalities whose property base is insufficient to support an adequate education.

(3) Preserve and foster home ownership by providing a measure of tax relief to all resident homeowners, with proportionately greater benefit to those of low or moderate means.

II.(a)(1) A statewide property tax levied at a uniform rate upon equalized property values is generally an equitable method for funding an adequate education. However, reorganizing the existing system will inevitably upset to some degree the delicate balance of social and economic forces at work in the state. A uniform state tax rate will increase property taxes in cities and towns with relatively higher property values. The immediate effect of such increase will be felt disproportionately by homeowners with limited means. The tax may also have a dramatic effect upon certain classes of property such as utility property. Utility property is highly susceptible to interjurisdiction assessment variation and exacerbates the disparity among municipalities. An additional potential problem is the specter of competitive underassessment among cities and towns as the effects of the statewide tax begin to be felt.

(2) In cities and towns with relatively higher property values, sharp increases in property taxes may cause business failure where fixed costs increase faster than the ability to recoup them. Commercial rental property owners may find themselves locked in by lease provisions that prevent them from recouping tax increases from tenants, resulting in reduced reinvestment in the property, and potential foreclosure or bankruptcy. Also substantial increases in property tax obligations may cause or permit lenders to foreclose on mortgage notes based on the decreased ability of the borrower to meet the income level required by the lender because of the higher total mortgage payment obligations. Tax capitalization which decreases property values may also cause foreclosures on otherwise performing loans because the regulated lending institution must call the loan to comply with rules and regulations.

(b) The following are intended to mitigate these consequences so far as is practicable:

(1) Provide a phase-in of tax increases over 4 years for those municipalities that will collect more money in property taxes at the statewide rate than is required to fund an adequate education for the municipality.

(2) Provide additional relief to low and moderate income homeowners in high property value cities and towns to level the immediate effect of property tax increases

occurring upon implementation of the statewide tax and allow time for the effect of tax capitalization to reallocate property values.

(3) Stabilize valuation of utility property by removing it from the local base for purposes of educational adequacy funding and taxing such property at the state level for distribution through an educational fund.

(4) Forestall the possibility of interjurisdictional assessment variations by increasing the level of state oversight in the equalization process.

2 New Subparagraph; Education Trust Fund. Amend RSA 6:12, I by inserting after subparagraph (vvv) the following new subparagraph:

(www) Money received under RSA 78, RSA 83-D, RSA 83-F, RSA 198:49 and from the sweepstakes fund, which shall be credited to the education trust fund under RSA 198:39.

3 Gender Reference Change. Amend the introductory paragraph of RSA 21-J:3 to read as follows:

In addition to the powers, duties, and functions otherwise vested by law, including RSA 21-G, in the commissioner of the department of revenue administration, [~~he~~] ***the commissioner*** shall:

4 Duties of Commissioner. Amend RSA 21-J:3, V to read as follows:

V. Exercise general supervision over the administration of the assessment and taxation laws of the state, ***the appraisal for ad valorem taxation purposes of property within the state,*** and over all assessing officers in the performance of their duties, except the board of tax and land appeals, to the end that all assessments of property be made in compliance with the laws of the state.

5 Duties of Commissioner. Amend RSA 21-J:3, XIII to read as follows:

XIII. Equalize annually the valuation of the property in the several towns, cities, and unincorporated places in the state by adding to or deducting from the aggregate valuation of the property in towns, cities, and unincorporated places such sums as will bring such valuations to the true and market value of the property, including the equalized value of property formerly taxed pursuant to the provisions of RSA 72:7; 72:15, I, V, VII, VIII, IX, X, and XI; 72:16; 72:17; 73:26; 73:27; and 73:11 through 16 inclusive, which were relieved from taxation by the laws of 1970, 5:3; 5:8; 57:12; and 57:15, the equalized valuation of which is to be determined by the amount of revenue returned in such year in accordance with RSA 31-A, and by making such adjustments in the value of other property from which the towns, cities, and unincorporated places receive taxes ***or payments in lieu of taxes*** as may be equitable and just, so that any public taxes that may be apportioned among them shall be equal and just. ***In carrying out the duty to equalize the valuation of property, the commissioner shall follow the procedures set forth in RSA21-J:9-a.***

6 Duties of the Commissioner. Amend RSA 21-J:3, XV to read as follows:

XV. Establish and approve tax rates as required by law ***including the uniform education tax rate***.

7 New Paragraph; Duties of Commissioner. Amend RSA 21-J:3 by inserting after paragraph XXIV the following new paragraph:

XXV. Petition the board of tax and land appeals to issue an order for reassessment of property pursuant to the board's powers under RSA 71-B:16 - 19 whenever, in the commissioner's belief, the valuation of property for equalization purposes in a particular city, town, or unincorporated place is disproportional to the valuation for equalization purposes in other cities, towns, or unincorporated places in the state.

8 Division of Property Appraisal; Department of Revenue Administration. RSA 21-J:9 is repealed and reenacted to read as follows:

21-J:9 Division of Property Appraisal. There is established within the department the division of property appraisal, under the supervision of a classified director of property appraisal who shall be responsible for the following functions, in accordance with applicable laws:

I. Assisting and supervising municipalities and appraisers in appraisals and valuations as provided in RSA 21-J:10 and RSA 21-J:11.

II. Appraising state-owned forest and recreation land under RSA 227-H and RSA 216-A.

III. Annually determining the total equalized valuation of properties in the cities and towns and unincorporated places according to the requirements of RSA21-J:9-a.

IV. Preparing a standard appraisal manual which may be used by assessing officials, and holding meetings throughout the state with such officials to instruct them in appraising property.

9 New Section; Equalization Procedure. Amend RSA 21-J by inserting after section 9 the following new section:

21-J:9-a Equalization Procedure. The following procedures shall apply in determining the equalization of property within the cities, towns, and unincorporated places as required by RSA21-J:3, XIII:

I. The commissioner shall annually conduct a sales-assessment ratio study which shall include arm's length sales or transfers of property that occurred 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made.

II. In determining the arm's length sales or transfers that are included in the sales-assessment ratio study, the commissioner may use a randomly selected sample of such sales and transfers the size of which shall be determined by the total taxable parcels in the city, town, or unincorporated place.

III. If less than 2 percent of the total taxable parcels in a city, town, or unincorporated place has been transferred by an arm's length sale or transfer during the 6 months prior to and 6 months following April 1 of the tax year for which such equalization is made or the commissioner determines the sales are unrepresentative of the property within the municipality, the commissioner may choose one or more of the following options:

(a) Include appraisals of any of the taxable property of such city, town, or unincorporated place in the sales-assessment ratio study. Such appraisals shall be based on full and true market value pursuant to RSA 75:1 and shall be performed by department appraisers. The property to be appraised shall be selected by the commissioner.

(b) Consider recent equalization ratio activity in adjoining cities, towns, or unincorporated places.

(c) Include arm's length sales or transfers in the city, town, or unincorporated place, within 2-1/2 years preceding April 1 of the year preceding the tax year for which such equalization is made.

IV. The commissioner shall use the inventory of property transfers authorized by RSA74:18 in determining the equalized value of property and may consider such other evidence as may be available to the commissioner on or before the time the final equalized value is determined.

10 Appraisals of Property for Ad Valorem Tax Purposes. RSA 21-J:11 is repealed and reenacted to read as follows:

21-J:11 Appraisals of Property For Ad Valorem Tax Purposes.

I. Every person, firm, or corporation intending to engage in the business of making appraisals on behalf of a municipality for tax assessment purposes in this state shall notify the commissioner of that intent in writing. No person, firm, or corporation engaged in the business of making appraisals of taxable property for municipalities and taxing districts shall enter into any contract or agreement with any town, city, or other governmental division without first submitting the proposed contract or agreement to the commissioner for examination and approval and submitting to the commissioner evidence of financial responsibility and professional capability of personnel to be employed under the contract.

II. The commissioner, at no expense to the municipality, shall monitor appraisals of property and supervise appraisers as follows:

(a) Assure that appraisals comply with all applicable statutes and rules;

(b) Assure that appraisers are complying with the terms of any appraisal contract;

(c) Review the accuracy of appraisals by inspection, evaluation, and testing, in whole or in part, of data collected by the appraisers; and

(d) Report to the governing body on the progress and quality of the municipality's appraisal process.

III. The commissioner shall adopt rules under RSA 541-A relative to the provisions required of all contracts for appraisal services and the methodology for inspection, evaluation, and testing of data for the purposes of appraisal monitoring.

11 Reports Required. Amend the introductory paragraph of RSA 21-J:34 to read as follows:

The governing body of each city, town, unincorporated town, unorganized place, school district, and village district, and the clerk of each county convention shall submit to the commissioner of revenue administration the following reports necessary to compute and establish the ***uniform education property tax rate and the*** tax rate for each city, town, unincorporated town, unorganized place, school district, village district, and county. The commissioner shall adopt rules under RSA541-A establishing the form and content of these reports:

12 New Paragraph; Reports Required. Amend RSA 21-J:34 by inserting after paragraph XIV the following new paragraph:

XV. A report filed by the assessing officials of each city, town, and unincorporated place shall certify sales-assessment information necessary for the department to conduct the annual sales-assessment ratio study required by RSA21-J:9-a. This report shall be filed within 45 days after receipt from the department.

13 New Paragraph; Setting of Tax Rates by Commissioner. Amend RSA21-J:35 by inserting after paragraph I the following new paragraph:

I-a. The commissioner shall calculate the uniform education property tax rate as follows:

(a) Multiply the adjusted per pupil adequate education cost as defined in RSA 198:38, I by the weighted average daily membership in residence as defined in RSA198:38, VI as reported to the department on December 31 pursuant to RSA198:46.

(b) Subtract from the product in subparagraph (a) the total amount appropriated to the department of education from the education trust fund by the legislature;

(c) Add to the sum in subparagraph (b) the total amount of accepted homestead exemptions under RSA 198:50 from the previous year and hardship relief under RSA 198:51 from the year preceding the previous year;

(d) Divide the sum in subparagraph(c) by the total equalized assessed value as determined by the commissioner relative to the most recent annual report of the department. In this paragraph "equalized assessed value" means the sum of the total valuation of each class of property in a municipality reported pursuant to RSA 21-J:34 adjusted by excluding the value of utility property subject to tax under RSA 83-F, nuclear station property subject to tax under RSA 83-D, and the value of property exempted pursuant to RSA72:37-b, 72:62, 72:66, and 72:70 and equalized by the commissioner according to the equalization method specified in RSA 21-J:9-a.

14 New Subdivision; Property Tax Transition Grant. Amend RSA 31-A by inserting after section 6 the following new subdivision:

Property Tax Transition Grant

31-A:7 Intent. The general court recognizes the obligations of municipal governments to provide necessary and desirable services to their citizens, including new or expanded programs, and hereby finds that to the extent that changes in state tax policy could have the effect of unduly limiting municipal governments in carrying out their obligations, it is appropriate to provide encouragement and support to those political subdivisions in the form of grants. The general court further recognizes that the hardships attendant to increased taxes that are placed on low income residents and those providing shelter and services to those citizens result in increased burdens on

municipal governments in a number of ways including but not limited to difficulty or impossibility of funding new or expanded programs, fewer housing starts and rental property construction for people of modest means and less disposable income being available to the elderly and poor, thereby creating a greater need for municipal assistance. Therefore, the general court finds it to be in the interest of the public weal to establish a property tax transition grant program to ameliorate, in part, such adverse consequences.

31-A:8 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Municipality" means a city, town or unincorporated place.

III. "Municipal per capita income" means per capita income as reported by the department of revenue administration for each New Hampshire municipality.

IV. "State per capita income" means per capita income as reported by the department of revenue administration for the state of New Hampshire.

31-A:9 Determination of Transition Grant. I. The commissioner on or before October 1 shall determine the amount of property tax transition grant for each municipality for the following fiscal year as follows:

(a) Divide the municipal per capita income for a municipality by state per capita income.

(b) Subtract 0.6 from the product in subparagraph (a);

(c) If the result of the subtraction in subparagraph (b) results in an amount less than 0 substitute 0;

(d) Divide the result of the calculation in subparagraph (c) by 4 and subtract the result from 1.0;

(e)(i) If the municipality's weighted average daily membership in residence as defined in RSA 198:38, VI is greater than 9, multiply the result in subparagraph (d) by the amount of the municipality's excess education property tax payment determined pursuant to RSA 198:49,I; or

(ii) If the municipality's weighted average daily membership in residence as defined in RSA 198:38, VI is less than 10, multiply the average of the result in subparagraph (d) for all municipalities whose weighted average daily membership in residence as defined in RSA 198:38, VI is greater than 9 by the amount of the municipality's excess education property tax payment determined pursuant to RSA 198:49, I.

II. The amount in subparagraph I(e) shall not exceed the amount of excess education property tax determined pursuant to RSA 198:49 for the municipality for the corresponding tax year.

31-A:10 Distribution. Upon certification to the state treasurer by the commissioner, distribution of the property tax transition grants determined in RSA 31-A:9 shall be made by the

state treasurer from sums appropriated therefor from the general fund. For the fiscal year ending June 30, 2000, such distribution shall be made on June 15, 2000. For fiscal years ending after June 30, 2000, such distribution shall be made at the time or times other payments are returnable to the municipalities pursuant to this chapter.

31-A:11 Biennial Review. The legislature shall biennially review the circumstances of municipalities relative to the intent of this subdivision to determine the need for providing assistance to such municipalities and shall adjust the amounts provided herein as it deems prudent.

15 Board of Tax and Land Appeals; Authority. Amend RSA 71-B:5, II to read as follows:

II. To hear and determine [~~any~~] appeals ***by towns*** relating to the [~~equalization of valuation performed~~] ***equalized valuation of property determined*** by the commissioner of revenue administration pursuant to RSA 21-J:3, XIII ***including equalized assessed valuations determined by the commissioner for the purposes of the education property tax***. Any town aggrieved by [~~an~~] ***its*** equalized valuation as determined by the commissioner of revenue administration must appeal to the board in writing within 30 days of [~~the town's notification~~] ***notice*** of [~~the~~] ***its final*** equalized valuation by the commissioner. ***The board shall hear and make a final ruling on such appeal within 45 days of its receipt by the board. The board's decision on such appeal shall be final and not appealable.***

16 New Paragraph; Order for Reassessment. Amend RSA 71-B:16, IV to read as follows:

IV. When a complaint is filed with the board alleging that all of the taxable real estate or taxable property in a taxing district should be reassessed or newly assessed for any reason, provided that such complaint must be signed by at least 50 property taxpayers or 1/3 of the property taxpayers in the taxing district, whichever is less[~~.~~]; or

V. ***When the commissioner of revenue administration files a petition with it pursuant to RSA 21-J:3, XXV.***

17 New Section; Inventory of Property Transfers. Amend RSA 74 by inserting after section 17 the following new section:

74:18 Inventory of Property Transfers.

I. In order to properly equalize the value of property under RSA 21-J:3, XIII, an inventory of property transfers shall be filed with the department of revenue administration and with the municipality where the property is located for each transfer of real estate or interest in real estate. Each form may include the following information:

(a) The buyer and seller's names and post transaction addresses and the name and address of a contact person if the buyer or seller is a trust or corporation.

(b) A description of the exact location of the property by town, street, and the assessor's map, lot, and block number.

(c) The acreage included in the sale.

(d) An accurate description of the property included in the sale, the neighborhood where the property is located, and the type and style of the property sold.

(e) The buyer's ownership interest in the property.

(f) The sale price, date of transfer, and the amount mortgaged.

(g) The description of the type of transfer that has taken place.

(h) The amount of personal property included in the sale price.

(i) Whether the property was previously occupied and whether the property will serve as the buyer's primary residence.

(j) The financing arrangements made to purchase the property to be answered at the option of the buyer.

(k) Whether any concessions were made in the sale.

(l) Whether the property was in current use.

(m) Whether land use taxes were considered in the sale.

(n) The buyer's dated signature certifying that the information indicated on the form is true.

II. The inventory of property transfers required by this section shall be filed with the department of revenue administration and with the municipality where the property is located by the purchaser, grantee, assignee, or transferee, no later than 30 days from the recording of the deed at the register of deeds or transfer of real estate, whichever is later. Persons required to file the inventory of property transfers who willfully fail to file or willfully make false statements on the forms shall be guilty of a violation.

III. No deed, recording a transfer of real estate or any interest in real estate, executed before October 1, 1995, shall be required to comply with this section.

IV. Failure to comply with this section shall not be construed to cloud title.

V. Any information provided to the department or the municipality pursuant to this section shall be exempt from the right-to-know law, RSA 91-A.

18 Education Property Tax. RSA 76:3 is repealed and reenacted to read as follows:

76:3 Education Property Tax. An annual education property tax at the uniform rate calculated by the commissioner of revenue administration pursuant to the authority granted in RSA21-J:35, I-a is hereby imposed on all persons and property taxable pursuant to RSA72 and RSA 73, except such property subject to tax under RSA 82, RSA 83-D and RSA 83-F. Such uniform rate shall be calculated by the commissioner on or before October 1 for the tax year commencing April 1 of the succeeding year.

19 What Taxes Assessed. Amend RSA 76:5 to read as follows:

76:5 What Taxes Assessed. The selectmen shall seasonably assess all state and county taxes for which they have the warrants of the [~~state~~] ***commissioner of revenue administration*** and

county treasurers respectively; all taxes duly voted in their towns; and all school[~~, schoolhouse,~~] and village district taxes authorized by law or by vote of any school or village district duly certified to them; and all sums required to be assessed by RSA 33.

20 Commissioner's Warrant. RSA 76:8 is repealed and reenacted to read as follows:

76:8 Commissioner's Warrant.

I. The commissioner of revenue administration shall annually calculate the proportion of education property tax to be raised by each municipality by multiplying the uniform education property tax rate by the total equalized assessed value of all property in the municipality as determined under RSA21-J:3, XIII and used to calculate the uniform rate under RSA 21-J:35, I-a.

II. The commissioner shall issue a warrant under the commissioner's hand and official seal for the amount computed in paragraph I to the selectmen or assessors of each municipality on or before September1 directing them to assess such sum and pay to the municipality for the use of the school district or districts or to the department of revenue administration for deposit in the education trust fund such sums and at such times as may be prescribed for other taxes assessed by such selectmen or assessors of the municipality.

21 Commissioner's Report. RSA 76:9 is repealed and reenacted to read as follows:

76:9 Commissioner's Report. The commissioner of revenue administration shall report to the governor, the speaker of the house of representatives, the president of the senate, and the commissioner of education each year on or before January 15, a statement of the education property tax warrants to be issued for the tax year commencing April 1 of that year.

22 Information Required. Amend RSA 76:11-a, I to read as follows:

I. The tax bill which is sent to every person taxed, as provided in RSA 76:11, shall show the rate for municipal, [~~school~~] ***local education, state education,*** and county taxes separately, the assessed valuation of all lands and buildings for which said person is being taxed, and the right to apply in writing to the selectmen or assessors for an abatement of the tax assessed as provided under RSA76:16. The department of revenue administration shall compute for each town and city the rates which are to appear on the tax bills and shall furnish the required information to the appropriate town or city.

23 New Section; Tobacco Tax. Amend RSA 78 by inserting after section 31 the following new section:

78:32 Distribution of Funds. Eight percent of the amount collected pursuant to RSA 78:7 shall be deposited in the general fund and the remainder shall be paid over to the state treasurer for deposit in the education trust fund established by RSA 198:39.

24 Administration; Tax on Nuclear Station Property. Amend RSA 83-D:12, I to read as follows:

I. The commissioner of revenue administration shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer ***for deposit in the education trust fund established by RSA 198:39*** the amount of remaining

balance of the funds collected under this chapter after the expenses of administration have been deducted.

25 New Chapter; Utility Property Tax. Amend RSA by inserting after chapter 83-E the following new chapter:

CHAPTER 83-F

UTILITY PROPERTY TAX

83-F:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Taxable period" means the period beginning April 1, and ending March 31 of the following year.

IV. "Utility property owner" means any person, partnership, limited liability company, association, corporation or other entity, their trustees or receivers appointed by any court, owning utility property.

V. "Utility property" means all real estate, buildings and structures, machinery, dynamos, apparatus, poles, wires, fixtures of all kinds and descriptions, and pipe lines located within New Hampshire employed in the generation, production, supply, distribution, transmission, or transportation of electric power or natural gas, crude petroleum and refined petroleum products or combinations thereof, water, or sewage subject to tax under RSA 72:6, 72:7 and 72:8; provided that no electric power fixtures which would otherwise be taxed under this chapter shall be taxed under this chapter if they are employed solely as an emergency source of electric power. "Utility property" shall not include:

(a) Water and air pollution control facilities exempt from local property taxation under RSA 72:12-a;

(b) Nuclear station property subject to tax under RSA 83-D; and

(c) Any other property which is not subject to local property taxation.

83-F:2 Tax Imposed. For taxable periods beginning April 1, 1999, a tax is imposed upon the value of utility property at the rate for the education property tax set by the commissioner under RSA 76:3 for the same period, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

83-F:3 Determination of Value. On or before December 1 of the tax year, the commissioner shall determine the value of utility property for the purposes of this chapter by appraising such property at its full and true value. Notice of such determination shall be given to the taxpayer within 15 days of the commissioner's determination.

83-F:4 Persons Liable. The tax imposed by this chapter shall be assessed upon each person with an ownership interest in utility property, in the proportion that such person's ownership interest bears to the entirety of the ownership in the property.

83-F:5 Returns and Declarations.

I. On or before January 15 each year, each utility property owner shall file with the commissioner of revenue administration, on a form prescribed by the commissioner, a return based on the valuation for April 1 of the prior year. The return shall be accompanied by the payment of such amount as has not been prepaid in accordance with paragraph III of this section. If the return shows an additional amount to be due, such additional amount is due and payable at the time the return is filed. If such return shows an overpayment of the tax due, a credit against a subsequent payment or payments due, to the extent of the overpayment, shall be allowed.

II. On or before April 15 of each year, each utility property owner liable to pay the tax imposed by this chapter shall file with the department, on a form prescribed by the commissioner, a statement setting forth the amount of such person's ownership interest as of April 1. The statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

III. For taxable periods ending before April 1, 2000, each utility property owner liable to pay the tax shall, in addition, file a declaration on or before July 1, 1999 of the estimated tax to be assessed as of April 1 in the current taxable period, based on the equalized value of utility property used in the department's equalization report for April 1, 1998 accompanied by payment of 1/3 of the estimated tax due. Additional payments of 1/3 of the estimated tax shall be made on September 15, 1999 and December 15, 1999.

IV. For taxable periods ending after March 31, 2000, at the time the statement required by paragraph II is filed, each person liable for the tax shall, in addition, file a declaration of the estimated tax to be assessed as of April 1 in the current taxable period, based on the tax assessed for the preceding taxable year, accompanied by payment of 1/4 of the estimated tax due. Additional payments of 1/4 of the estimated tax shall be made on June 15, September 15 and December 15.

V. As of June 1 of each year the principal owner of utility property shall file a list of the changes made to the utility property since the prior April 1. This statement shall include such additional information as the commissioner shall require and shall be signed by an authorized representative, subject to the pains and penalties of perjury.

VI. Taxes and estimated taxes not paid when due shall be subject to appropriate penalties and interest under RSA 21-J.

83-F:6 Records.

I. Every person liable for tax under RSA 83-F:4 shall:

(a) Keep such records as may be necessary to determine the amount of such person's liability under this chapter.

(b) Preserve such records for the period of at least 3 years or until any litigation or prosecution under this chapter is finally determined.

(c) Make such records available for inspection by the commissioner or authorized agents, upon demand, at reasonable times during regular business hours.

II. Whoever violates any of the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

83-F:7 Administration.

I. The commissioner shall collect the taxes, interest, additions to tax and penalties imposed under this chapter. The commissioner shall determine the expense of administration of this chapter and shall certify and pay over to the state treasurer for deposit in the education trust fund established by RSA 198:39 the amount of remaining balance of the funds collected under this chapter after the expenses of administration have been deducted.

II. The commissioner is authorized to contract for the services of utility appraisers as needed for the proper administration of this chapter. Such contract expenses shall be deemed an expense of administration.

III. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

(a) The administration of the tax imposed under RSA 83-F:2;

(b) The valuation of utility property required under RSA 83-F:3; and

(c) The recovery of any tax, interest on tax, or penalties imposed by RSA 83-F.

IV. The commissioner may institute actions in the name of the state to recover any tax, interest on tax, additions to tax or the penalties imposed by this chapter.

V. In the collection of the tax imposed by this chapter, the commissioner may use all of the powers granted to tax collectors under RSA 80 for the collection of taxes. The commissioner shall also have all of the duties imposed upon the tax collectors by RSA 80 that are applicable to the commissioner. The provisions of RSA 80:26 shall apply to the sale of land for the payment of taxes due under this chapter, and the state treasurer is authorized to purchase the land for the state. If the state purchases the land, the state treasurer shall certify the purchase to the governor, and the governor shall draw a warrant for the purchase price out of any money in the treasury not otherwise appropriated.

83-F:8 Appeals. Utility property taxpayers aggrieved by the determination by the commissioner of the value of utility property pursuant to RSA 83-F: 3 may appeal such valuation within 30 days of notification of such determination to the board of tax and land appeals or the superior court of the county in which the taxpayer resides or has a place of business. Appeals other than appeals of valuation shall be made according to the procedure and subject to the time limits provided for other taxes administered by the department under RSA 21-J.

83-F:9 Exemption from Local Taxation. Persons and property subject to taxation under this chapter shall not be subject to tax under RSA 76:3; provided, however, that nothing in this chapter shall be construed to exempt such persons or property from local school, municipal, district or county taxation under RSA 76.

26 Extent. Amend RSA 85:1 to read as follows:

85:1 Who May Issue. The state treasurer ***or the commissioner of revenue administration***, and each county and town treasurer, may issue extents under their hands and seals respectively, in cases authorized by law, and such extents shall be deemed to be executions against the person and property.

27 New Subdivisions; Education Trust Fund; Excess Tax Payment, Homestead Exemption and Hardship Relief. Amend RSA 198 by inserting after section 37 the following new subdivisions:

Education Trust Fund

198:38 Definitions. In this subdivision:

I. "Adjusted per pupil adequate education cost" means the amount determined by the legislature as provided by RSA 198:41 adjusted by multiplying such sum by the total average daily membership in residence for the state and dividing the product of such multiplication by total weighted average daily membership in residence for the state.

II. "Adequate education grant" means the total amount of the annual grant calculated according to RSA 198:42 by the department and made to a municipality by the state from the education trust fund.

III. "Average daily membership in residence" means "average daily membership in residence" as defined in RSA 189:1-d, IV. For purposes of this section, kindergarten pupils shall not be counted.

IV. "Elementary pupil" means a pupil in grades 1 through 8.

V. "Municipality" means a city, town or unincorporated place.

VI. "Weighted average daily membership in residence" means average daily membership in residence adjusted for weighted pupils.

VII. "Weighted pupil" means a resident pupil who has been assigned to one of the following classifications, based on the type of education the pupil received. The weights assigned to a high school pupil and to a high school pupil enrolled in a state approved vocational program reflect the differences in educational costs between these classifications when compared to the average current operating expenditure to educate a resident elementary pupil. The weights assigned to an educationally disabled child reflect the differences in education costs among the classifications of educationally disabled children when compared to the average current operating expenditure to educate a resident pupil in grades one through 12 who is not educationally disabled and not a high school pupil enrolled in a state approved vocational program. The following classifications of pupils shall carry the following weights:

(a) An elementary pupil, not educationally disabled as defined in RSA 186-C:2, I, 1.0;

(b) A high school pupil, not educationally disabled as defined in RSA 186-C:2, I and not enrolled in a state approved vocational program, 1.21;

(c) A high school pupil enrolled in a state approved vocational program, 2.01;

(d) An educationally disabled child as defined in RSA 186-C:2, I, in one of the following types of programs:

(1) In-district, placed within a self-contained special education classroom, 2.57;

(2) In-district, without placement in a self-contained special education classroom, 2.12;

(3) An out-of-district day placement, 7.08;

(4) A residential placement, 8.72;

(5) A pre-school day placement, 3.37;

(e) The weight of each pupil participating in the free and reduced school lunch program shall be the amount shown in subparagraphs (a)-(d), multiplied by 1.1.

198:39 Education Trust Fund Created. The state treasurer shall establish an education trust fund in the treasury. Moneys in such fund shall not be used for any purpose other than to distribute adequate education grants to municipalities pursuant to RSA 198:43. The state treasurer shall deposit into this fund immediately upon receipt:

I. The full amount of excess education property tax payments from the department of revenue administration pursuant to RSA 198:49.

II. All moneys due the fund in accordance with RSA 284:21-j.

III. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA83-F:7, I.

IV. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA78:32.

V. Funds collected and paid over to the state treasurer by the department of revenue administration pursuant to RSA 83-D:12, I.

VI. The school portion of any revenue sharing funds distributed pursuant to RSA 31-A from funds collected under RSA 77-A.

VII. Any other moneys appropriated from the general fund.

198:40 Investment of Fund. The fund shall be nonlapsing. The treasurer shall invest that part of the fund which is not needed for immediate distribution in short-term interest-bearing investments. The income from these investments shall be returned to the fund.

198:41 Determination of Per Pupil Adequate Education Cost.

I. For the biennium beginning July 1, 1999, the cost shall be $3,700.

II. For the biennium beginning July 1, 2001, and every biennium thereafter, the cost per pupil shall be established by the general court.

198:42 Determination of Adequate Education Grant.

I. The department of education shall determine the amount of the adequate education grant for each municipality as follows:

(a) Multiply the adjusted per pupil adequate education cost by the weighted average daily membership in residence for the municipality as reported on December 31 pursuant to RSA198:46;

(b) Subtract the amount of the education property tax warrant to be issued by the commissioner of revenue administration for such municipality reported pursuant to RSA 76:9 for the next tax year; and

(c) Add the sum of the total amount of homestead exemptions taken pursuant to RSA198:50 for the municipality for the current tax year plus the total amount of additional hardship abatements granted by the selectmen pursuant to RSA 198:51 for the previous tax year.

II. The department shall determine the grant in paragraph I for each municipality by October 1 of each year for the state's fiscal year following.

198:43 Distribution Schedule of Adequate Education Grant. The adequate education grant determined in RSA 198:42 shall be distributed to each municipality from the education trust fund in 4 equal payments on July 1, September 1, January 1, and April 1 of each school year. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the municipality. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

198:43-a Additional Pupil Adequate Education Grant.

I. A municipality whose average daily membership in residence for a school year, as determined after the completion of that school year, exceeds the average daily membership in residence used to compute the adequate education grant for that year by more than 8 percent, shall receive an additional pupil adequate education grant. The department of education shall determine the amount of the grant for each municipality which qualifies as follows:

(a) Multiply the adjusted per pupil adequate education cost by:

(b) The amount by which the average daily membership in residence for the current school year, as determined at the completion of the school year, exceeds 1.08 times the average daily membership in residence used to compute the adequate education grant for that year.

II. The school district or districts to which the municipality belongs shall supply the necessary information to the department to calculate the amount of the additional adequate education grant by September 30 after the completion of the school year. After verification of the information, the department shall certify the amount of the grant to the state treasurer and direct

the payment thereof to the municipality. Each municipality receiving a payment shall, within 10 days of receipt, pay the money over to the municipality's school district or districts.

198:43-b Supplemental Education Grant.

I. In this section:

(a) "Adjusted per pupil supplemental education amount" means $400, multiplied by the total average daily membership in residence for the state and divided by the total weighted average daily membership in residence for the state.

(b) "Municipal assessed property per student" means the total equalized assessed value as determined in RSA 21-J:35, I-a(d) of all property in the municipality as determined under RSA21-J:3, XIII, divided by the weighted average daily membership in residence for the municipality as determined in RSA 198:46.

(c) "State assessed property per student" means the total equalized assessed value as determined in RSA 21-J:35, I-a(d) of all property in all municipalities in the state and all properties subject to taxation under RSA 83-F, divided by the total weighted average daily membership in residence for the state.

II. In addition to the adequate education grant and additional pupil adequate education grant, school districts in which, at the time the adequate education grant is calculated, municipal assessed property per student is less than state assessed property per student shall be entitled to a supplemental education grant. The department of education shall determine the amount of the supplemental education grant for each qualifying municipality as follows:

(a) Multiply the adjusted per pupil supplemental education amount times the weighted average daily membership in residence for the municipality;

(b) Multiply this product by one minus the result of dividing the municipal assessed property per student by the state assessed property per student.

III. The department of education shall determine the grant in paragraph II for each municipality by January 15 of each year for the state's fiscal year following. The supplemental education grant shall be distributed to each municipality at the same time and by the same procedures as the adequate education grant as described in RSA 198:43.

198:44 Additional Education Expenditures. Nothing in this subdivision shall prevent school districts from adopting budgets which authorize expenditures in excess of those supported with funds from the education trust fund.

198:45 Maintenance of Local Control. Distributions under RSA 198:43 depend only on average daily membership in residence and the per pupil adequacy cost amounts as determined in this subdivision and are independent of how the municipalities decide to spend the distributions or other funds they may raise for education. Municipalities may designate one or more school districts to directly receive their grants by filing a revocable notice of such designation with the state treasurer. Notwithstanding any other provision of law, nothing in this subdivision is intended in any way to limit or control how school districts operate or spend their budgets.

198:46 Duties of the Department of Education and the Board of Education.

I. The department of education shall on or before September 30, of each year, collect from the school districts final data concerning all aspects of student attendance for the school year ending June 30, of that year, necessary to establish the average daily membership, average daily membership in residence, and weighted average daily membership in residence, including the municipality of residence for each pupil for that year. The department of education shall report by December 31 to the speaker of the house of representatives, the senate president to be used for purposes of determination by the legislature of the appropriation to the education trust fund. A copy of such report shall, at the same time, be given to the department of revenue administration.

II. The board of education shall adopt rules necessary to the proper administration of this subdivision.

198:47 Submission of Data by School Districts. Every school district shall submit all attendance information required by the department of education under this subdivision on or before September 30 of each year. A $1,000 per day penalty shall be imposed on any school district that fails to submit attendance data in the time required by law unless waived for good cause by the commissioner of education. School districts penalized under this section shall not charge such penalty to the municipality or municipalities.

198:47-a Legislative Oversight Committee.

I. An oversight committee shall be established consisting of:

(a) The chairperson of the house education committee, or a designee.

(b) The chairperson of the senate education committee, or a designee.

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

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

(e) The chairperson of the house finance committee, or a designee.

(f) The chairperson of the senate finance committee, or a designee.

II. The chair of the oversight committee shall rotate biennially between the chairperson of the house finance committee and the chairperson of the senate finance committee. The first chairperson shall be the chairperson of the house finance committee. A member shall only serve while a member of the general court. The members shall not be compensated but shall receive mileage at the legislative rate when carrying out their duties.

III. The oversight committee shall examine the goals, purposes, organization, operation, and financing of the state's program to provide a constitutionally adequate education, and it shall evaluate and make recommendations for the continued provisions and improvement of the program. Among the initial issues the committee shall consider and examine are:

(a) The so-called "market basket" approach to determining the cost of an adequate education;

(b) The appropriateness of a fixed or variable statewide property tax rate; and

(c) Methods for accelerating the collection and reporting of average daily membership in residence data, and improving the accuracy of such data as it originates from the initial reporting source.

IV. The oversight committee shall review the development and implementation of the program to ensure that they are in accordance with legislative policy.

V. The oversight committee shall submit a report to the general court by November 1, of each odd-numbered year. Copies of the report shall be submitted to the governor, the senate finance and education committees, the house finance and education committees, the department of education, the department of revenue administration and to any other individual or organization as the committee deems advisable.

Excess Tax Payment, Homestead Exemption and Hardship Relief

198:48 Definitions. In this subdivision:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Equalized assessed value" means "equalized assessed value" as defined in RSA 21-J:35, I-a(d).

III. "Homestead" means the dwelling owned by a claimant or in the case of a multi-unit dwelling, the portion of the dwelling which is used as the claimant's principal place of residence and the claimant's domicile for purposes of RSA 654:1. "Homestead" shall not include land and buildings taxed under RSA 79-A or land and buildings or the portion of land and buildings rented or used for commercial or industrial purposes. In this paragraph the term "owned" includes a vendee in possession under a land contract and one or more joint tenants or tenants in common.

IV. "Homestead value" means the net local assessed value of the homestead increased or decreased by dividing such value by the equalization ratio for the municipality for the previous year determined in accordance with RSA 21-J:9-a except that homestead value in municipalities which have completed a revaluation of property within the previous year shall be computed at full value.

V. "Household income" means the sum of the adjusted gross income for federal income tax purposes of the claimant and any member of the claimant's household who resides in the homestead for which claim is made.

198:49 Excess Education Property Tax Payment.

I. Except as provided in paragraph IV, municipalities whose education property tax or education property tax plus adequate education grant exceeds the amount necessary to fund an adequate education determined by RSA198:42, I(a) shall collect and remit such excess amount less the amount of any homestead exemptions under RSA 198:50 and hardship relief abatements granted by the selectmen under RSA198:51 to the department of revenue administration on or before June 30, of the year following the close of the tax year in which the excess occurs.

II. The amount of such excess to be remitted shall not include any income derived from the investment of funds by the town treasurer under RSA 41:29. Any funds remaining after full

payment of the excess tax required in paragraph I shall become available for the unrestricted use by the municipality.

III. The commissioner shall collect from the selectmen the excess tax and pay over to the state treasurer the amount of funds collected under this subdivision for deposit in the education trust fund established by RSA 198:39.

IV. The commissioner shall calculate the excess amount owed by each municipality pursuant to paragraph I for the tax year 1999. Notwithstanding any other provision of this section, municipalities shall only collect and remit to the department of revenue administration not more than the following percentage of the tax year 1999 excess amount, less the amount of any property tax transition grant distribution to the municipality pursuant to RSA 31-A:10, during the tax years 1999-2001:

(a) In tax year 1999, 25 percent.

(b) In tax year 2000, 50 percent.

(c) In tax year 2001, 75 percent.

198:50 Homestead Exemption.

I. A homestead exemption from education property tax imposed under RSA 76:3 in an amount not to exceed the lesser of 25 percent of the homestead value or $40,000, adjusted by the consumer price index for New England published by the United States Department of Labor for each succeeding year, rounded to the nearest $1,000, is hereby granted to any claimant qualifying under this section.

II. A qualifying claimant is a person who:

(a) Owns a homestead or interest in a homestead subject to the education property tax, and

(b) Files a claim for exemption certifying homestead ownership with the selectmen on or before July 1 of the tax year for which claim is made. Claims filed after July 1 shall not be considered timely for the current tax year, but shall be considered filed for the following tax year.

III. If a homestead is owned by 2 or more persons as joint tenants or tenants in common, and one or more of such joint owners do not principally reside at such homestead, the homestead exemption applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. If more than one person files claims for exemption relative to a single tax parcel, the aggregate amount of the exemptions claimed shall not exceed the amount of exemption allowable for such parcel if only one person had filed a claim.

IV. If a homestead for which exemption is claimed is part of single tax parcel upon which is located other dwelling units or other significant nonresidential uses, the homestead exemption shall be claimed only on that portion of the homestead value of the tax parcel attributable to the homestead dwelling.

V. Claims shall be accepted as filed unless the selectmen have good reason to believe that any part of the claim is inaccurate or erroneous. Accepted homestead exemption claims shall continue from year to year without necessity for refiling unless there is a change in ownership or use of the property.

VI. On or before August 1 the selectmen shall report accepted claims to the department of revenue administration and the department of education.

198:51 Education Property Tax Hardship Relief.

I. As provided herein eligible claimants shall be granted hardship relief, in addition to the homestead exemption provided in RSA 198:50, for 4 tax years following the enactment of RSA 76:3.

II. An eligible hardship relief claimant is a person who

(a) Qualifies for the homestead exemption in RSA 198:50;

(b) Realizes in the first year after the effective date of the education property tax a net increase in property taxes as a result of the imposition of RSA 76:3, exclusive of the local portion of school, municipal and county taxes, and after application of the homestead exemption, which exceeds 20 percent of the school portion of such claimant's local property taxes for the tax year ended March31, 1999; and

(c) Realizes total household income of less than 75 percent of median total household income of all New Hampshire residents in the year in which the claim for relief is made.

III. The selectmen shall abate a portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of the local portion of school, municipal and county taxes, and after application of the homestead exemption, which portion is to be calculated as follows:

(a) Deduct the local school, municipal and county tax portion and the amount of the homestead exemption from the claimant's total current tax bill;

(b) Subtract the amount of the claimant's school property taxes for the tax year ended March 31, 1999 from the sum computed in subparagraph (a) to determine the net increase;

(c) Multiply the net increase computed in subparagraph (b) by one of the following percentages to determine the amount of the abatement:

(1) In the first year after the effective date of RSA 76:3, 50 percent of the net increase;

(2) In the second year after the effective date of RSA 76:3, 25 percent of the net increase;

(3) In the third year after the effective date of RSA 76:3, 10 percent of the net increase; and

(4) In the fourth year after the effective date of RSA 76:3, 10 percent of the net increase.

IV. Claims for hardship relief shall be filed with the selectmen on or before March 1 following the date of notice of tax under RSA 76:1-a.

V. If the selectmen have reason to suspect the accuracy of a claim for hardship relief, they may request that the claimant provide copies of any of the following, as needed to verify income. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and returned uncopied to the claimant after a decision is made on the claim. The documents are:

(a) Federal income tax form; and

(b) State interest and dividends tax form.

RSA 359-C shall not apply to the documents requested for verification under this paragraph.

VI. The commissioner shall each year publish a taxpayer information release denoting the median household income for New Hampshire residents based upon the most recent figure published by the United States Bureau of the Census for the category "median household income by state."

198:52 Rulemaking; Forms.

I. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the administration of this subdivision.

II. The commissioner shall approve and provide forms relative to the following:

(a) Reporting and remitting excess education property tax by municipalities;

(b) Claims for homestead exemption; and

(c) Claims for hardship relief.

III. Claim forms shall include the following:

(a) Instructions on completing and filing the form;

(b) Sections for information concerning the claimant, the claimant's household, the property for which exemption or relief is sought and such other information as is reasonably necessary to determining the accuracy of the claim;

(c) Instructions on appeal procedure and time limits relative to such appeals;

(d) A place for the claimant's signature with a certification by the claimant that the claim is made in good faith and that the facts contained in the claim are true.

198:53 Penalties. The preparation or filing of homestead exemption or hardship relief claims that are false shall be subject to the provisions of RSA 21-J:39, relative to criminal penalties.

198:54 Appeals.

I. Whenever the selectmen or assessors refuse to grant a claimant either a homestead exemption or an education property tax hardship relief request, the claimant may appeal in writing, on or before September 1 following the date of notice of tax under RSA 72:1-d, to the board of tax and land appeals or the superior court.

II. When a taxpayer appeals the denial of a claim to the superior court or board of tax and land appeals, the court or board may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court or board finds the selectmen's action to be arbitrary or unreasonable.

28 Reference Change. Amend RSA 193:1, I(c) to read as follows:

(c) The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school, or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and [~~RSA198:27-37~~] ***adequate education grants under RSA 198:42***.

29 Reimbursement Anticipation Notes; Version Effective Until July 1, 1999. Amend RSA198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA 186-C:18, ***and a municipality may incur debt in anticipation of reimbursement under RSA 198:43.*** The governing body, after receiving authorization for borrowing from the legislative body, may elect to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification, prior to September 1, to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue.

30 Reimbursement Anticipation Notes; July 1, 1999 Version. Amend RSA 198:20-d to read as follows:

198:20-d Reimbursement Anticipation Notes. Notwithstanding any other provision of law to the contrary, a school district may incur debt in anticipation of reimbursement under RSA186-C:18 ***and a municipality may incur debt in anticipation of reimbursement under RSA 198:43***. The governing body, after notice and public hearing, may elect to borrow such funds and to recognize the proceeds of the borrowing as revenue for property tax rate setting purposes by providing written notification to the commissioner of the department of revenue administration stating the specific amount of borrowing to be recognized as revenue. Any borrowing under this section shall be exempt from the provisions of RSA 33, relative to debt limits.

31 Sweepstakes. RSA 284:21-j is repealed and reenacted to read as follows:

284:21-j Establishment. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which the

treasurer shall pay all expenses of the commission incident to the administration of this subdivision and RSA287-E. Any balance left in such fund after such expenses are paid shall be deposited in the education trust fund established under RSA198:39.

32 Transition. As of July 1, 1999, all funds, from any source derived, which would be distributed as foundation aid shall be deposited in the education trust fund under RSA 198:39.

33 Removing Reference to Foundation Aid. Amend RSA 198:21, V to read as follows:

V. No pupil counted by any school district for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be [~~included in average daily membership for the purposes of foundation aid or~~] counted for the purposes of grants pursuant to RSA 198:22.

34 Removing Reference to Foundation Aid. Amend RSA 198:22, V to read as follows:

V. No pupil counted by any school for the purpose of calculating the amount of a grant to be paid pursuant to this section shall for the same school year by the same district be [~~included in average daily membership for the purposes of foundation aid or~~] counted for the purpose of grants pursuant to RSA 198:21.

35 Payment in Lieu of Taxes. Amend RSA 227-H:17 to read as follows:

227-H:17 Payment in Lieu of Taxes. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to forms for application to the commissioner of revenue administration for payment for lost taxes. [~~In any year in which no state tax is levied,~~] Any town in which national forest lands and land held by the state for operation and development as state forestland, as defined by the department for the purposes of this section, are situated, whether acquired by gift, devise, purchase, or in any other manner, may apply, by its selectmen, to the commissioner of revenue administration on forms provided by the commissioner, annually before September 1, for the payment of an amount not exceeding the taxes for all purposes which such town might have received from taxes on such lands in such year had such lands been taxable. In the event that the amount appropriated in any biennium shall be insufficient for the purposes under this section, then the towns entitled to benefits under this section shall be reimbursed proportionately, unless otherwise subsequently ordered by the legislature.

36 Special Transition Rules. The following special transition rules shall apply to the implementation of this act in the first fiscal year following enactment:

I. The commissioners of revenue administration and education shall use weighted average daily membership in residence as defined in RSA 198:38, VI established on or before June 30, 1997 in all calculations required by RSA 21-J: 35, I-a and RSA 198:42, I.

II. "Equalized assessed value" as defined in RSA 21-J:35, I-a(d) shall be based upon the amounts reported in the 1997 equalization survey published by the department of revenue administration.

III. For purposes of calculating the uniform education property tax rate as required by RSA21-J:35, I-a the commissioner of revenue administration shall use the following amounts:

(a) The total amount to be subtracted pursuant to RSA 21-J:35, I-a(b) shall be $220,406,192; and

(b) The total amount to be added pursuant to RSA 21-J:35, I-a(c) shall be $43,274,656.

IV. For the school year 1999/2000, the adequate education grant determined in RSA 198:42 shall be distributed to each municipality from the education trust fund in 4 payments as follows:

(a) On July 1, 1999, and September 1, 1999, ¼ the total adequate education grant without including any homestead exemption amounts;

(b) On January 1, 2000 and April 1, 2000, ¼ the total adequate education grant including 1/2 of the total accepted homestead exemption amounts. The department shall certify the amount of each grant to the state treasurer and direct the payment thereof to the municipality.

V. For the tax year 1999, claims for a homestead exemption shall be filed with the selectmen on or before September 1, 1999.

VI. For the tax year 1999, selectmen shall report accepted claims for the homestead exemption to the department of revenue administration and the department of education by December 1, 1999.

VII. Notwithstanding any other provision of law, the commissioner of revenue administration shall calculate the uniform education property tax rate for the April 1, 1999 tax year and issue the warrants required by RSA 76:8 on or before 30 days after the effective date of this act.

VIII. Notwithstanding any other provision of law, the commissioner of education shall determine the amount of the adequate education grant for each municipality pursuant to RSA198:42 for the 1999/2000 school year on or before 30 days after the effective date of this act.

IX. Notwithstanding any other provision of law, the commissioner of revenue administration shall calculate the property tax transition grant for each municipality for the fiscal year ending June 30, 2000 on or before 30 days after the effective date of this act.

37 Position Established; Appropriations.

I. To carry out the financial and educational reporting requirements of this act, there is hereby established within the department of education a full-time temporary position of systems development specialist IV, labor grade 25, for the 15 month period ending June 30, 2000.

II. The sum of $69,500 is hereby appropriated to the department of education to fund the position created in paragraph I, including salary, benefits, rent, supplies, and travel. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of $1,000,000 for the biennium ending June30, 2001, is hereby appropriated to the department of revenue administration to fund the upgrade of municipal computer systems, to provide additional municipal personnel, to provide in-service training of

municipal officials and taxpayer education programs, and to fund other administrative costs necessary to carry out the financial purposes of this act in accordance with part 1, article 28-a of the New Hampshire constitution. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. The sum of $2,000,000 for the biennium ending June30, 2001, is hereby appropriated to the department of revenue administration to fund the costs necessary to implement this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

V. The sum of $100,000 for the biennium ending June 30, 2001 is hereby appropriated to the department of education to fund the costs necessary to upgrade school districts' computer systems to carry out the reporting responsibilities of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VI. The sum of $220,406,192 is hereby appropriated from the education trust fund created under RSA 198:39 to the department of education for each year of the biennium ending June 30, 2001 for the purpose of funding the requirements of RSA198:43.

VII. The sum of $44,564,832 is hereby appropriated to the state treasurer for each year of the biennium ending June 30, 2001 for the purpose of funding the requirement of RSA 31-A:10. The governor is authorized to draw a warrant for said sums out of any money in the treasury not otherwise appropriated.

38 Special Provision for Foundation Aid. Notwithstanding the repeal pursuant to section 41 of this act of RSA 198:27-37, relative to foundation aid and alternative foundation aid, the payment of foundation aid which would have been made in April 1999 pursuant to RSA 198:31 before such section was repealed, shall be calculated by the department of education and distributed to the recipients as if such repeal had not occurred.

39 Utility Property Valuation Study Committee Established.

I. There is established a committee to study utility property valuation issues.

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

(a) Five members of the house of representatives, appointed by the speaker of the house of representatives, at least one of whom shall be a member of the finance committee, at least one of whom shall be a member of the municipal and county government committee, and at least one of whom shall be a member of the science, technology and energy committee. The speaker of the house of representatives may appoint three other members, if deemed necessary, as alternates.

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

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

IV. The committee's duties shall include but not be limited to:

(a) Determining the most appropriate means of evaluating utility property for taxation purposes, and determining to what extent the "unit method" should be used for this purpose.

(b) Determining the extent to which utility property is evaluated consistently from one municipality to another.

(c) Determining the most appropriate means of evaluating nuclear station property.

(d) Determining the most appropriate means of taxing telecommunications services and evaluating property used for providing these services.

V. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be held within 90 days of the effective date of this section. Five members of the committee shall constitute a quorum.

VI. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 1999.

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

41 Repeal. The following are repealed:

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

II. RSA 78-B:10-a, relative to the real estate transfer questionnaire.

III. RSA 21-J:3, XXIII, relative to the commissioner of revenue administration's duty to determine local per capita income for purposes of foundation aid.

IV. RSA 21-J:13, XI, relative to the form and content of the real estate transfer questionnaire.

V. RSA 194-B:11, VIII, relative to foundation aid in relation to charter and open enrollment schools.

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

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

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

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

X. 1998, 389:15, 16, and 17 relative to educational funding commitments and funding for local education betterment.

42 Effective Date.

I. Sections 23, 31 and 41, X of this act shall take effect July 1, 1999.

II. The remainder of this act shall take effect April 1, 1999.

AMENDED ANALYSIS

This bill creates a state education property tax at a uniform rate to provide support to communities for an adequate education. It allows homeowners a homestead exemption for their primary residence and provides additional hardship relief to low income homeowners whose school property taxes are substantially increased as result of this tax.

The bill establishes a dedicated trust fund, to be funded by revenues from a state utility property tax, the tobacco tax and other sources, for the purpose of making distributions to municipalities with insufficient property base to raise adequate education funds on their own and to compensate municipalities for the homestead exemption and hardship relief.

The bill also repeals foundation aid, phases in the excess education property tax payments to be made by municipalities, and creates a property tax transition grant program in revenue sharing.

Rep. Kurk spoke in favor.

Rep. Chandler requested a roll call; sufficiently seconded.

YEAS 204 NAYS 180 **YEAS 204**			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Philbrick, Donald	Torressen, Gary
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Hunt, John	Roberts, William

Rose, William	Royce, H Charles	Smith, Edwin	
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Phinney, William
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin
Daniels, Gary	Dawe, Eileen	Desmarais, Vivian	Desrosiers, William
Dokmo, Cynthia	Durham, Susan	Dyer, Merton	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Goulet, Maurice
Hall, Betty	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Kurk, Neal	L'Heureux, Robert
LaRose, Richard	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Tate, Joan
Thulander, O Alan	Wall, Nancy	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Feuerstein, Martin
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Kennedy, Richard	Langer, Ray	Larrabee, David, Sr	Lavoie, Gerard
Leber, William	Nichols, Avis	Whalley, Michael	

ROCKINGHAM			
Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian	Cooney, Richard
Cote, Patricia	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Quandt, Marshall	Rabideau, Marie	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Stone, Joseph	Stritch, C Donald	Sytek, Donna
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
Brown, Julie	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Tsiros, William	Woods, Phyllis	
SULLIVAN			
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			
NAYS 180 BELKNAP			
Salatiello, Thomas	Wood, Jane		
CARROLL			
None			
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	DePecol, Benjamin	Doucette, Richard
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph

McGuirk, Paul	Meader, David	Mitchell, McKim	Pratt, Irene
Pratt, John	Richardson, Barbara	Riley, William	Robertson, Timothy
Russell, Ronald	Zerba, Roger		
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Hinman, Harry	Johnson, Gary
Mirski, Paul	Nordgren, Sharon	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien
Buckley, Raymond	Burkush, James	Clemons, Jane	Cote, David
Cote, Peter	Craig, James	Curran, James	Daigle, Robert
Dwyer, Paul, Sr	Foster, Linda	Franks, Suzan	Gagnon, Paul
Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary
Haettenschwiller, Alphonse	Haley, Robert	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Moriarty, Mary
Murphy, Robert	Ouellette, Mary	Perkins, Paul	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances

Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Corbin, C David	Downing, Michael	Gibbons, Paul
Grant, Kenneth	Hutchinson, Rebecca	Kelley, Jane	Kobel, Rudolph
Langley, Jane	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Putnam, Ed, II	Raynowska, Bernard	Rubin, George	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the floor amendment was adopted.

Rep. Mirski offered a floor amendment (0273h), spoke in favor and withdrew his amendment.

Rep. Corbin offered a floor amendment.

Floor Amendment (0284h)

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

AN ACT declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

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

1 Statement of Findings and Intent; Affirmation by the Legislature of the Constitutionality of the Current Tax Structure.

I. The members of the executive and legislative branches of the state of New Hampshire, having made and subscribed an oath to God and to the state and its constitution, or alternatively, by affirming under the pains and penalties of perjury, their allegiance to the state of New Hampshire and its constitution pursuant to part II, article 84 of said constitution, hereby find that the decision of the New Hampshire supreme court nullifying the use of the current property tax structure as the means for funding public education is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

II. In furtherance of this position, the legislature finds that under part I, article 28 of the New Hampshire constitution, the legislature possesses the sole authority to create laws, and that under part I, article 29 of said constitution, the legislature possesses the sole authority to suspend laws. Moreover, the legislature finds additional constitutional support for its position as follows:

(a) Part I, article 1, relative to the origin and object of government.

(b) Part I, article 2 relative to individual property rights.

(c) Part I, article 6 relative to local control of education, both religious and secular.

(d) Part I, article 12, relative to the consent of the governed on taxation.

(e) Part I, article 28, relative to the consent of the people, or their representatives in the legislature, prior to the establishment or imposition of a tax.

(f) Part I, article 28-a, relative to the prohibition on unfunded mandates.

(g) Part I, article 31 and part II, article 2, relative to the authority of the legislature to make laws.

(h) Part II, article 83, relative to the New Hampshire supreme court's inconsistent and unsupported interpretation of "cherish" to mean "to require payment for" within the context of this article.

III. The legislature hereby finds and declares that the current tax structure shall be legally binding until such time as the legislature may vote to change it. The legislature further finds that any attempt by the supreme court, or any other lower court, to interrupt or discontinue funding to the cities and towns, and their school districts, shall be met with the filing of articles of impeachment.

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

AMENDED ANALYSIS

This bill sets forth a legislative declaration, supported by constitutional findings, that the New Hampshire supreme court's Claremont II decision nullifying the current tax structure is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Rep. Corbin spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Corbin floor amendment.

YEAS 82 NAYS 303			
YEAS 82			
BELKNAP			
Boyce, Robert	Holbrook, Robert	Johnson, James	Lawton, David
Rice, Thomas	Rosen, Ralph	Wendelboe, Francine	
CARROLL			
Babson, David, Jr	Chandler, Gene	Howard, Godfrey	Torressen, Gary
CHESHIRE			
Pratt, John			
COOS			
None			
GRAFTON			
Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Mirski, Paul	Phinney, William	Weber, Phil	
HILLSBOROUGH			
Arnold, Thomas, Jr	Beaupre, Roland	Brundige, Robert	Chabot, Robert
Christiansen, Lars	Clegg, Robert, Jr	Dalianis, Griffin	Desmarais, Vivian
Desrosiers, William	Emerton, Lawrence	Fletcher, Richard	Goulet, Maurice
Haley, Robert	Hansen, Herbert	Jean, Loren	LaPorte, George
Lefebvre, Roland	Martel, Andre	Martin, Mary	McDonald, James, Sr

McRae, Karen	Melcher, Harold	Mosher, William	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Wall, Nancy	
MERRIMACK			
Gile, Mary	Kennedy, Richard	Langer, Ray	Lavoie, Gerard
Marple, Richard	Soltani, Tony		
ROCKINGHAM			
Beaulieu, Jon	Bishop, Franklin	Carson, Gregory	Clark, Vivian
Corbin, C David	Dunham, Vivian	Flanagan, Natalie	Henderson, Warren
Hutchinson, Karen	Kobel, Rudolph	Moore, Benjamin	Noyes, Richard
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Rubin, George	Sapareto, Frank
Stickney, Nancy	Stritch, C Donald	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Musler, George		
SULLIVAN			
McIntyre, Sara			
NAYS 303 **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Czech, Stanley	Lawton, Robert
Millham, Alida	Pilliod, James	Salatiello, Thomas	Thomas, John
Turner, Robert	Wood, Jane		
CARROLL			
Bradley, Jeb	Dickinson, Howard	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Hunt, John	Lerandeau, Alfred
Lynch, Margaret	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Meader, David	Mitchell, McKim	Pratt, Irene	Richardson, Barbara
Riley, William	Roberts, William	Robertson, Timothy	Rose, William

Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Rodrigue, Robert	Tholl, John, Jr	Woodward, David
GRAFTON			
Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Guest, Robert	Johnson, Gary
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Scanlan, David	Solow, Martha	Ward, Brien
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Belvin, William	Bergeron, Lucien
Bergin, Peter	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon, Jr	Carlson, Donald	Clemons, Jane	Cote, David
Cote, Peter	Coughlin, Pamela	Craig, James	Curran, James
Daigle, Robert	Daniels, Gary	Dawe, Eileen	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Fields, Dennis
Flora, Kathleen	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Hall, Betty	Herman, Keith
Herman, Richard	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston	McColgan, Philip, Jr
McDonough-Wallace, Alice	McGough, Tim	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Mary	Perkins, Paul	Peterson, Andrew	Reeves, Sandra

Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	White, Donald	White, John	Williams, Carol
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
Hager, Elizabeth	Hess, David	Hoadley, Elizabeth	Jacobson, Alf
Larrabee, David, Sr	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whalley, Michael	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Belanger, Ronald	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Christie, Andrew, Jr	Clark, Martha
Cooney, Richard	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanders, David	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Langley, Jane	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Morse, Charles	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	O'Keefe, Patricia	O'Neil, Michael	Pitts, Jacqueline
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stone, Joseph
Sytek, Donna	Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles
Verani, Giovanni	Weare, Everett	Welch, David	Whittier, John
Zolla, William			

STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Lundborn, Raymond	McKinley, Robert	Pelletier, Arthur
Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie
Snyder, Clair	Spang, Judith	Spear, Barbara	Taylor, Kathleen
Tsiros, William	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine
Young, David			

and the Corbin floor amendment failed.

Reps. Emerton, Gile and Martel voted yea and intended to vote nay.

Rep. Dickinson voted nay and intended to vote yea.

Rep. DiFruscia offered a floor amendment.

Floor Amendment (0298h)

Amend the bill by inserting after section 40 the following and renumbering the original sections 41 and 42 to read as 42 and 43, respectively:

41 Education Future Funding Commission.

I. There is established an education future funding commission whose purpose is to investigate ways and means of establishing the feasibility of legalized gambling whether by slot machine, casino gambling, or any other method. The intent and purpose of the commission is to find a method of future financing for funding education without raising any additional taxes. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before January 30, 2000.

II. The commission shall be composed of the following members, the legislative members of which shall receive mileage at the legislative rate when attending to the commission's duties: members of the committee shall constitute a quorum.

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

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

(c) The attorney general, or designee.

(d) The state treasurer, or designee.

(e) A member of the clergy who has an educational background appointed by the governor.

Amend paragraph 1 of section 43 by replacing it with the following:

I. Sections 23, 31 and 42, X of this act shall take effect July 1, 1999.

Rep. DiFruscia spoke in favor and yielded to questions.

Reps. Sabella and Henderson spoke against.

Rep. DiFruscia requested a roll call; sufficiently seconded.

The question being the adoption of the DiFruscia floor amendment.

YEAS 38 NAYS 347 **YEAS 38** **BELKNAP**			
Boriso, Thomas			
CARROLL			
Babson, David, Jr	Dickinson, Howard		
CHESHIRE			
Avery, Stephen	Roberts, William	Russell, Ronald	Smith, Edwin
COOS			
Rodrigue, Robert			
GRAFTON			
None			

HILLSBOROUGH			
Burkush, James	Christiansen, Lars	Clemons, Jane	Dawe, Eileen
Desmarais, Vivian	Goley, Jeffrey	Gorman, Mary	Leonard, Peter
McColgan, Philip, Jr	McDonald, James, Sr	Mendenhall, Leslie	Milligan, Robert
Murphy, Robert	Perkins, Paul	Turgeon, Roland	Vaillancourt, Steve
MERRIMACK			
Wallin, Jean			
ROCKINGHAM			
Belanger, Ronald	DiFruscia, Anthony	Mikowlski, Walter	Raynowska, Bernard
Rubin, George	Weyler, Kenneth	Whittier, John	
STRAFFORD			
Bickford, David	Brown, Julie	Keans, Sandra	Tsiros, William
Vachon, Dennis			
SULLIVAN			
Young, David			
NAYS 347 **BELKNAP**			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Millham, Alida
Pilliod, James	Rice, Thomas	Rosen, Ralph	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane
CARROLL			
Bradley, Jeb	Howard, Godfrey	Kenney, Joseph	Lyman, L Randy
MacDonald, Kenneth	Mock, Henry	Patten, Betsey	Philbrick, Donald
Torressen, Gary			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	Doucette, Richard
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William

Robertson, Timothy	Rose, William	Royce, H Charles	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Guay, Lawrence	Hawkinson, Marie
Horton, Lynn	Landers, Dana	Mears, Edgar	Merrill, Gerald
Pratt, Leighton	Tholl, John, Jr	Woodward, David	
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Densmore, Jessica	Dudley, Terri
Eaton, Stephanie	Gilman, G Michael	Guest, Robert	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	Johnson, Gary
LaMott, Paul	MacNeil, Allen	Marshall, Gene	Mirski, Paul
Nordgren, Sharon	Phinney, William	Picconi, Al	Scanlan, David
Solow, Martha	Ward, Brien	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas, Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Beaupre, Roland
Belvin, William	Bergeron, Lucien	Bergin, Peter	Brundige, Robert
Bruno, Pierre	Buckley, Raymond	Calawa, Leon, Jr	Carlson, Donald
Chabot, Robert	Clegg, Robert, Jr	Cote, David	Cote, Peter
Coughlin, Pamela	Craig, James	Curran, James	Daigle, Robert
Dalianis, Griffin	Daniels, Gary	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goulet, Maurice	Haettenschwiller, Alphonse	Haley, Robert
Hall, Betty	Hansen, Herbert	Herman, Keith	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Jean, Loren
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaPorte, George	LaRose, Richard	Lasky, Bette
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee

Lynde, Harold	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary
McCarthy, William	McCarty, Winston	McDonough-Wallace, Alice	McGough, Tim
McRae, Karen	Melcher, Harold	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Mosher, William	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Ouellette, Dean	Ouellette, Mary
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	White, John	Williams, Carol	Withee, Dennis
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Bouchard, Candace	Brewster, Richard
Chase, George	Crosby, Toni	Crowell, Peter	Daneault, Gabriel
Davis, Francis	Feuerstein, Martin	Fortnam, Janet	Fraser, Marilyn
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marple, Richard
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	Soltani, Tony	St Cyr, Gerard
Virtue, Carolyn	Wallner, Mary Jane	Whalley, Michael	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Arndt, Janet	Beaulieu, Jon	Bishop, Franklin
Blanchard, MaryAnn	Bridle, Russell	Carson, Gregory	Case, Margaret
Christie, Andrew, Jr	Clark, Martha	Clark, Vivian	Cooney, Richard
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dolan, Richard	Dowling, Patricia	Downing, Michael
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren

Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langley, Jane
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Moore, Benjamin	Morse, Charles	Norelli, Terie
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Pantelakos, Laura	Pitts, Jacqueline
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabeth	Splaine, James
Stickney, Nancy	Stone, Joseph	Stritch, C Donald	Sytek, Donna
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Verani, Giovanni
Weare, Everett	Welch, David	Zolla, William	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Lent, Donald	Lundborn, Raymond
McKinley, Robert	Musler, George	Pelletier, Arthur	Pelletier, Marsha
Rogers, Rose Marie	Rollo, Michael	Smith, Marjorie	Snyder, Clair
Spang, Judith	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the DiFruscia floor amendment failed.

motion to limit debate

Rep. Avery moved that debate on ***HB 117-FN-A-L,*** establishing a uniform education property tax to provide funding for an adequate public education and making an appropriation therefor, be limited to 30 minutes on each side, excluding questions.

On a division vote, 128 members having voted in the affirmative and 259 in the negative, the motion failed.

The question now being the adoption of the amended committee report.

Reps. Langley, Carol Moore, Manning, Vaillancourt and Wallin spoke against.

Rep. Vaughn spoke against and yielded to questions.

Reps. Mosher, Ruffner, Kurk, Whalley, Bradley and Sytek spoke in favor.

Rep. Lozeau requested a roll call; sufficiently seconded.

YEAS 174 NAYS 213 **YEAS 174**			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
CARROLL			
Bradley, Jeb	Chandler, Gene	Lyman, L Randy	Mock, Henry
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	LaMott, Paul
MacNeil, Allen	Marshall, Gene	Picconi, Al	Ward, Brien
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre

Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Ford, Nancy	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lefebvre, Roland	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston
McGough, Tim	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Leber, William	Nichols, Avis	Soltani, Tony	Whalley, Michael
ROCKINGHAM			
Arndt, Janet	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian	Cote, Patricia
Dalrymple, Janeen	Dearborn, Bruce	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Fesh, Robert	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Johnson, Robert	Katsakiores, George
Katsakiores, Phyllis	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Rabideau, Marie	Reardon, Neil	Ruffner, Walter	Stone, Joseph
Stritch, C Donald	Sytek, Donna	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		

STRAFFORD			
Brown, Julie	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Tsiros, William	Woods, Phyllis	
SULLIVAN			
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			
NAYS 213 **BELKNAP**			
Boriso, Thomas	Lawton, David	Lawton, Robert	Salatiello, Thomas
Wood, Jane			
CARROLL			
Babson, David, Jr	Dickinson, Howard	Howard, Godfrey	Kenney, Joseph
MacDonald, Kenneth	Torressen, Gary		
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Harmon, Hobart	Hinman, Harry
Johnson, Gary	Mirski, Paul	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Clemons, Jane

Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Desrosiers, William	Dokmo, Cynthia	Dwyer, Paul, Sr
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lynde, Harold
Martin, Mary	McCarthy, William	McColgan, Philip, Jr	McDonald, James, Sr
McDonough-Wallace, Alice	McRae, Karen	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Murphy, Robert	O'Connell, Timothy
Ouellette, Mary	Pepino, Leo	Perkins, Paul	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	Gile, Mary	Hager, Elizabeth	Jacobson, Alf
Lavoie, Gerard	Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Owen, Derek	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Blanchard, MaryAnn	Case, Margaret
Clark, Martha	Cooney, Richard	Corbin, C David	Cox, Russell
Downing, Michael	Dunham, Vivian	Flanagan, Natalie	Gibbons, Paul
Grant, Kenneth	Hutchinson, Rebecca	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
Moore, Benjamin	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Putnam, Ed, II	Quandt, Marshall	Raynowska, Bernard

Rubin, George	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stickney, Nancy
Vaughn, Charles			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Lent, Donald	Lundborn, Raymond
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

and the report failed.

Rep. Lozeau moved Re-commit to Committee and spoke in favor.

laid on the table

Rep. Henderson moved that ***HB 117-FN-A-L,*** establishing a uniform education property tax to provide funding for an adequate public education and making an appropriation therefor, be laid on the table.

Rep. Lozeau requested a roll call; sufficiently seconded.

YEAS 198 NAYS 188 **YEAS 198**			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Millham, Alida	Pilliod, James	Rice, Thomas	Rosen, Ralph
Thomas, John	Turner, Robert	Wendelboe, Francine	

CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Philbrick, Donald	Torressen, Gary	
CHESHIRE			
Avery, Stephen	Hunt, John	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin		
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Harmon, Hobart
Hinman, Harry	LaMott, Paul	MacNeil, Allen	Marshall, Gene
Picconi, Al	Scanlan, David	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Arnold, Thomas, Jr	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Calawa, Leon, Jr	Carlson, Donald	Chabot, Robert	Christiansen, Lars
Clegg, Robert, Jr	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Dawe, Eileen	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Durham, Susan	Dyer, Merton	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Ford, Nancy	Goulet, Maurice
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Loren	Kurk, Neal	L'Heureux, Robert	LaRose, Richard
Lefebvre, Roland	Leishman, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McGough, Tim
McRae, Karen	Mercer, Robert	Milligan, Robert	Moran, Edward
Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reeves, Sandra
Rowe, Robert	Sargent, Maxwell	Tate, Joan	Thulander, O Alan

Wall, Nancy	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Crowell, Peter	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David, Sr
Leber, William	Nichols, Avis	Soltani, Tony	Whalley, Michael
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian
Cote, Patricia	Cox, Russell	Dalrymple, Janeen	Dearborn, Bruce
Dolan, Richard	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Katsakiores, George
Katsakiores, Phyllis	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Rabideau, Marie	Reardon, Neil
Ruffner, Walter	Stickney, Nancy	Stone, Joseph	Stritch, C Donald
Sytek, Donna	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
Bickford, David	Cossette, Larry	McKinley, Robert	Musler, George
Spear, Barbara	Tsiros, William	Woods, Phyllis	
SULLIVAN			
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
Young, David			
NAYS 188 **BELKNAP**			

Salatiello, Thomas	Wood, Jane		
CARROLL			
Kenney, Joseph			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel	DePecol, Benjamin
Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meader, David	Mitchell, McKim
Pratt, Irene	Pratt, John	Richardson, Barbara	Riley, William
Robertson, Timothy	Russell, Ronald	Zerba, Roger	
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Hall, David	Ham, Bonnie	Johnson, Gary	Mirski, Paul
Nordgren, Sharon	Phinney, William	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Buckley, Raymond	Burkush, James	Clemons, Jane
Cote, David	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dwyer, Paul, Sr	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McColgan, Philip, Jr
McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie
Messier, Irene	Moriarty, Mary	Murphy, Robert	O'Connell, Timothy
Ouellette, Mary	Perkins, Paul	Reidy, Frank	Sarette, John

Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve	White, John
Williams, Carol			
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	Fortnam, Janet
Fraser, Marilyn	Gile, Mary	Hager, Elizabeth	Lavoie, Gerard
Lockwood, Priscilla	Marple, Richard	Marshall, Kenneth	Maxfield, Roy
Moore, Carol	Owen, Derek	Potter, Frances	Poulin, Dave
Reardon, Tara	Rodd, Beth	Seldin, Gloria	St Cyr, Gerard
Virtue, Carolyn	Wallin, Jean	Wallner, Mary Jane	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Corbin, C David	DiFruscia, Anthony	Gibbons, Paul
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed, II
Quandt, Marshall	Raynowska, Bernard	Rubin, George	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Vaughn, Charles		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Brown, Julie
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Heon, Richard	Johnson, Nancy
Kaen, Naida	Keans, Sandra	Lent, Donald	Lundborn, Raymond
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Taylor, Kathleen
Twardus, Joseph	Vachon, Dennis	Vincent, Francis	Wall, Janet
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John

Wiggins, Celestine			

and HB 117 was laid on the table.

protest

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Boyce requested that his protest be entered on the Journal.

I believe that the Supreme Court violated and misinterpreted the New Hampshire Constitution in their Claremont decisions. I further believe that the Governor and the Attorney General violated their oaths of office by not appealing or otherwise challenging these wrongful decisions.

I also believe that in the previous session, the Governor spent months "poisoning the well" of public opinion against any Constitutional amendment to reverse the Supreme Court's decisions thereby preventing passage of any amendment. The Governor is now proposing what I believe to be an unconstitutional referendum.

Because I believe that if no legislation is advanced from the people's House to answer the Supreme Court's deadline the Court may further violate the Constitution and/or the Governor may violate the Constitution, I find that I must vote to pass at least one bill that would satisfy the Supreme Court's ruling.

Since I believe that there is no section of HB 117 that constitutes a violation of the Constitution and because I believe that, with the exception of HB 114 which the House is unwilling to pass and the Court would doubtless reject because it is not a statewide tax scheme, the other alternatives available to us this day are all either unconstitutional, threaten our State's economy or both, I find I must vote for HB 117.

My objection to voting for HB 117 is that in so doing we are working to write into law part of the Supreme Court's wrongful ruling, specifically their assertion that the current system of supporting school with locally imposed and controlled property taxes is in fact a statewide property tax. By sending this bill to the Senate we in essence let the court "off the hook". That we are doing so in order to acquiesce to the Court's deadline is also objectionable. However, I cannot "do nothing" and allow the Court and/or the Governor to further violate the Constitution or destroy our economy.

Therefore, this day I have voted to pass and send to the Senate HB 117 and then to lay it on the table.

(Speaker Sytek in the Chair)

removed from the table

Rep. Hager moved that ***HB 109-FN-A-L,*** establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor, be removed from the table. (Pending question: Ought to Pass)

Rep. Whalley requested a roll call; sufficiently seconded.

YEAS 211 NAYS 175 YEAS 211 BELKNAP			
Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
CARROLL			
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Woodward, David	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Ward, Brien	
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond	Burkush, James
Carlson, Donald	Clemons, Jane	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	LaPorte, George

Lasky, Bette	Lefebvre, Roland	Leishman, Peter	Leonard, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McCarty, Winston
McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice	Melcher, Harold
Mendenhall, Leslie	Messier, Irene	Moriarty, Mary	Murphy, Robert
O'Connell, Timothy	Ouellette, Mary	Perkins, Paul	Reidy, Frank
Sarette, John	Simon, Anthony	Turgeon, Roland	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Cox, Russell	Dearborn, Bruce	Downing, Michael
Dunham, Vivian	Flanagan, Natalie	Gibbons, Paul	Hutchinson, Rebecca
Johnson, Robert	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Langley, Jane	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Rubin, George
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stritch, C Donald	Vaughn, Charles
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald

Lundborn, Raymond	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			
NAYS 175 **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Torressen, Gary	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Marshall, Gene	Mirski, Paul	Picconi, Al	Weber, Phil

HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Emerton, Lawrence	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McGough, Tim	McRae, Karen
Mercer, Robert	Milligan, Robert	Moran, Edward	Mosher, William
Nolan-Piteri, Dawn	O'Hearn, Jane	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Leber, William	Marple, Richard
Nichols, Avis	Soltani, Tony	Whalley, Michael	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian
Corbin, C David	Cote, Patricia	Dalrymple, Janeen	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Fesh, Robert	Flanders, David
Flanders, John, Sr	Francoeur, Sheila	Gleason, John	Grant, Kenneth
Griffin, Mary	Hamel, Albert	Henderson, Warren	Hutchinson, Karen
Katsakiores, George	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Ruffner, Walter

Stickney, Nancy	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Tsiros, William
Woods, Phyllis			
SULLIVAN			
Young, David			

and HB 109 was removed from the table.

consideration of house bill 109

HB 109-FN-A-L, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

The question being Ought to Pass.

Rep. Jacobson spoke in favor and yielded to questions.

Rep. Wendelboe spoke against and yielded to questions.

Rep. McGuirk requested a quorum count. The Speaker declared a quorum present.

Reps. McGuirk, Pilliod and Brewster spoke in favor.

Reps. Guay and Vivian Clark spoke against.

Rep. Clegg spoke against and yielded to questions.

Rep. Hager spoke in favor and yielded to questions.

motion to lay on the table

Rep. Dolan moved that ***HB 109-FN-A-L,*** establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor, be laid on the table.

Rep. Franks requested a roll call; sufficiently seconded.

YEAS 175 NAYS 210

YEAS 175			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rosen, Ralph	Thomas, John	Turner, Robert	Wendelboe, Francine
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Torressen, Gary	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr			
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	LaMott, Paul	MacNeil, Allen
Mirski, Paul	Picconi, Al	Weber, Phil	
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Batula, Peter	Beaupre, Roland
Belvin, William	Bergin, Peter	Brundige, Robert	Calawa, Leon, Jr
Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr	Cote, David
Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian
Desrosiers, William	Emerton, Lawrence	Fields, Dennis	Fletcher, Richard
Flora, Kathleen	Goulet, Maurice	Hansen, Herbert	Herman, Keith
Holley, Sylvia	Hunter, Bruce	Jean, Loren	LaRose, Richard
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
Martin, Mary	McGough, Tim	McRae, Karen	Mercer, Robert

Milligan, Robert	Moran, Edward	Mosher, William	Nolan-Piteri, Dawn
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Reeves, Sandra	Rowe, Robert	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Wall, Nancy	White, Donald
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hoadley, Elizabeth	Kennedy, Richard
Langer, Ray	Leber, William	Marple, Richard	Nichols, Avis
Soltani, Tony	Whalley, Michael		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Clark, Vivian	Corbin, C David
Cote, Patricia	Dalrymple, Janeen	DiFruscia, Anthony	Dolan, Richard
Dowling, Patricia	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Flanders, David	Flanders, John, Sr	Francoeur, Sheila	Gibbons, Paul
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowlski, Walter
Moore, Benjamin	Morse, Charles	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Tsiros, William
Woods, Phyllis			
SULLIVAN			
Kibbey, David	Young, David		

NAYS 210			
BELKNAP			
Millham, Alida	Pilliod, James	Rice, Thomas	Salatiello, Thomas
Wood, Jane			
CARROLL			
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert	Woodward, David	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Johnson, Gary	Marshall, Gene	Nordgren, Sharon
Phinney, William	Scanlan, David	Solow, Martha	Ward, Brien
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Baroody, Benjamin
Bergeron, Lucien	Bruno, Pierre	Buckley, Raymond	Burkush, James
Carlson, Donald	Clemons, Jane	Cote, Peter	Craig, James
Curran, James	Daigle, Robert	Dawe, Eileen	Dokmo, Cynthia
Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton	Ford, Nancy
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Lefebvre, Roland

Leishman, Peter	Leonard, Peter	Lynde, Harold	McCarthy, William
McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Murphy, Robert	O'Connell, Timothy	Ouellette, Mary	Perkins, Paul
Reidy, Frank	Sarette, John	Simon, Anthony	Turgeon, Roland
Vaillancourt, Steve	White, John	Williams, Carol	
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Hess, David	Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard
Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Christie, Andrew, Jr
Clark, Martha	Cooney, Richard	Cox, Russell	Dearborn, Bruce
Downing, Michael	Gleason, John	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
Lovejoy, Marian	Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stritch, C Donald
Vaughn, Charles			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael

Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and the motion failed.

hb 109 (cont'd)

The question now being Ought to Pass.

Rep. Henderson spoke against and yielded to questions.

Rep. Corbin offered a floor amendment.

Floor Amendment (0286h)

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

AN ACT declaring the New Hampshire supreme court's Claremont II decision to be an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

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

1 Statement of Findings and Intent; Affirmation by the Legislature of the Constitutionality of the Current Tax Structure.

I. The members of the executive and legislative branches of the state of New Hampshire, having made and subscribed an oath to God and to the state and its constitution, or alternatively, by affirming under the pains and penalties of perjury, their allegiance to the state of New Hampshire and its constitution pursuant to part II, article 84 of said constitution, hereby find that the decision of the New Hampshire supreme court nullifying the use of the current property tax structure as the means for funding public education is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

II. In furtherance of this position, the legislature finds that under part I, article 28 of the New Hampshire constitution, the legislature possesses the sole authority to create laws, and that under part I, article 29 of said constitution, the legislature possesses the sole authority to suspend laws. Moreover, the legislature finds additional constitutional support for its position as follows:

(a) Part I, article 1, relative to the origin and object of government.

(b) Part I, article 2 relative to individual property rights.

(c) Part I, article 6 relative to local control of education, both religious and secular.

(d) Part I, article 12, relative to the consent of the governed on taxation.

(e) Part I, article 28, relative to the consent of the people, or their representatives in the legislature, prior to the establishment or imposition of a tax.

(f) Part I, article 28-a, relative to the prohibition on unfunded mandates.

(g) Part I, article 31 and part II, article 2, relative to the authority of the legislature to make laws.

(h) Part II, article 83, relative to the New Hampshire supreme court's inconsistent and unsupported interpretation of "cherish" to mean "to require payment for" within the context of this article.

III. The legislature hereby finds and declares that the current tax structure shall be legally binding until such time as the legislature may vote to change it. The legislature further finds that any attempt by the supreme court, or any other lower court, to interrupt or discontinue funding to the cities and towns, and their school districts, shall be met with the filing of articles of impeachment.

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

AMENDED ANALYSIS

This bill sets forth a legislative declaration, supported by constitutional findings, that the New Hampshire supreme court's Claremont II decision nullifying the current tax structure is an unconstitutional violation of the separation of powers mandate under part I, article 37 of the New Hampshire constitution.

Reps. Corbin and Herman spoke in favor.

Rep. McGough requested a roll call; sufficiently seconded.

The question being the adoption of the Corbin floor amendment.

YEAS 159 NAYS 224 **YEAS 159** **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert

Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth	Mock, Henry
Patten, Betsey	Torressen, Gary		
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Mirski, Paul	Picconi, Al	Weber, Phil	
HILLSBOROUGH			
Alukonis, David	Batula, Peter	Beaupre, Roland	Belvin, William
Brundige, Robert	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Dalianis, Griffin	Daniels, Gary	Desmarais, Vivian	Desrosiers, William
Emerton, Lawrence	Fields, Dennis	Fletcher, Richard	Flora, Kathleen
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	LaRose, Richard	Lefebvre, Roland
Lessard, Rudy	Lozeau, Donnalee	Martel, Andre	Martin, Mary
McGough, Tim	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Ouellette, Dean	Pappas, Marc
Pepino, Leo	Reeves, Sandra	Sargent, Maxwell	Tate, Joan
Wall, Nancy	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Kennedy, Richard	Langer, Ray

Lavoie, Gerard	Leber, William	Marple, Richard	Nichols, Avis
Soltani, Tony	Whalley, Michael		
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian
Corbin, C David	Cote, Patricia	Dalrymple, Janeen	Dolan, Richard
Dunham, Vivian	Fesh, Robert	Flanagan, Natalie	Flanders, David
Flanders, John, Sr	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	Packard, Sherman	Priestley, Anne
Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie	Raynowska, Bernard
Reardon, Neil	Rubin, George	Ruffner, Walter	Stickney, Nancy
Stone, Joseph	Tufts, J Arthur	Varrell, Thomas	Verani, Giovanni
Weare, Everett	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
McKinley, Robert	Musler, George	Tsiros, William	Woods, Phyllis
SULLIVAN			
None			
NAYS 224			
BELKNAP			
Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
CARROLL			
Bradley, Jeb	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David

Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	Marshall, Gene	Nordgren, Sharon	Phinney, William
Scanlan, David	Solow, Martha	Ward, Brien	
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arnold, Thomas, Jr	Arthur, Rose
Baroody, Benjamin	Bergeron, Lucien	Bergin, Peter	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon, Jr	Carlson, Donald
Clemons, Jane	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dawe, Eileen
Dokmo, Cynthia	Durham, Susan	Dwyer, Paul, Sr	Dyer, Merton
Foster, Linda	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Haettenschwiller, Alphonse
Haley, Robert	Hall, Betty	Herman, Richard	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Leishman, Peter
Leonard, Peter	Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William
McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Ouellette, Mary	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Rowe, Robert	Sarette, John	Simon, Anthony	Thulander, O Alan
Turgeon, Roland	Vaillancourt, Steve	White, John	Williams, Carol
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni

Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Larrabee, David, Sr
Lockwood, Priscilla	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Owen, Derek	Potter, Frances	Poulin, Dave	Reardon, Tara
Rodd, Beth	Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn
Wallin, Jean	Wallner, Mary Jane	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Cox, Russell	Dearborn, Bruce	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Sabella, Norma	Sapareto, Frank	Schanda, Frank
Shelton, Richard	Shultis, Elizabeth	Splaine, James	Stritch, C Donald
Vaughn, Charles			
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	Cossette, Larry	DeChane, Marlene
Domingo, Baldwin	Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Lent, Donald	Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie
Rollo, Michael	Smith, Marjorie	Snyder, Clair	Spang, Judith
Spear, Barbara	Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis
Vincent, Francis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Kibbey, David	Leone, Richard
McIntyre, Sara	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine	Young, David		

and the Corbin floor amendment failed.

The question now being Ought to Pass.

Rep. McGuirk requested a roll call; sufficiently seconded.

YEAS 194 NAYS 190			
YEAS 194			
BELKNAP			
Millham, Alida	Pilliod, James	Salatiello, Thomas	Wood, Jane
CARROLL			
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara
Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Johnson, Gary	Nordgren, Sharon	Phinney, William	Solow, Martha
Ward, Brien			
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Bergeron, Lucien
Bruno, Pierre	Buckley, Raymond	Burkush, James	Carlson, Donald
Clemons, Jane	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Durham, Susan	Dwyer, Paul, Sr
Dyer, Merton	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Gorman, Mary

Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty	Herman, Richard
Jean, Claudette	Keye, Harvey	Konys, Christine	LaPorte, George
Lasky, Bette	Lefebvre, Roland	Leonard, Peter	Lynde, Harold
McCarthy, William	McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr
McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie	Messier, Irene
Moriarty, Mary	Murphy, Robert	O'Connell, Timothy	Ouellette, Mary
Perkins, Paul	Reidy, Frank	Sarette, John	Simon, Anthony
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Cox, Russell	Dearborn, Bruce	Downing, Michael
Gleason, John	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Kelley, Jane	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stritch, C Donald	Vaughn, Charles
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald

Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine
NAYS 190 **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Torressen, Gary	
CHESHIRE			
Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Ham, Bonnie	Harmon, Hobart	Hinman, Harry	LaMott, Paul
Marshall, Gene	Mirski, Paul	Picconi, Al	Scanlan, David
Weber, Phil			

HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Baroody, Benjamin	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon, Jr	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Cote, David	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Emerton, Lawrence
Fields, Dennis	Fletcher, Richard	Flora, Kathleen	Goley, Jeffrey
Goulet, Maurice	Hansen, Herbert	Herman, Keith	Holley, Sylvia
Hunter, Bruce	Jean, Loren	Johnson, Lionel	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre	Martin, Mary
McGough, Tim	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reeves, Sandra	Rowe, Robert	Sargent, Maxwell	Tate, Joan
Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Leber, William	Marple, Richard
Nichols, Avis	Soltani, Tony	Whalley, Michael	
ROCKINGHAM			
Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian
Corbin, C David	Cote, Patricia	Dalrymple, Janeen	DiFruscia, Anthony
Dolan, Richard	Dowling, Patricia	Dunham, Vivian	Fesh, Robert
Flanagan, Natalie	Flanders, David	Flanders, John, Sr	Francoeur, Sheila
Gibbons, Paul	Grant, Kenneth	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowlski, Walter	Moore, Benjamin	Morse, Charles	Nowe, Mary Lou

Nowe, Ronald	Noyes, Richard	O'Neil, Michael	Packard, Sherman
Priestley, Anne	Putnam, Ed, II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Stickney, Nancy	Stone, Joseph	Tufts, J Arthur	Varrell, Thomas
Verani, Giovanni	Weare, Everett	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Tsiros, William
Woods, Phyllis			
SULLIVAN			
Kibbey, David	Young, David		

and Ought to Pass was adopted.

Ordered to third reading.

protest

Pursuant to Part 2, Article 24 of the New Hampshire Constitution, Rep. Weber requested that his protest, and that of the undersigned members, be entered on the Journal.

At a time when the world is ardently turning from the bondage of socialism, it is fascinating we in this state would seek to embrace economic slavery. I am reminded of what Franklin said about the U.S. Constitution during the second convention, "It will do for a time, in the end we will have despotism because the people will demand it." Those who want a centralized tax structure are socialist in their philosophies of government. I call on them to be intellectually honest. If those who have voted yes, want to improve the government education system, perhaps they can cite examples of how the trend towards centralized control and command have augmented the quality of education. The truth is our form of governing the tax supported school system requires responsibility at the local level for the prudent management of quality education at a reasonable level of funding. Placing the funding in the hands of nameless ill responsible persons at the state level will not prove productive if the objective is to improve education.

Representatives:

Weber	Corbin	Gilman	David Hall
Boyce	Alger	Soltani	Mirski
Marple	Rabideau	Beaulieu	McGough
Loren Jean			

regular calendar (cont'd)

HB 308, relative to the venue of actions against municipalities. INEXPEDIENT TO LEGISLATE

Rep. McKim W. Mitchell for Judiciary**:** This bill was introduced at the request of the Municipal Association to require persons filing claims against local municipal agencies to file the claim in the district courts in which the agency is located. The committee felt that for too long we have been eroding individual rights in the name of governmental convenience. Therefore this bill was found inexpedient to legislate. Vote 15-2.

Adopted.

motion to special order

Rep. Mock moved that ***HB 342,*** repealing certain laws pertaining to adverse possession, be made a Special Order for Thursday, March 18, 1999 in the Regular Calendar order.

Adopted.

reconsideration

Having voted with the prevailing side, Rep. Hager moved that the House reconsider its action whereby it ordered to third reading ***HB 109-FN-A-L,*** establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor, and spoke against.

Rep. Soltani requested a roll call; sufficiently seconded.

The question being on the motion to reconsider.

YEAS 183 NAYS 197 **YEAS 183** **BELKNAP**			
Bartlett, Gordon	Boriso, Thomas	Boyce, Robert	Czech, Stanley
Holbrook, Robert	Johnson, James	Lawton, David	Lawton, Robert
Rice, Thomas	Rosen, Ralph	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Babson, David, Jr	Bradley, Jeb	Chandler, Gene	Dickinson, Howard
Howard, Godfrey	Kenney, Joseph	Lyman, L Randy	MacDonald, Kenneth
Mock, Henry	Patten, Betsey	Torressen, Gary	
CHESHIRE			

Hunt, John	Roberts, William	Rose, William	Royce, H Charles
Smith, Edwin			
COOS			
Guay, Lawrence	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
Tholl, John, Jr	Woodward, David		
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hall, David
Harmon, Hobart	Hinman, Harry	LaMott, Paul	Marshall, Gene
Mirski, Paul	Picconi, Al	Scanlan, David	Weber, Phil
HILLSBOROUGH			
Alukonis, David	Andrews, Frederick	Baroody, Benjamin	Batula, Peter
Beaupre, Roland	Belvin, William	Bergin, Peter	Brundige, Robert
Calawa, Leon, Jr	Chabot, Robert	Christiansen, Lars	Clegg, Robert, Jr
Cote, David	Coughlin, Pamela	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Dokmo, Cynthia	Emerton, Lawrence	Fields, Dennis
Fletcher, Richard	Flora, Kathleen	Goulet, Maurice	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Loren
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Leishman, Peter
Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	Martel, Andre
McGough, Tim	McRae, Karen	Mercer, Robert	Milligan, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Hearn, Jane
Ouellette, Dean	Peterson, Andrew	Reeves, Sandra	Rowe, Robert
Sargent, Maxwell	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Wall, Nancy	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Asplund, Bronwyn	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Leber, William	Marple, Richard
Nichols, Avis	Soltani, Tony	Whalley, Michael	
ROCKINGHAM			

Arndt, Janet	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Carson, Gregory	Christie, Andrew, Jr	Clark, Vivian
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dolan, Richard	Dowling, Patricia	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, David	Flanders, John, Sr
Francoeur, Sheila	Gibbons, Paul	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Karen	Katsakiores, George
Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert	Major, Norman
McKinney, Betsy	Mikowlski, Walter	Moore, Benjamin	Morse, Charles
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Neil, Michael
Packard, Sherman	Priestley, Anne	Putnam, Ed, II	Quandt, Marshall
Rabideau, Marie	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Stickney, Nancy	Stone, Joseph	Tufts, J Arthur
Varrell, Thomas	Verani, Giovanni	Weare, Everett	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Cossette, Larry	McKinley, Robert	Musler, George	Tsiros, William
Woods, Phyllis			
SULLIVAN			
Kibbey, David	Young, David		
NAYS 197 **BELKNAP**			
Millham, Alida	Pilliod, James	Salatiello, Thomas	
CARROLL			
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
DePecol, Benjamin	Doucette, Richard	Lerandeau, Alfred	Lynch, Margaret
Lynott, Margaret	Manning, Joseph	McGuirk, Paul	Meader, David
Mitchell, McKim	Pratt, Irene	Pratt, John	Richardson, Barbara

Riley, William	Robertson, Timothy	Russell, Ronald	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Hawkinson, Marie	Landers, Dana
Mears, Edgar	Rodrigue, Robert		
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Guest, Robert
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Phinney, William
Solow, Martha	Ward, Brien		
HILLSBOROUGH			
Ahern, Richard	Arnold, Thomas, Jr	Arthur, Rose	Bergeron, Lucien
Bruno, Pierre	Buckley, Raymond	Burkush, James	Carlson, Donald
Clemons, Jane	Cote, Peter	Craig, James	Curran, James
Daigle, Robert	Dawe, Eileen	Durham, Susan	Dwyer, Paul, Sr
Dyer, Merton	Ford, Nancy	Foster, Linda	Franks, Suzan
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Haettenschwiller, Alphonse	Haley, Robert	Hall, Betty
Herman, Richard	Jean, Claudette	Johnson, Lionel	Keye, Harvey
Konys, Christine	LaPorte, George	Lasky, Bette	Lefebvre, Roland
Leonard, Peter	Lynde, Harold	Martin, Mary	McCarthy, William
McCarty, Winston	McColgan, Philip, Jr	McDonald, James, Sr	McDonough-Wallace, Alice
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Moriarty, Mary
Murphy, Robert	O'Connell, Timothy	Ouellette, Mary	Perkins, Paul
Reidy, Frank	Sarette, John	Simon, Anthony	Vaillancourt, Steve
White, John	Williams, Carol		
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Crowell, Peter	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fortnam, Janet	Fraser, Marilyn	Gile, Mary	Hager, Elizabeth
Jacobson, Alf	Larrabee, David, Sr	Lavoie, Gerard	Lockwood, Priscilla

Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Wallner, Mary Jane	Whittemore, James	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Blanchard, MaryAnn	Case, Margaret	Clark, Martha
Cooney, Richard	Dearborn, Bruce	Downing, Michael	Gleason, John
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Langley, Jane	Langone, John	Lovejoy, Marian	Norelli, Terie
O'Keefe, Patricia	Pantelakos, Laura	Pitts, Jacqueline	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabeth
Splaine, James	Stritch, C Donald	Vaughn, Charles	
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Brown, Julie	Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin
Dunlap, Patricia	Estabrook, Iris	Gilmore, Gary	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Lent, Donald
Pelletier, Arthur	Pelletier, Marsha	Rogers, Rose Marie	Rollo, Michael
Smith, Marjorie	Snyder, Clair	Spang, Judith	Spear, Barbara
Taylor, Kathleen	Twardus, Joseph	Vachon, Dennis	Vincent, Francis
Wall, Janet			
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas, Jr
Flint, Gordon, Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

and reconsideration failed.

RESOLUTION

Rep. Chandler offered the following: RESOLVED, that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be

passed at the present time, and when the House adjourns today it be to meet Thursday, March 18, 1999 at 10:00 a.m.

Adopted.

LATE SESSION

Third reading and final passage

HB 79, relative to reports to the bank commissioner and to safe deposit box openings.

HB 80, making technical corrections in the banking laws.

HB 210, reinstating the corporate charter of C. A. B. Real Estate, Inc.

HB 214, changing the membership of and extending the reporting date for the committee to study women's health care.

HB 218-L, reinstating the corporate charter of Approved Industries, Inc.

HB 373, making technical corrections to the securities laws.

HB 203, making impaired boating laws consistent with driving while intoxicated laws.

HB 215, placing restrictions on name changes for certain felons.

HB 236-FN-L, relative to felonious disarming of a law enforcement officer.

HB 272-FN, relative to the use of laser pointing devices.

HB 302, relative to paint ball guns.

HB 447, repealing the laws prohibiting certain promotional games.

HB 358, relative to the term of office for members of the state board of education.

HB 213, relative to voting by prisoners.

HB 306, relative to discoverability of environmental audit reports.

HB 268-L, relative to the rescission of the official ballot form of meeting.

HB 365, establishing a committee to study the current practice of posting roads and its effect on the economy.

HCR 4, urging the U.S. Secretary of Transportation to include U.S. Route 2 as a border corridor highway.

HB 204-FN, relative to driving after license revocation or suspension.

HB 109-FN-A-L, establishing a flat rate education income tax and a statewide education property tax to fund public education and making an appropriation therefor.

RECESS MOTION

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

Adopted.

The House recessed at 5:40 p.m.

RECESS

(Rep. Bradley in the Chair)

RESOLUTION

Rep. Leighton Pratt offered the following: RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 732, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 732, relative to nonpayment of member dues and fees and access to financial records of condominium associations. (Lozeau, Hills. 30: Commerce)

senate message

concurrence

HB 284-L, relative to recount procedures in school districts.

ENROLLED BILL REPORT

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill numbered 284.

Rep. Nowe, Sen. Disnard for the Committee

RECESS

bills signed by the governor

Chap. 2, ***HB 111,*** relative to the validity and enforceability of certain obligations and indebtedness of municipalities and allowing school districts and towns to hold special meetings to address issues raised by resolution of the Claremont lawsuit. (eff. 2/3/99)

Chap. 3, ***HB 234,*** relative to state matching funds for Federal Emergency Management Agency disaster assistance grants, and making appropriations therefor. (eff. 2/3/99)

Chap. 4, ***HB 344,***relative to voting in official ballot school districts. (eff. 2/3/99)