

HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

Vol. 21 Concord N.H.

Wednesday, November 3, 1999

No. 95

HOUSE JOURNAL No. 26 (cont.)

Thursday, October 28, 1999

(Rep. Chandler in the Chair)

enrolled bill amendments

HB 224-FN-A, establishing a joint committee on code enforcement.

Amendment (2209-EBA)

Amend the bill by replacing section 2 with the following:

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

Adopted.

HB 501-FN-A, relative to the repair of a certain covered railroad bridge in Contoocook village in the town of Hopkinton.

Amendment (2172-EBA)

Amend the bill by replacing section 4 with the following:

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

Adopted.

RECESS

(Speaker Sytek in the Chair)

Rep. Lozeau moved that the House adjourn.

Adopted.

HOUSE JOURNAL No. 27

Wednesday, November 3, 1999

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

Her Excellency, Governor Jeanne Shaheen, joined the Speaker on the rostrum for the day's opening ceremonies.

Prayer was offered by Guest Chaplain, Reverend Gary Johnson from the Franconia Community Church of Christ.

Creator of the universe, we bow before You in reverence and humility. We are aware that You have created this world and everything and everyone in it. All people are Your children and we understand that that makes all people our brothers and sisters. We acknowledge that You ask of us only one thing and that is to take care of one another. The men and women gathered in this hall today have a particular responsibility to our brothers and sisters. Give us the ability to know when to speak and when to listen. Let our words be clear; let our ears and our minds be open. We pray for guidance; we pray for love and understanding; we pray for wisdom and insight; we pray for patience and a caring spirit. And when it is done, we give You the honor and the glory. Amen.

Rep. Drabinowicz led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Courchesne, DePecol, Ford, Golden, Hawkinson, Kenneth MacDonald, Irene Pratt, Searles and Snyder, the day, illness.

Reps. Arndt, Asplund, Bradley, Christie, Doucette, David Flanders, Fletcher, Fortnam, Guay, Harmon, Morse, Marsha Pelletier, Phinney, Reeves, Marjorie Smith, Soltani, Tholl, Torressen, Williams and Woodward, the day, important business.

Reps. Julie Brown, Clemons, Dawe and Torr, the day, illness in the family.

INTRODUCTION OF GUESTS

Malinda Pillsbury, guest of Rep. McKinney.

enrolled bill report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bill 746.

regular calendar

HB 999-FN-A-L, an act establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers. OUGHT TO PASS WITH AMENDMENT

Rep. David J. Alukonis for Finance: HB 999 establishes a uniform statewide property tax for the purpose of funding an adequate education. The bill utilizes many of the well-considered elements of the property tax originally adopted in HB 117 and further incorporates a program for property tax hardship relief for low- to moderate-income taxpayers.

The hardship provision functions by granting a rebate of up to 100% of any growth in education property taxes greater than those on the 1998 property tax bill. The 100% rebate would be available to single individuals with adjusted gross incomes of up to \$15,000. The same level of rebate would be available to married couples and heads of households with incomes up to \$30,000. Lesser levels of rebate would be available for singles with incomes up to \$25,000 and married persons/heads of households of up to \$50,000. Further, the rebate applies only to the first \$200,000 of equalized value of an applicant's primary residence. The entire hardship relief provision sunsets in four years.

The committee amendment makes numerous minor technical changes to the bill as a result of discussions with the Department of Revenue Administration (DRA) and the N.H. Municipal Association. Of significance are the following changes:

1. The amendment removes the provision that allowed for municipalities to administer the abatements. Rather, the committee agrees with the DRA and NHMA that the DRA should be the sole "handler" of all abatement requests.
2. The committee has added a standard severability clause to the bill. If any provision of the bill is deemed invalid, the remaining provisions and applications shall remain in effect.
3. The DRA is granted emergency rulemaking authority for a period of 180 days subsequent to passage in order to allow for an expeditious application of the hardship abatements.

The financial implications of the bill. As in HB 117, the statewide property tax at the rate of \$6.60 per thousand dollars of assessed valuation raises \$442.1 million. The hardship relief provisions reduce that amount by \$8 million, \$3 million in the first year of the biennium and \$5 million in the second.

The elimination of the phase-in and the substitution of the hardship relief provisions result in net additional revenue of approximately \$33 million over the biennium. This would reduce the so-called Claremont "gap" from \$104 million to \$71 million.

The committee amendment also calls for the transfer of \$31 million of unanticipated general fund surplus from FY 1999 to the Education Trust Fund. This would further reduce the "gap" to \$40 million. In addition, the amendment increases anticipated lapses for the current biennium by \$10 million based on our experience in the last biennium. The net result is that our "gap" would stand at \$30 million. Vote 12-6.

Amendment (2214h)

Amend RSA 198:50, II as inserted by section 12 of the bill by replacing it with the following:

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and 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.

Amend RSA 198:51 as inserted by section 12 of the bill by replacing it with the following:

198:51 Education Property Tax Hardship Relief.

I. Pursuant to the provisions of this subdivision, eligible claimants shall be granted education property tax hardship relief following the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act.

II. Residents shall apply to the department of revenue administration for such relief.

III. An eligible hardship relief claimant is a person who:

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

(b) Has resided in such homestead for a period of one year, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

(c) Realizes in any year after the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act a net increase in property taxes, exclusive of municipal and county taxes, which exceeds the local education property tax portion of such claimant's local property taxes for the tax year ended March 31, 1999; and

(d) Realizes total household income of \$25,000 or less if a single person and \$50,000 or less if a married person or head of a New Hampshire household.

IV. A portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of municipal and county taxes, shall be abated as follows:

(a) Deduct the municipal and county tax rates from the claimant's total current tax rate;

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

(c) Multiply the net rate increase computed in subparagraph (b) by the following percentage as applicable to determine the amount of the hardship relief:

(1) If a single person and total household income is:

(A) less than \$15,000, 100 percent of the net rate increase;

(B) \$15,000 but less than \$20,000, 66 2/3 percent of the net rate increase; or

(C) \$20,000 but less than \$25,000, 33 1/3 percent of the net rate increase.

(2) If a married person or a head of a New Hampshire household and total household income is:

(A) less than \$30,000, 100 percent of the net rate increase;

(B) \$30,000 but less than \$40,000, 66 2/3 percent of the net rate increase; or

(C) \$40,000 but less than \$50,000, 33 1/3 percent of the net rate increase.

(d) Multiply the amount computed in subparagraph (c) by the local assessed valuation from the 1998 property tax bill.

(e) The total amount of tax relief allowable in any year shall not exceed the amount the claimant would receive with respect to a homestead with an equalized value of \$200,000 in that municipality for tax year 1998.

V. 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, hardship relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

VI. Claims filed with the department of revenue administration shall be filed within 60 days of the due date of the taxes.

VII. Each claim shall be accompanied by a copy of the claimant's federal income tax return filed by the claimant for the immediately prior tax period. Claimants who were not required to file a federal tax return for the immediately prior tax period may submit an affidavit to such effect in lieu of a tax return which document shall include the claimant's social security number. Any documents submitted shall be considered confidential, handled so as to protect the privacy of the claimant, and shall be destroyed after all appeal periods have expired.

VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

Amend RSA 198:52 as inserted by section 12 of the bill by replacing it with the following:

198:52 Rulemaking; Forms; Notice.

I. The commissioner shall adopt emergency rules under RSA 541-A relative to the administration of excess tax payments and the hardship relief provisions of this subdivision. Notwithstanding RSA 541-A:18, II, such emergency rules shall be effective for 180 days. After 180 days the commissioner shall adopt rules pursuant to RSA 541-A.

II. The commissioner shall approve and provide forms relative to the administration of this subdivision.

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 relief is sought and such other information as is reasonably necessary to determine 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.

IV. The commissioner shall publicize notice of the education property tax hardship relief provisions in a suitable manner.

Amend RSA 198:53, II as inserted by section 12 of the bill by replacing it with the following:

II. The commissioner may assess and collect the amount of any sums granted for hardship relief relative to a fraudulent or erroneously paid claim including interest provided under RSA21-J:28 and an additional penalty of 25 percent for the erroneous amount of such claim or an additional penalty of the greater of 25 percent or \$1,000 for a fraudulent claim.

Amend RSA 198:54 as inserted by section 12 of the bill by replacing it with the following:

198:54 Appeals.

I. Whenever the commissioner refuses to grant a claimant an education property tax hardship relief claim, the claimant may appeal in writing within 30 days of notice of such refusal to the board of tax and land appeals.

II. When a taxpayer appeals the denial of a claim to the board of tax and land appeals, the 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 board finds the commissioner's action to be arbitrary or unreasonable.

Amend RSA 198:55 as inserted by section 12 of the bill by replacing it with the following:

198:55 Refund of Tax Claims. The department of revenue administration shall review a claim for hardship relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 90 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

Amend the bill by replacing all after section 15 with the following:

16 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 2001 from the education trust fund established in RSA 198:39 to the department of revenue administration for the purpose of administering the education property tax hardship relief provisions established in RSA 198:50-55.

17 General Fund; Deposit of Undesignated Surplus into the Education Trust Fund for the Biennium Ending June 30, 1999. Notwithstanding the provisions of RSA 9:13-e, the state treasurer shall deposit any general fund undesignated surplus as of June 30, 1999 into the education trust fund as established in RSA 198:39.

18 Estimate of General Fund Undesignated Surplus for Biennium Ending June 30, 2001; Lapses Adjusted. Amend 1999, 159:13 to read as follows

13 Estimate of General Fund Undesignated Surplus.

GENERAL FUND

(Dollars in Thousands)

FY 2000 FY 2001

Balance, July 1 \$0 [~~\$(3,509)~~] **\$1,491**

Additions:

Unrestricted Revenue

Unrestricted Revenue-Net of Medicaid 961,148 1,003,757

Medicaid Enhancement Revenues 63,700 65,300

Uncompensated Care 10,000 10,000

Total Unrestricted Revenue 1,034,848 1,079,057

Appropriations:

Gross Appropriations (Section 1) 1,064,842 1,093,465

Legislative Specials 530 455

Footnote Reductions/Adjustments 5,548 13,024

Reduction in Judicial Appropriation (4,563) (4,480)

Total Appropriations 1,066,357 1,102,464

Less Lapses [~~(26,000)~~] **(31,000)** [~~(26,000)~~] **(31,000)**

Lapse Percent [2.44%] **2.90%** [2.36%] **2.81%**

Net Appropriations	[1,040,357] 1,035,357	[1,076,464] 1,071,464
GAAP Adjustment	2,000	2,000
Current Year Balance	[(3,509)] 1,491	[4,593] 9,593
Balance, June 30	[(3,509)] 1,491	[1,084] 11,084

19 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.

20 Repeal. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

21 Effective Date.

I. Section 20 of this act shall take effect July 1, 2003.

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

Rep. Kurk spoke against.

The amendment failed.

Rep. Lozeau offered the Lozeau/Burling floor amendment.

Floor Amendment (2229h)

Amend RSA 198:50, II as inserted by section 12 of the bill by replacing it with the following:

II. "Homestead" means the dwelling owned by a claimant or, in the case of a multi-unit dwelling, the portion of the dwelling which is owned and 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.

Amend RSA 198:51 and RSA 198:52 as inserted by section 12 of the bill by replacing them with the following:

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II. Residents shall apply to the department of revenue administration for such relief.

III. An eligible hardship relief claimant is a person who:

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(b) Has resided in such homestead for a period of one year, except such persons as are on active duty in the United States armed forces or are temporarily away from such homestead but maintain the homestead as a primary domicile;

(c) Realizes in any year after the effective date of the reenactment of the statewide property tax under RSA 76:3 in this act a net increase in property taxes, exclusive of municipal and county taxes, which exceeds the local education property tax portion of such claimant's local property taxes for the tax year ended March 31, 1999; and

(d) Realizes total household income of \$25,000 or less if a single person and \$50,000 or less if a married person or head of a New Hampshire household.

IV. A portion of the net increase in an eligible hardship relief claimant's property taxes, exclusive of municipal and county taxes, shall be rebated as follows:

(a) Deduct the municipal and county tax rates from the claimant's total current tax rate;

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

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(B) \$30,000 but less than \$40,000, 66 2/3 percent of the net rate increase; or

(C) \$40,000 but less than \$50,000, 33 1/3 percent of the net rate increase.

(d) Multiply the amount computed in subparagraph (c) by the local assessed valuation from the 1998 property tax bill.

(e) The total amount of tax relief allowable in any year shall not exceed the amount the claimant would receive with respect to a homestead with an equalized value of \$200,000 in that municipality for tax year 1998.

V. 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, hardship relief applies to the proportionate share of the homestead value that reflects the ownership percentage of the claimant. Only one claim may be filed for a single homestead.

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VIII. The provisions of RSA 359-C shall not apply to the documents required to be submitted under this section.

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(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.

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II. When a taxpayer appeals the denial of a claim to the board of tax and land appeals, the 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 board finds the commissioner's action to be arbitrary or unreasonable.

198:55 Refund of Tax Claims. The department of revenue administration shall review a claim for hardship relief filed with it and, if such claim is determined to be valid, shall certify such amount to the state treasurer within 90 days. The state treasurer shall pay the claim to the claimant from funds in the education trust fund. The department shall notify a claimant whose claim is rejected in whole or in part of such determination within 90 days of the department's receipt of the claim and all required documentation.

Amend the bill by replacing all after section 15 with the following:

16 Appropriation. The sum of \$200,000 is hereby appropriated for the biennium ending June 30, 2001 from the education trust fund established in RSA 198:39 to the department of revenue administration for the purpose of administering the education property tax hardship relief provisions established in RSA 198:50-55.

17 General Fund; Deposit of Undesignated Surplus into the Education Trust Fund for the Biennium Ending June 30, 1999. Notwithstanding the provisions of RSA 9:13-e, the state treasurer shall deposit any general fund undesignated surplus as of June 30, 1999 into the education trust fund as established in RSA 198:39.

18 Estimate of General Fund Undesignated Surplus for Biennium Ending June 30, 2001; Lapses Adjusted. Amend 1999, 159:13 to read as follows

13 Estimate of General Fund Undesignated Surplus.

GENERAL FUND

(Dollars in Thousands)

		<u>FY 2000</u>	<u>FY 2001</u>
Balance, July 1	\$0	~~[\$(3,509)]~~	\$1,491

Additions:

Unrestricted Revenue		
Unrestricted Revenue-Net of Medicaid	961,148	1,003,757
Medicaid Enhancement Revenues	63,700	65,300
Uncompensated Care	<u>10,000</u>	<u>10,000</u>
Total Unrestricted Revenue	1,034,848	1,079,057

Appropriations:

Gross Appropriations (Section 1)	1,064,842	1,093,465
Legislative Specials	530	455
Footnote Reductions/Adjustments	5,548	13,024
Reduction in Judicial Appropriation	<u>(4,563)</u>	<u>(4,480)</u>
Total Appropriations	1,066,357	1,102,464
Less Lapses	~~[(26,000)]~~ (31,000)	~~[(26,000)]~~ (31,000)
Lapse Percent	~~[2.44%]~~ 2.90%	~~[2.36%]~~ 2.81%
Net Appropriations	~~[1,040,357]~~ 1,035,357	~~[1,076,464]~~ 1,071,464
GAAP Adjustment	2,000	2,000
Current Year Balance	~~[(3,509)]~~ 1,491	~~[4,593]~~ 9,593
Balance, June 30	~~[(3,509)]~~ 1,491	~~[1,084]~~ 11,084

19 New Subparagraph; Exemption from Purchasing Requirements. Amend RSA 21-I:18, I by inserting after subparagraph (k) the following new subparagraph:

(l) Purchases of services from private contractors by the department of revenue administration with respect to the administration of education property tax hardship relief claims under RSA 198:50-55.

20 Intent; Repeals. By repealing RSA 198:40 and RSA 198:41 in section 21 of this act, the legislature intends to reconsider the per pupil adequate education amount and the formula for determination of adequate education grants in light of the December 1, 2000 report of the adequate education and education financing commission.

21 Repeal. The following are repealed:

I. RSA 76:3, relative to the education property tax.

II. RSA 198:40, relative to the determination of per pupil adequate education cost and the adequate education grant.

III. RSA 198:41, relative to determination of adequate education grants.

22 Repeal. The following are repealed:

I. RSA 21-I:18(l), relative to an exemption granted the department of revenue administration to contract for services with respect to the administration of education property tax hardship relief claims.

II. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

23 Tax Policy Simulation and Forecasting Models. The legislative budget assistant, in consultation with the fiscal committee shall issue a request for proposals for the development and acquisition of a complete system of tax policy simulation and forecasting models for the state of New Hampshire including all necessary database development and training. The fiscal committee shall select and contract for the services of a qualified independent consultant and shall draw on existing sources of funds within the budget of the legislative budget assistant to fund the contract developed as a result of the selected proposal. The department of revenue administration and the department of administrative services shall provide such assistance as is requested by the fiscal committee, the legislative budget assistant, or the consultant in the development of databases for the models. The fiscal committee shall also develop a policy to allow access by the department of revenue administration and the department of administrative services to the system and training in its use. In the event certain tax models with databases from the Internal Revenue Service cannot reside in the office of the legislative budget assistant, then they shall be located in the department of revenue administration.

24 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.

25 Effective Date.

I. Section 21 of this act shall take effect January 2, 2003.

II. Section 22 of this act shall take effect July 1, 2003.

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

AMENDED ANALYSIS

This bill:

I. Establishes funding for an adequate education.

II. Establishes a uniform statewide education property tax.

III. Establishes education property tax hardship relief for certain taxpayers.

IV. Repeals RSA 76:3, relative to the education property tax, and RSA 198:40 and 198:41, relative to determination of per pupil cost and the amount of the adequate education grant.

V. Provides for tax policy simulation and forecasting model software for the legislative budget assistant.

Reps. Mirski, Corbin, John Pratt and Vaillancourt spoke against.

Rep. Burling spoke in favor.

Reps. Hess and Lozeau spoke in favor and yielded to questions.

Rep. Alger requested that the question be divided. The Speaker ruled that the question was divisible.

Rep. Alger moved that Sections 17 and 18 of the floor amendment be voted on separately and spoke against.

Rep. Kurk spoke in favor and yielded to questions.

Rep. Alger requested a roll call; sufficiently seconded.

The question being the adoption of Sections 17 and 18 of the Lozeau/ Burling floor amendment (2229h).

YEAS 255 NAYS 96			
YEAS 255			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Lawton, David
Lawton, Robert	Millham, Alida	Pilliod, James	Salatiello, Thomas
Thomas, John	Turner, Robert	Wendelboe, Francine	Wood, Jane
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Lyman, L Randy
Patten, Betsey	Philbrick, Donald		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Meadar, David	Pratt, John
Riley, William	Roberts, William	Rose, William	Royce, H Charles
Russell, Ronald	Smith, Edwin	Zerba, Roger	

COOS			
Davis, Perley	Glines, Sara	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert	
GRAFTON			
Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Ham, Bonnie
LaMott, Paul	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
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon Jr	Chabot, Robert	Christiansen, Lars	Clegg, Robert Jr
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Goulet, Maurice	Hall, Betty	Hansen, Herbert
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
Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee	Lynde, Harold
Martel, Andre	McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell

Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Crosby, Toni	Daneault, Gabriel
Davis, Francis	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Wallin, Jean	Whalley, Michael	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
DiFruscia, Anthony	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Hutchinson, Rebecca
Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Langone, John	Letourneau, Robert	Lovejoy, Marian
Major, Norman	McKinney, Betsy	Mikowski, Walter	Moore, Benjamin
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Rabideau, Marie
Reardon, Neil	Ruffner, Walter	Sabella, Norma	Sapareto, Frank
Schanda, Frank	Shelton, Richard	Shultis, Elizabetth	Stone, Joseph
Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas	Weare, Everett
Weatherspoon, Jackie	Welch, David	Weyler, Kenneth	Whittier, John
Zolla, William			
STRAFFORD			
Berube, Roger	Brennan, William	Cossette, Larry	Domingo, Baldwin
Estabrook, Iris	Grassie, Anne	Johnson, Nancy	Kaen, Naida

Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Spear, Barbara	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Wall, Janet		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Wiggins, Celestine			
NAYS 96			
BELKNAP			
Boyce, Robert	Czech, Stanley	Johnson, James	Rice, Thomas
Rosen, Ralph			
CARROLL			
Howard, Godfrey	Kenney, Joseph	Mock, Henry	Sullivan, P Judith
CHESHIRE			
Blaisdell, Michael	Lynott, Margaret	Manning, Joseph	McGuirk, Paul
Mitchell, McKim	Richardson, Barbara		
COOS			
Landers, Dana			
GRAFTON			
Alger, John	Brothers, Richard	Cobb, John	Hall, David
Hinman, Harry	Johnson, Gary	Mirski, Paul	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Arnold, Thomas Jr	Beaupre, Roland	Bergin, Peter	Carlson, Donald
Drabinowicz, A Theresa	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Gorman, Mary	Haettenschwiller, Alphonse	Jean, Loren	LaPorte, George
Leishman, Peter	MacGillivray, Jeffrey	Martin, Mary	McCarthy, William

McRae, Karen	Mendenhall, Leslie	Ouellette, Dean	Perkins, Paul
Vaillancourt, Steve	Wall, Nancy	White, John	
MERRIMACK			
Brewster, Richard	Chase, George	Feuerstein, Martin	Fraser, Marilyn
Jacobson, Alf	Leber, William	Marple, Richard	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Whittemore, James	
ROCKINGHAM			
Blanchard, MaryAnn	Corbin, C David	Dearborn, Bruce	Flanagan, Natalie
Grant, Kenneth	Henderson, Warren	Hutchinson, Karen	Kane, Cecelia
Kelley, Jane	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard	Rubin, George
Splaine, James	Vaughn, Charles		
STRAFFORD			
Bickford, David	Brown, George	Callaghan, Frank	DeChane, Marlene
Dunlap, Patricia	Gilmore, Gary	Heon, Richard	Keans, Sandra
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Spang, Judith
Vachon, Dennis	Woods, Phyllis		
SULLIVAN			
Kibbey, David	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Young, David			

and sections 17 and 18 were adopted.

The question now being the adoption of the remainder of the Lozeau/Burling floor amendment (2229h).

Rep. Lozeau requested a roll call; sufficiently seconded.

YEAS 239 NAYS 112			
YEAS 239			
BELKNAP			
Bartlett, Gordon	Boriso, Thomas	Holbrook, Robert	Millham, Alida

Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Lyman, L Randy	Patten, Betsey		
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Hunt, John
Lerandeau, Alfred	Manning, Joseph	Meador, David	Riley, William
Roberts, William	Rose, William	Royce, H Charles	Russell, Ronald
Smith, Edwin			
COOS			
Davis, Perley	Glines, Sara	Horton, Lynn	Mears, Edgar
Pratt, Leighton			
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
LaMott, Paul	Marshall, Gene	Nordgren, Sharon	Picconi, Al
Scanlan, David	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	Calawa, Leon Jr	Chabot, Robert	Clegg, Robert Jr
Cote, David	Cote, Peter	Coughlin, Pamela	Craig, James
Curran, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Durham, Susan
Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth
Goley, Jeffrey	Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse
Hansen, Herbert	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	Leonard, Peter	Lozeau, Donnalee	Lynde, Harold
MacGillivray, Jeffrey	Martel, Andre	McCarty, Winston	McDonald, James Sr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Milligan, Robert	Moran, Edward	Moriarty, Mary	Mosher, William
Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane
Pappas, Marc	Pepino, Leo	Peterson, Andrew	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	White, Donald
Withee, Dennis			
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	Leber, William	Lockwood, Priscilla
Marshall, Kenneth	Maxfield, Roy	Moore, Carol	Nichols, Avis
Potter, Frances	Poulin, Dave	Reardon, Tara	Rodd, Beth
Whalley, Michael			
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanders, John Sr
Francoeur, Sheila	Gibbons, Paul	Gleason, John	Griffin, Mary
Hamel, Albert	Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert
Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph	Letourneau, Robert
Lovejoy, Marian	Major, Norman	McKinney, Betsy	Mikowski, Walter
Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia

O'Neil, Michael	Packard, Sherman	Priestley, Anne	Rabideau, Marie
Reardon, Neil	Ruffner, Walter	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Weare, Everett	Weatherspoon, Jackie	Welch, David
Whittier, John	Zolla, William		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary	Kaen, Naida
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Spang, Judith	Taylor, Kathleen	Twardus, Joseph
Vincent, Francis	Wall, Janet	Woods, Phyllis	
SULLIVAN			
Burling, Peter	Cloutier, John	Flint, Gordon Sr	Leone, Richard
McIntyre, Sara	Robb-Theroux, Amy	Wiggins, Celestine	
NAYS 112			
BELKNAP			
Boyce, Robert	Czech, Stanley	Johnson, James	Lawton, David
Lawton, Robert	Rice, Thomas		
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Philbrick, Donald	Sullivan, P Judith
CHESHIRE			
Blaisdell, Michael	Lynch, Margaret	Lynott, Margaret	McGuirk, Paul
Mitchell, McKim	Pratt, John	Richardson, Barbara	Zerba, Roger
COOS			
Landers, Dana	Merrill, Gerald	Rodrigue, Robert	
GRAFTON			
Alger, John	Brothers, Richard	Hall, David	Ham, Bonnie

Hinman, Harry	Johnson, Gary	Mirski, Paul	Ward, Brien
Weber, Phil			
HILLSBOROUGH			
Beaupre, Roland	Bergin, Peter	Carlson, Donald	Christiansen, Lars
Drabinowicz, A Theresa	Franks, Suzan	Gagnon, Paul	Garrish, Linda
Hall, Betty	Jean, Loren	LaPorte, George	Leishman, Peter
Lessard, Rudy	Martin, Mary	McCarthy, William	McColgan, Philip Jr
McRae, Karen	Mendenhall, Leslie	Messier, Irene	Ouellette, Dean
Perkins, Paul	Vaillancourt, Steve	Wall, Nancy	White, John
MERRIMACK			
Fraser, Marilyn	Marple, Richard	Owen, Derek	Seldin, Gloria
St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean	Whittemore, James
Yeaton, Charles			
ROCKINGHAM			
Blanchard, MaryAnn	Corbin, C David	Dearborn, Bruce	DiFruscia, Anthony
Dunham, Vivian	Flanagan, Natalie	Grant, Kenneth	Henderson, Warren
Kane, Cecelia	Kelley, Jane	Langley, Jane	Langone, John
Moore, Benjamin	Norelli, Terie	Pantelakos, Laura	Pitts, Jacqueline
Putnam, Ed II	Quandt, Marshall	Raynowska, Bernard	Rubin, George
Sabella, Norma	Sapareto, Frank	Splaine, James	Vaughn, Charles
Weyler, Kenneth			
STRAFFORD			
Bickford, David	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Keans, Sandra
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Spear, Barbara
Vachon, Dennis			
SULLIVAN			
Allison, David	Donovan, Thomas Jr	Jones, Constance	Kibbey, David
Phinizy, James	Tuthill, John	Young, David	

and the remainder of the floor amendment was adopted.

Rep. Mirski offered a floor amendment.

Floor Amendment (2223h)

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

AN ACT relative to the state's cost per pupil of an adequate education.

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

1 Purpose. The general court finds that the state's per pupil adequate education cost needs to be accurately determined before appropriating state aid for an adequate education. The per pupil cost of an adequate education is a function of all of the program components of an education, currently being determined by the adequate education and education financing commission established in RSA 198:49, and which will be subject to review and adjustment by the legislature prior to implementation. The general court intends to set the per pupil cost of a constitutionally adequate education at zero dollars until such time as the process for determining that cost is completed by the legislature.

2 Determination of Per Pupil Adequate Education Cost. RSA 198:40 is repealed and reenacted to read as follows:

198:40 Determination of Per Pupil Adequate Education Cost. The per pupil cost of a constitutionally adequate education shall be zero dollars until such time as an accurate determination of such cost, which is a function of all of the program components of an education, is set by the adequate education and education financing commission established in RSA 198:49, and is subsequently reviewed, adjusted, and adopted by the legislature.

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

AMENDED ANALYSIS

This bill sets the per pupil cost of an adequate education at zero dollars until an accurate determination of the cost is set by the adequate education and education financing commission and subsequently reviewed, adjusted, and adopted by the legislature.

Rep. Mirski spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment (2223h).

YEAS 53 NAYS 296

YEAS 53

BELKNAP

Boriso, Thomas	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Rice, Thomas		
CARROLL			
Chandler, Gene	Dickinson, Howard	Howard, Godfrey	Mock, Henry
Sullivan, P Judith			
CHESHIRE			
None			
COOS			
None			
GRAFTON			
Brothers, Richard	Gilman, G Michael	Hall, David	Ham, Bonnie
Hinman, Harry	Mirski, Paul	Weber, Phil	
HILLSBOROUGH			
Beaupre, Roland	Christiansen, Lars	Clegg, Robert Jr	Daniels, Gary
Desmarais, Vivian	Hansen, Herbert	Jean, Loren	Lessard, Rudy
Martel, Andre	Martin, Mary	McRae, Karen	Milligan, Robert
Ouellette, Dean	Wall, Nancy	White, Donald	
MERRIMACK			
Kennedy, Richard	Marple, Richard	Whittemore, James	
ROCKINGHAM			
Beaulieu, Jon	Corbin, C David	Dunham, Vivian	Flanagan, Natalie
Grant, Kenneth	Hamel, Albert	Langley, Jane	Moore, Benjamin
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Weyler, Kenneth	
STRAFFORD			
Woods, Phyllis			
SULLIVAN			
Leone, Richard			

NAYS 296			
BELKNAP			
Bartlett, Gordon	Holbrook, Robert	Lawton, Robert	Millham, Alida
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Babson, David Jr	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Hunt, John	Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Meadar, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Roberts, William
Rose, William	Royce, H Charles	Russell, Ronald	Smith, Edwin
Zerba, Roger			
COOS			
Davis, Perley	Glines, Sara	Horton, Lynn	Landers, Dana
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Cobb, John
Copenhaver, Marion	Densmore, Jessica	Dudley, Terri	Eaton, Stephanie
Johnson, Gary	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Picconi, Al	Scanlan, David	Solow, Martha	
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Carlson, Donald
Chabot, Robert	Cote, David	Cote, Peter	Coughlin, Pamela

Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan
Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James	Fields, Dennis
Flora, Kathleen	Foster, Linda	Franks, Suzan	Gagnon, Eugene
Gagnon, Paul	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	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	LaPorte, George	LaRose, Richard
Lasky, Bette	Leishman, Peter	Leonard, Peter	Lozeau, DonnaLee
Lynde, Harold	MacGillivray, Jeffrey	McCarthy, William	McCarty, Winston
McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice	McGough, Tim
Melcher, Harold	Mendenhall, Leslie	Mercer, Robert	Messier, Irene
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Perkins, Paul	Peterson, Andrew	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, John	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray
Larrabee, David Sr	Lavoie, Gerard	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	Whalley, Michael	Yeaton, Charles	

ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul
Gleason, John	Griffin, Mary	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Mikowski, Walter	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael	Pantelakos, Laura
Pitts, Jacqueline	Priestley, Anne	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabetth	Splaine, James	Stone, Joseph	Stritch, C Donald
Tufts, J Arthur	Varrell, Thomas	Vaughn, Charles	Weare, Everett
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	Cossette, Larry	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Kaen, Naida	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	McKinley, Robert	Musler, George
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	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	McIntyre, Sara
Phinizy, James	Robb-Theroux, Amy	Tuthill, John	Wiggins, Celestine

Young, David			
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and the floor amendment failed.

Rep. Rosen voted Nay and intended to vote Yea.

Rep. Mirski offered a floor amendment.

Floor Amendment (2226h)

Amend the bill by replacing all after section 18 with the following:

19 Repeal. RSA 198:50-55, relative to education property tax hardship relief, is repealed.

20 Effective Date.

I. Section 19 of this act shall take effect July 1, 2003.

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

Rep. Mirski spoke in favor and withdrew floor amendment (2226h).

Rep. Mirski offered a floor amendment.

Floor Amendment (2231h)

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

AN ACT rejecting certain ruling of the supreme court in Claremont I and Claremont II.

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

1 Preamble. The legislature finds that:

I. In order to preserve the taxing authority reserved to the people of New Hampshire by the state constitution and in order to preserve the power granted the legislature to represent the interests of the people, the legislature rejects those aspects of the Claremont I and Claremont II rulings which require the state to "guarantee" funding of a constitutionally adequate education. Article 28 of part I of the New Hampshire constitution requires that:

"No subsidy, charge, tax, impost or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

II. To accede to the court's Claremont I ruling - reaffirmed in Claremont II - that the state "guarantee" funding of a constitutionally adequate education would be to concede that education spending should always preempt spending for public safety, public health, disaster relief, public welfare, job creation, infrastructure improvements, criminal justice, the judiciary and the

courts, pollution control, recreation, natural resources and the environment, public parks, and the administration of government itself.

III. To concur with the court that education funding be "guaranteed" would be to remove 1/3 or more of all current public spending from meaningful public debate.

IV. To concur with the court would be to deny the people's constitutional right, under part I, article 28, to vote on which of those services of government are most important to them and to determine to what extent elected services are worthy of financial sacrifice.

V. To concur with the court that the people and their elected representatives must approve education funding as mandated by the court would cause the legislature to deny the people and their representatives the right to vote and would cause the legislature to become complicit in the extinction of representative government in New Hampshire.

VI. As constitutional officers, members of the legislature are compelled to support the constitution of New Hampshire. Legislators are compelled by the constitution to maintain constitutional separation of powers and to insure that the cost of government not be imposed on the people without their consent. The legislature finds that the court's holding that the state "guarantee" education funding irresolvably conflicts with part I, article 28.

VII. If allowed to stand, the supreme court's rulings will materially affect the separation and balance of power among the 3 branches of government in ways which transcend taxes and spending.

VIII. The court's rulings shift the power of government from the people to unelected bureaucracies appointed by the governor. The legislature believes that as the debate over what constitutes educational adequacy plays out, judges, rather than the people, will define and redefine what constitutes educational adequacy. The legislature further finds that by removing from the people the right to freely determine education funding the court grants itself and state bureaucracies unwarranted and unconstitutional influence over the disposition of what presently amounts to more than a billion dollars of spending statewide.

IX. The court's transference of powers belonging to the people, to the judiciary, and to the state's bureaucracies, is unconstitutional because the constitution prohibits the judicial and executive branches of government from exercising legislative authority.

X. The court's requirement that "adequate education's" appetite for appropriations be satisfied before the needs of any other state or municipal service will cause the funding demands of "adequate education" to dominate virtually all future public and legislative debate to the detriment of all other matters of public policy.

XI. Since funding of education will be required regardless of the state of the economy, during recessions educators and those employed within the state's education bureaucracy will be guaranteed their livelihoods while taxpayers suffer lost jobs. The legislature further finds that in order to guarantee education funding during recessions or whenever state revenues fail to meet expectations, state taxes and fees will either have to be increased or state services cut. Should taxes fail to be raised during future recessions, the legislature finds that state employees in all areas of government other than education may have to be laid off or dismissed in order to accommodate funding shortfalls.

XII. By elevating educators to privileged economic status, the supreme court aborts the fundamental intent of government articulated in part I, article 10 of the New Hampshire constitution which states that "Government ..." is "... instituted for the common benefit, protection, and security, of the whole community and not for the private interest or emolument of any one man, family or class of men ...".

XIII. If permitted to stand, the "state must guarantee funding" component of the Claremont I and II decision's will convert the New Hampshire house of representatives, the most representative legislature in the world, to an institution utterly subservient to forces beyond its control.

XIV. Education funding disparities between New Hampshire towns and cities must be resolved. Nevertheless, the legislature finds that it is constitutionally prohibited from considering any resolution of educational funding disparities which would diminish, in any way, the fundamental right of the people to determine how or for what purpose they should be taxed.

2 Statement of Intention to Reject Those Portions of the Supreme Court's Claremont I and Claremont II Rulings Which Require the State to "Guarantee" Funding of a Constitutionally Adequate Education.

I. The legislature finds that:

(a) In Claremont School District v. Governor, 138 N.H. 186, 635 A.2d 1375 (1993) (Claremont I) the supreme court reversed the trial court's dismissal of the petition for declaratory and injunctive relief which challenged the method by which education is funded in New Hampshire, holding that "...it was the state's duty to provide a constitutionally adequate public education and to guarantee adequate funding...". The supreme court reasserted this view in Claremont II, basing its interpretation on the language of part II, article 83, of the New Hampshire constitution which states that it is the "...duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country..." The "...duty...to cherish..." the court said "...commands that the state support public schools."

(b) The supreme court further opined in Claremont II that since RSA 198:1-7 obligates the imposition of a school property tax in order to raise funds for education and since the court's interpretation of part II, article 83 requires the state to provide and fund education, the school property tax is, by its very nature, a state tax. The court concluded that since the statewide imposition of the school property tax results in tax disparities between communities, those disparities cause the school property tax to fail the constitutional requirement imposed by part II, article 5 that state taxes be proportionately levied.

(c) The people of New Hampshire granted the New Hampshire house of representatives and senate the exclusive constitutional authority to legislate on their behalf. That authority was given the legislature, with the understanding, that the power granted the general court and the authority granted the executive and judicial branches derives exclusively from the people and is limited in scope and application by the 39 articles which comprise part I of the New Hampshire constitution, its bill of rights. The constitution's bill of rights tempers all authority granted government in part II which defines New Hampshire's form of government.

(d)(1) The New Hampshire supreme court ruling of December 17, 1997 declaring present school-funding methodology unconstitutional is itself a clear violation of the constitution. It fails to heed the explicit words of part I, article 28 of the New Hampshire constitution which requires that:

"No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

(2) The court does not have the power to mandate the tax which its ruling requires, given that part I, article 28 expressly prohibits the creation of any pretext by which the power to tax or impose charges of any kind upon the people might be wrested from "...the people, or their representatives in the legislature".

(3) As representatives of the people, legislators are individually and collectively required to assert the rights of the people when their rights are infringed. Given the supreme court's usurpation of the people's power to tax, it is now the responsibility of the legislature to right this grievous wrong.

(e) The supreme court's reasoning concerning the Claremont I and Claremont II decisions fails to recognize and abide by the limitations imposed by part I of the constitution upon the power and authority granted government in part II of the constitution, particularly with regard to taxes and how they shall be levied. Neither the judicial branch nor the executive branch can usurp the right of the people, "...or their representatives in the legislature..." with regard to either the election of funding priorities or the allocation of financial responsibility. The selection of governmental priorities worthy of financial sacrifice is solely the province of the people and their elected representatives to the general court.

(f) The fault with the New Hampshire supreme court's decision is that its interpretation of part II, article 83 imposes an obligation upon the people of New Hampshire to expend funds and to tax themselves in ways not freely determined by them. The New Hampshire supreme court does not possess the power to impose funding obligations upon the people of New Hampshire. The funding obligations which are inextricably a part of the Claremont I and Claremont II rulings create a pretext for levying either a tax, charge, subsidy, impost, or duty upon the people in order to meet the obligations which the court has contrived. Since the constitution expressly prohibits the creation of any pretext which could require the people of New Hampshire to tax themselves, it follows that the supreme court's interpretation of part II, article 83 which creates such a pretext is fundamentally unconstitutional.

II. Therefore, since the holding of the supreme court in Claremont I to the effect that the state must guarantee funding, is unconstitutional on its face, the rationale and conclusions which follow and which are based upon that wrongful holding fail as well. For this reason, the legislature rejects the rulings of the New Hampshire supreme court in both the Claremont I and Claremont II cases to the extent that they require the state to "guarantee" funding of any sort and asserts that the legislature is constitutionally prohibited from complying with such rulings. The legislature cannot permit the judicial branch to usurp the fundamental right of the people to act freely with regard to choosing which of the financial burdens of government they wish to assume. For the legislature to act otherwise would be to reincarnate, validate, and reimpose the practice of taxation without representation, a practice which the adoption in the year 1784 of part I, article 28, of the bill of rights of the New Hampshire constitution was meant to cure.

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

AMENDED ANALYSIS

This bill states that the legislature rejects the supreme court's Claremont I and Claremont II rulings to the extent to which the rulings require the state to "guarantee" funding of an adequate education, on the grounds that imposition upon the legislature of such a requirement is unconstitutional under part I, article 28 of the New Hampshire constitution.

Rep. Mirski spoke in favor and withdrew floor amendment 2231h

Rep Sapareto offered a floor amendment.

Floor Amendment (2220h)

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

AN ACT relative to the statewide education property tax, establishing a program to rebate certain excessive property tax payments of eligible taxpayers, and relative to funding of an adequate education.

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

1 Purpose; Intent. In view of the New Hampshire supreme court decision of October 15, 1999, which determined that portions of the statewide property tax enacted in 1999, 17, are unconstitutional, the New Hampshire general court desires to reenact the statewide property tax, by appropriate revisions, to provide funding for an adequate public education.

2 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 a uniform rate established by the commissioner of revenue administration each year based on the equalized state education rate required to raise the sum calculated pursuant to RSA198:40 and 41 is hereby imposed on all persons and property taxable pursuant to RSA72 and RSA 73, except property subject to tax under RSA 82 and RSA83-F. The commissioner shall report to the legislature on or before December 1 of each year.

3 New Chapter; Statewide Education Property Tax Relief. Amend RSA by inserting after chapter 76 the following new chapter:

CHAPTER 76-A

STATEWIDE EDUCATION PROPERTY TAX RELIEF

76-A:1 Definitions. In this chapter:

I. "Claimant" means a person who:

(a) Has filed a claim with a municipality for reduction in such claimant's property taxes under this chapter; and

(b) During the 3 fiscal years preceding the year in which the person files a claim for relief under this chapter:

(1) Has had an ownership interest in a homestead and was domiciled in the homestead upon which education property taxes have accrued and for which the person is making a claim for tax relief from the statewide education property tax in this state; and

(2) Was not a full-time student claimed as a dependent by any taxpayer under the United States Internal Revenue Code.

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

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

IV. "Education property taxes" means the sum of the statewide education property tax under RSA 76 and the education portion of property taxes assessed by a municipality.

V. "Equalized assessed value" or "equalized assessed valuation" means the modified assessed valuation of property equalized by the commissioner pursuant to RSA 21-J:3, XIII. In this paragraph, "modified assessed valuation" means the sum of the assessments of taxable property in a municipality less the statutory exemptions provided in RSA 72:12-a, 72:12-b, 72:37, 72:39-a, and 72:39-b. "Modified assessed valuation" shall not include optional exemptions provided in RSA 72:37-b, 72:62, 72:66, and 72:70.

VI.(a) "Excessive education property taxes" means the sum of:

(1) The product of the state education rate determined by the commissioner pursuant to RSA 76:3 multiplied by the equalized value of qualifying homesteads not exceeding \$200,000 and exclusive of special assessments not including current use, delinquent interest and charges for service, levied as of April 1 on a claimant's homestead in this state; and

(2) The amount of the education portion of property taxes assessed by the claimant's municipality levied as of April 1 on a claimant's homestead in this state; which is in excess of 10 percent of a claimant's household income for the calendar year preceding the tax year of the excessive education property tax claim.

(b) In this paragraph, "equalized assessed value of qualifying homesteads" means the local assessed value of the homestead equalized by applying the equalization ratio for the municipality, as determined by the commissioner pursuant to RSA 21-J:3, XIII, for the year of the claim.

(c) A qualifying homestead is the first \$200,000 of equalized value of a homestead. If a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common, and one or more persons or entities are not members of the claimant's household, "excessive education property taxes" applies to that part of statewide education property taxes levied on the homestead which reflects the ownership percentage of the claimant and the claimant's household. If a homestead is an integral part of a larger unit such as a multi-dwelling building, the statewide education property taxes shall be that percentage of the total education property taxes accrued as the total inhabitable area of the claimant's dwelling is of the total inhabitable area of the building. For purposes of this paragraph "unit" refers to the parcel of property covered by a single tax statement of which the homestead is a part.

VII.(a) "Homestead" means the dwelling owned by a claimant which is used as the claimant's principal place of residence for not less than 240 days in a calendar year and includes the following:

- (1) The land upon which the dwelling stands;
 - (2) Visual and ordinary appurtenant structures such as but not limited to garages, wood sheds, barns, and other out buildings;
 - (3) The land upon which such appurtenant structures stand;
 - (4) Land contiguous to such dwelling and appurtenant structures that is groomed and maintained around them; and
 - (5) Land necessary to the support and service of the dwelling such as but not limited to driveways and maintained rights-of-way for purposes of ingress and egress to the dwelling.
- (b) A homestead may consist of a part of a multi-unit dwelling and its proportionate share of the land upon which it stands and other ordinary appurtenant common facilities.
- (c) 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.
- (d) "Homestead" shall not include personal property such as furniture, furnishings or appliances, or structures.
- (e) Manufactured housing may be a homestead.

VIII. "Household income" means federal adjusted gross income as defined in the United States Internal Revenue Code.

IX "Municipality" means a city, town, or place.

X. "Statewide education property tax" means a tax levied at an equal and uniform rate on the equalized assessed valuation of property.

XI. "Tax collector" means the appointed or elected collector of taxes for a municipality.

XII. "United States Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended, without the rules, regulations, forms, and procedures of the United States Internal Revenue Service. The rules, regulations, forms and procedures of the United States Internal Revenue Service may, however, be used by the commissioner of revenue administration in formulating rules for adoption under RSA 541-A. This definition shall be operative unless and until a specific statutory exception to its adoption is provided in this chapter, or until the application of one of its provisions is held to violate the New Hampshire constitution.

76-A:2 Claims for Statewide Education Property Tax Relief.

I.(a) A claimant shall be entitled to make claim to the taxing municipality for statewide education property tax relief equal to the excessive education property taxes levied under RSA 76:3 on the first \$200,000 of equalized valuation of the claimants homestead. Such claims shall not exceed \$2,250 per claimant during any calendar year. A claimant shall not be entitled to any statewide education property tax relief if there are no excessive education property taxes or for any excessive education property taxes which accrued prior to January 1 of the preceding calendar year.

(b) No claim with respect to relief by a claimant under this chapter shall be allowed unless the claim is filed with the municipality by March 1 following the date of notice of tax as defined in RSA 72:1-d. The municipality shall include all necessary forms for filing as provided by the department in the first bill.

II. No interest shall be allowed on any relief to which a claimant may be entitled under this chapter.

76-A:3 Rebate to Claimant. Within 30 days of receipt of a claim, the municipality shall reduce the claimant's tax bill by the qualifying excessive education property taxes. Where more than one tax bill is issued by the municipality, the excessive education property taxes shall be divided proportionally between the bills. Timely payment to the municipality of net taxes by the claimant is not required to receive the tax reduction under this chapter.

76-A:4 Reports of Claims. Municipalities shall report to the department by April 1 of each year on the total amount of rebates made under RSA 76-A:3. By April 15 of each year, the department shall report to the state treasurer the total amount of rebates made by each municipality under RSA 76-A:3.

76-A:5 Reimbursement to Municipalities for Claims. Within 30 days of receipt of the report by the department required under RSA 76-A:4, the state treasurer shall reimburse municipalities for the total of qualified claims received under RSA 76-A:3. Such payments shall be charged against the education trust fund established in RSA 198:39.

76-A:6 One Claimant Per Household. Only one claimant per household per year shall be entitled to relief under this chapter.

76-A:7 Claim is Personal. The right to file a claim under this chapter shall be personal to the claimant. The right to file a claim under this chapter shall survive the claimant's death to the extent that this right may be exercised on behalf of a claimant by a legal guardian, attorney, spouse, or another person who could have qualified as the claimant had the decedent not filed.

76-A:8 Administration; Rulemaking.

I. This chapter shall be administered and enforced by the department.

II. The department shall adopt rules, pursuant to RSA 541-A, necessary to administer and enforce this chapter.

76-A:9 Forms for Claim.

I. The commissioner of revenue administration shall make available to municipalities suitable forms with instructions for claimants. Such forms may require claimants to provide all information reasonably necessary to determining the accuracy of claims, including, but not limited

to, property taxes accrued, changes of homestead, household membership, household income, size and nature of property claimed as the homestead, and a statement that the property taxes have been or will be paid by the claimant.

II. Municipalities shall make such forms available to claimants.

76-A:10 Verification of Claim; Redetermination.

I. If a municipality has reason to suspect the accuracy of a claim, the municipality may request that the department verify the household income of the claimant.

II. Upon receipt of such income verification from the department, the municipality may redetermine the claim and assess and collect, in the same manner as provided for property taxes under RSA 80, any amount of such claim in excess of the predetermined amount.

76-A:11 Fraudulent Claims; Penalty. A person shall be guilty of a class A misdemeanor who:

I. Files a fraudulent claim.

II. With fraudulent intent, assisted in the preparation or filing of the fraudulent claim or supplied information upon which the fraudulent claim was prepared.

76-A:12 Appeals. Any person aggrieved by the denial in whole or in part of a claim under this chapter, except when the denial is based upon late filing of claim, may appeal the denial to the board of tax and land appeals or to the superior court in the county in which the person resides by filing a petition within 30 days after such denial. Procedures for an appeal of a denial of a claim shall be the same as the procedures for an appeal of a denial of an abatement of property tax under RSA 76:16-a–76:17.

76-A:13 Claim Applied Against Outstanding Liabilities. The amount of any claim otherwise payable under this chapter may be applied by the municipality against any liability outstanding against the claimant or against anyone who was a member of the household in the taxable year to which the claim relates.

4 Rate of Utility Property Tax Increased. Amend RSA 83-F:2 to read as follows:

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 [~~of \$6.60~~] **established by the commissioner under RSA 76-A:3** on each \$1000 of such value, to be assessed annually as of April 1, and every year thereafter, and paid in accordance with this chapter.

5 Education Trust Fund; Purpose; Property Tax Relief Added. Amend RSA 198:39, I to read as follows:

I. 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' school districts pursuant to RSA 198:42, **and to provide education property tax relief under RSA 76-A**. The state treasurer shall deposit into this fund immediately upon receipt:

6 Tax Equity and Efficiency Committee. Amend 1999, 17:55, I to read as follows:

I. There is established a tax equity and efficiency commission to study issues relating to tax fairness, proportionality, efficiency and complexity for funding public education, ~~[and]~~ to examine all taxes currently imposed on the citizens of New Hampshire to fund public education, ***and to review the provisions for property tax relief to determine whether the program should continue and to recommend parameters for its continuation if so determined.***

7 Semi-annual Rate for Property Tax Payments. 1999, 17:51, I is repealed and reenacted to read as follows:

I. Notwithstanding the provisions of RSA 76:15-a and RSA 76:15-b for the tax year beginning April 1, 1999, in municipalities liable for an excess statewide education property tax payment pursuant to RSA 198:46, the partial payment of taxes assessed shall be computed by taking the prior year's assessed valuation times $\frac{1}{2}$ of the previous year's municipal tax rate; $\frac{1}{2}$ of the previous year's county tax rate; $\frac{1}{2}$ of the previous year's local school tax rate; and adding thereto $\frac{1}{2}$ of the statewide education property tax rate which would collect the amount to be collected and remitted for tax year 1999 under RSA 198:46, as determined by the department of revenue administration; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal in place of the prior year's valuation to compute the partial payment.

8 General Fund; Deposit of Undesignated Surplus into the Education Trust Fund for the Biennium Ending June 30, 1999. Notwithstanding the provisions of RSA 9:13-e, the state treasurer shall deposit any general fund undesignated surplus as of June 30, 1999 into the education trust fund as established in RSA 198:39.

9 Estimate of General Fund Undesignated Surplus for Biennium Ending June 30, 2001; Lapses Adjusted. Amend 1999, 159:13 to read as follows

13 Estimate of General Fund Undesignated Surplus.

GENERAL FUND

(Dollars in Thousands)

	<u>FY 2000</u>	<u>FY 2001</u>
Balance, July 1	\$0	~~[\$(3,509)]~~ \$1,491
Additions:		
Unrestricted Revenue		
Unrestricted Revenue-Net of Medicaid	961,148	1,003,757
Medicaid Enhancement Revenues	63,700	65,300
Uncompensated Care	<u>10,000</u>	<u>10,000</u>
Total Unrestricted Revenue	1,034,848	1,079,057
Appropriations:		

Gross Appropriations (Section 1)	1,064,842	1,093,465
Legislative Specials 530	455	
Footnote Reductions/Adjustments	5,548	13,024
Reduction in Judicial Appropriation	<u>(4,563)</u>	<u>(4,480)</u>
Total Appropriations	1,066,357	1,102,464
Less Lapses	~~[(26,000)]~~ (31,000)	~~[(26,000)]~~ (31,000)
Lapse Percent	~~[2.44%]~~ 2.90%	~~[2.36%]~~ 2.81%
Net Appropriations	~~[1,040,357]~~ 1,035,357	~~[1,076,464]~~ 1,071,464
GAAP Adjustment	2,000	2,000
Current Year Balance	~~[(3,509)]~~ 1,491	~~[4,593]~~ 9,593
Balance, June 30	~~[(3,509)]~~ 1,491	~~[1,084]~~ 11,084

10 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.

11 Repeal. RSA 198:46, IV and V, relative to the phase-in of excess education property tax payments, are repealed.

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

AMENDED ANALYSIS

This bill changes the method of calculating the statewide education property tax and the utility property tax and establishes a program for the rebate of excessive property tax payments made by eligible taxpayers in the state. The bill also provides for the use of certain surplus state funds for education.

Reps. Sapareto and Wallin spoke in favor and yielded to questions.

Rep. Sapareto requested a roll call; sufficiently seconded.

The question being the adoption of the Sapareto floor amendment 2220h.

YEAS 75 NAYS 275

YEAS 75

BELKNAP			
Boriso, Thomas	Lawton, David		
CARROLL			
None			
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Mitchell, McKim	Pratt, John
Richardson, Barbara	Zerba, Roger		
COOS			
Landers, Dana	Rodrigue, Robert		
GRAFTON			
Densmore, Jessica			
HILLSBOROUGH			
Arnold, Thomas Jr	Carlson, Donald	Christiansen, Lars	Curran, James
Gagnon, Paul	Hall, Betty	Herman, Richard	LaPorte, George
Lynde, Harold	Martin, Mary	McCarthy, William	McCarty, Winston
McColgan, Philip Jr	McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie
Ouellette, Dean	Vaillancourt, Steve	Wall, Nancy	White, Donald
MERRIMACK			
Chase, George	Fraser, Marilyn	Langer, Ray	Lavoie, Gerard
Lockwood, Priscilla	Owen, Derek	Poulin, Dave	Seldin, Gloria
Virtue, Carolyn	Wallin, Jean	Yeaton, Charles	
ROCKINGHAM			
Abbott, Dennis	Dearborn, Bruce	DiFruscia, Anthony	Hutchinson, Karen
Kelley, Jane	Langone, John	Lovejoy, Marian	Pitts, Jacqueline
Rabideau, Marie	Sabella, Norma	Sapareto, Frank	Shelton, Richard

Vaughn, Charles			
STRAFFORD			
Bickford, David	Dunlap, Patricia	Gilmore, Gary	Grassie, Anne
Heon, Richard	Johnson, Nancy	Kaen, Naida	Keans, Sandra
Pelletier, Arthur	Rollo, Michael	Spang, Judith	Vachon, Dennis
SULLIVAN			
Cloutier, John	Donovan, Thomas Jr	Phinizy, James	Tuthill, John
NAYS 275			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, Robert	Millham, Alida	Pilliod, James
Rice, Thomas	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Lyman, L Randy	Mock, Henry	Patten, Betsey
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Avery, Stephen	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Meador, David	Riley, William	Roberts, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	
COOS			
Davis, Perley	Glines, Sara	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton		
GRAFTON			
Akins, Ralph	Alger, John	Almy, Susan	Brothers, Richard
Cobb, John	Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie
Gilman, G Michael	Hall, David	Ham, Bonnie	Hinman, Harry
Johnson, Gary	LaMott, Paul	Marshall, Gene	Mirski, Paul

Nordgren, Sharon	Picconi, Al	Scanlan, David	Solow, Martha
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Bergin, Peter	Brundige, Robert	Bruno, Pierre
Buckley, Raymond	Burkush, James	Calawa, Leon Jr	Chabot, Robert
Clegg, Robert Jr	Cote, David	Cote, Peter	Coughlin, Pamela
Craig, James	Daigle, Robert	Dalianis, Griffin	Daniels, Gary
Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia	Drabinowicz, A Theresa
Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence	Fenton, James
Fields, Dennis	Flora, Kathleen	Foster, Linda	Franks, Suzan
Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Jean, Loren	Johnson, Lionel	Keye, Harvey	Konys, Christine
Kurk, Neal	L'Heureux, Robert	LaRose, Richard	Lasky, Bette
Leishman, Peter	Leonard, Peter	Lessard, Rudy	Lozeau, Donnalee
MacGillivray, Jeffrey	Martel, Andre	McDonald, James Sr	McGough, Tim
Melcher, Harold	Mercer, Robert	Messier, Irene	Milligan, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc
Pepino, Leo	Peterson, Andrew	Reidy, Frank	Rowe, Robert
Sarette, John	Sargent, Maxwell	Simon, Anthony	Tate, Joan
Thulander, O Alan	Turgeon, Roland	White, John	Withee, Dennis
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Feuerstein, Martin	French, Barbara
Gile, Mary	Hager, Elizabeth	Hess, David	Hoadley, Elizabeth
Jacobson, Alf	Kennedy, Richard	Larrabee, David Sr	Leber, William

Marple, Richard	Marshall, Kenneth	Maxfield, Roy	Moore, Carol
Nichols, Avis	Potter, Frances	Reardon, Tara	Rodd, Beth
St Cyr, Gerard	Whalley, Michael	Whittemore, James	
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Case, Margaret	Clark, Martha	Clark, Vivian
Cooney, Richard	Corbin, C David	Cote, Patricia	Cox, Russell
Dalrymple, Janeen	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Johnson, Robert
Kane, Cecelia	Katsakiores, George	Katsakiores, Phyllis	Kobel, Rudolph
Langley, Jane	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Moore, Benjamin	Norelli, Terie	Nowe, Mary Lou
Nowe, Ronald	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Packard, Sherman	Pantelakos, Laura	Priestley, Anne	Putnam, Ed II
Quandt, Marshall	Raynowska, Bernard	Reardon, Neil	Rubin, George
Ruffner, Walter	Schanda, Frank	Shultis, Elizabeth	Splaine, James
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weare, Everett	Weatherspoon, Jackie	Welch, David	Weyler, Kenneth
Whittier, John	Zolla, William		
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Callaghan, Frank
Cossette, Larry	DeChane, Marlene	Domingo, Baldwin	Estabrook, Iris
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Rogers, Rose Marie	Spear, Barbara	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis	Wall, Janet	Woods, Phyllis
SULLIVAN			
Allison, David	Burling, Peter	Flint, Gordon Sr	Jones, Constance
Kibbey, David	Leone, Richard	McIntyre, Sara	Robb-Theroux, Amy

Wiggins, Celestine	Young, David		
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and the floor amendment (2220h) failed.

Rep. Mirski offered a floor amendment.

Floor Amendment (2234h)

Amend the bill by replacing all after section 23 with the following:

24 Effective Date.

I. Section 21 of this act shall take effect January 2, 2003.

II. Section 22 of this act shall take effect July 1, 2003.

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

Rep. Mirski spoke in favor and yielded to questions.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment (2234h).

YEAS 81 NAYS 265			
YEAS 81			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Rice, Thomas	Rosen, Ralph	
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Mock, Henry	Philbrick, Donald	Sullivan, P Judith	
CHESHIRE			
Blaisdell, Michael	McGuirk, Paul	Mitchell, McKim	Pratt, John
Rose, William	Zerba, Roger		
COOS			
Rodrigue, Robert			

GRAFTON			
Alger, John	Brothers, Richard	Cobb, John	Gilman, G Michael
Hall, David	Ham, Bonnie	Hinman, Harry	Johnson, Gary
Mirski, Paul	Scanlan, David	Ward, Brien	Weber, Phil
HILLSBOROUGH			
Arnold, Thomas Jr	Beaupre, Roland	Christiansen, Lars	Franks, Suzan
Gagnon, Paul	Herman, Richard	Jean, Loren	Martin, Mary
McRae, Karen	Ouellette, Dean	Simon, Anthony	Wall, Nancy
Withee, Dennis			
MERRIMACK			
Hager, Elizabeth	Lavoie, Gerard	Marple, Richard	Seldin, Gloria
St Cyr, Gerard			
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Corbin, C David	Cox, Russell
Dearborn, Bruce	Dunham, Vivian	Fesh, Robert	Flanagan, Natalie
Langley, Jane	Moore, Benjamin	Norelli, Terie	O'Keefe, Patricia
Pantelakos, Laura	Pitts, Jacqueline	Putnam, Ed II	Quandt, Marshall
Raynowska, Bernard	Rubin, George	Weyler, Kenneth	Whittier, John
STRAFFORD			
Cossette, Larry	Keans, Sandra	McKinley, Robert	Pelletier, Arthur
Woods, Phyllis			
SULLIVAN			
Jones, Constance	Kibbey, David	Leone, Richard	Phinizy, James
Tuthill, John			
NAYS 265			
BELKNAP			
Bartlett, Gordon	Holbrook, Robert	Lawton, Robert	Millham, Alida
Pilliod, James	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine	Wood, Jane		

CARROLL			
Kenney, Joseph	Lyman, L Randy	Patten, Betsey	
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Burnham, Daniel	Hunt, John
Lerandeau, Alfred	Lynch, Margaret	Lynott, Margaret	Manning, Joseph
Meader, David	Richardson, Barbara	Riley, William	Roberts, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	
COOS			
Davis, Perley	Glines, Sara	Horton, Lynn	Landers, Dana
Mears, Edgar	Merrill, Gerald	Pratt, Leighton	
GRAFTON			
Akins, Ralph	Almy, Susan	Copenhaver, Marion	Densmore, Jessica
Dudley, Terri	Eaton, Stephanie	LaMott, Paul	Marshall, Gene
Nordgren, Sharon	Picconi, Al	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	Buckley, Raymond
Burkush, James	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	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Foster, Linda
Gagnon, Eugene	Garrish, Linda	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hall, Betty
Hansen, Herbert	Herman, Keith	Holley, Sylvia	Hunter, Bruce
Jean, Claudette	Johnson, Lionel	Keye, Harvey	Konys, Christine
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
McCarty, Winston	McColgan, Philip Jr	McDonald, James Sr	McDonough-Wallace, Alice
McGough, Tim	Melcher, Harold	Mendenhall, Leslie	Mercer, Robert
Messier, Irene	Milligan, Robert	Moran, Edward	Moriarty, Mary
Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Pappas, Marc	Pepino, Leo	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Vaillancourt, Steve
White, Donald	White, John		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard	Langer, Ray
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
Wallin, Jean	Whalley, Michael	Whittemore, James	Yeaton, Charles
ROCKINGHAM			
Belanger, Ronald	Bishop, Franklin	Bridle, Russell	Case, Margaret
Clark, Martha	Clark, Vivian	Cooney, Richard	Cote, Patricia
Dalrymple, Janeen	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Hamel, Albert	Henderson, Warren
Hutchinson, Karen	Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia
Katsakiores, George	Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph
Langone, John	Letourneau, Robert	Lovejoy, Marian	Major, Norman
McKinney, Betsy	Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Priestley, Anne

Rabideau, Marie	Reardon, Neil	Ruffner, Walter	Sabella, Norma
Sapareto, Frank	Schanda, Frank	Shelton, Richard	Shultis, Elizabethth
Splaine, James	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Vaughn, Charles	Weare, Everett	Weatherspoon, Jackie
Welch, David	Zolla, William		
STRAFFORD			
Berube, Roger	Bickford, David	Brennan, William	Brown, George
Callaghan, Frank	DeChane, Marlene	Domingo, Baldwin	Dunlap, Patricia
Gilmore, Gary	Grassie, Anne	Heon, Richard	Johnson, Nancy
Kaen, Naida	Knowles, William	Lent, Donald	Lundborn, Raymond
Musler, George	Rogers, Rose Marie	Rollo, Michael	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	McIntyre, Sara	Robb-Theroux, Amy	Wiggins, Celestine
Young, David			

and the floor amendment failed.

Rep. Mirski re-offered floor amendment 2231h.

Floor Amendment (2231h)

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

AN ACT rejecting certain ruling of the supreme court in Claremont I and Claremont II.

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

1 Preamble. The legislature finds that:

I. In order to preserve the taxing authority reserved to the people of New Hampshire by the state constitution and in order to preserve the power granted the legislature to represent the interests of the people, the legislature rejects those aspects of the Claremont I and Claremont II rulings which require the state to "guarantee" funding of a constitutionally adequate education. Article 28 of part I of the New Hampshire constitution requires that:

"No subsidy, charge, tax, impost or duty, shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

II. To accede to the court's Claremont I ruling - reaffirmed in Claremont II - that the state "guarantee" funding of a constitutionally adequate education would be to concede that education spending should always preempt spending for public safety, public health, disaster relief, public welfare, job creation, infrastructure improvements, criminal justice, the judiciary and the courts, pollution control, recreation, natural resources and the environment, public parks, and the administration of government itself.

III. To concur with the court that education funding be "guaranteed" would be to remove 1/3 or more of all current public spending from meaningful public debate.

IV. To concur with the court would be to deny the people's constitutional right, under part I, article 28, to vote on which of those services of government are most important to them and to determine to what extent elected services are worthy of financial sacrifice.

V. To concur with the court that the people and their elected representatives must approve education funding as mandated by the court would cause the legislature to deny the people and their representatives the right to vote and would cause the legislature to become complicit in the extinction of representative government in New Hampshire.

VI. As constitutional officers, members of the legislature are compelled to support the constitution of New Hampshire. Legislators are compelled by the constitution to maintain constitutional separation of powers and to insure that the cost of government not be imposed on the people without their consent. The legislature finds that the court's holding that the state "guarantee" education funding irresolvably conflicts with part I, article 28.

VII. If allowed to stand, the supreme court's rulings will materially affect the separation and balance of power among the 3 branches of government in ways which transcend taxes and spending.

VIII. The court's rulings shift the power of government from the people to unelected bureaucracies appointed by the governor. The legislature believes that as the debate over what constitutes educational adequacy plays out, judges, rather than the people, will define and redefine what constitutes educational adequacy. The legislature further finds that by removing from the people the right to freely determine education funding the court grants itself and state bureaucracies unwarranted and unconstitutional influence over the disposition of what presently amounts to more than a billion dollars of spending statewide.

IX. The court's transference of powers belonging to the people, to the judiciary, and to the state's bureaucracies, is unconstitutional because the constitution prohibits the judicial and executive branches of government from exercising legislative authority.

X. The court's requirement that "adequate education's" appetite for appropriations be satisfied before the needs of any other state or municipal service will cause the funding demands of "adequate education" to dominate virtually all future public and legislative debate to the detriment of all other matters of public policy.

XI. Since funding of education will be required regardless of the state of the economy, during recessions educators and those employed within the state's education bureaucracy will be

guaranteed their livelihoods while taxpayers suffer lost jobs. The legislature further finds that in order to guarantee education funding during recessions or whenever state revenues fail to meet expectations, state taxes and fees will either have to be increased or state services cut. Should taxes fail to be raised during future recessions, the legislature finds that state employees in all areas of government other than education may have to be laid off or dismissed in order to accommodate funding shortfalls.

XII. By elevating educators to privileged economic status, the supreme court aborts the fundamental intent of government articulated in part I, article 10 of the New Hampshire constitution which states that "Government ..." is "... instituted for the common benefit, protection, and security, of the whole community and not for the private interest or emolument of any one man, family or class of men ...".

XIII. If permitted to stand, the "state must guarantee funding" component of the Claremont I and II decision's will convert the New Hampshire house of representatives, the most representative legislature in the world, to an institution utterly subservient to forces beyond its control.

XIV. Education funding disparities between New Hampshire towns and cities must be resolved. Nevertheless, the legislature finds that it is constitutionally prohibited from considering any resolution of educational funding disparities which would diminish, in any way, the fundamental right of the people to determine how or for what purpose they should be taxed.

2 Statement of Intention to Reject Those Portions of the Supreme Court's Claremont I and Claremont II Rulings Which Require the State to "Guarantee" Funding of a Constitutionally Adequate Education.

I. The legislature finds that:

(a) In Claremont School District v. Governor, 138 N.H. 186, 635 A.2d 1375 (1993) (Claremont I) the supreme court reversed the trial court's dismissal of the petition for declaratory and injunctive relief which challenged the method by which education is funded in New Hampshire, holding that "...it was the state's duty to provide a constitutionally adequate public education and to guarantee adequate funding...". The supreme court reasserted this view in Claremont II, basing its interpretation on the language of part II, article 83, of the New Hampshire constitution which states that it is the "...duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools, to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and natural history of the country..." The "...duty...to cherish..." the court said "...commands that the state support public schools."

(b) The supreme court further opined in Claremont II that since RSA 198:1-7 obligates the imposition of a school property tax in order to raise funds for education and since the court's interpretation of part II, article 83 requires the state to provide and fund education, the school property tax is, by its very nature, a state tax. The court concluded that since the statewide imposition of the school property tax results in tax disparities between communities, those disparities cause the school property tax to fail the constitutional requirement imposed by part II, article 5 that state taxes be proportionately levied.

(c) The people of New Hampshire granted the New Hampshire house of representatives and senate the exclusive constitutional authority to legislate on their behalf. That

authority was given the legislature, with the understanding, that the power granted the general court and the authority granted the executive and judicial branches derives exclusively from the people and is limited in scope and application by the 39 articles which comprise part I of the New Hampshire constitution, its bill of rights. The constitution's bill of rights tempers all authority granted government in part II which defines New Hampshire's form of government.

(d)(1) The New Hampshire supreme court ruling of December 17, 1997 declaring present school-funding methodology unconstitutional is itself a clear violation of the constitution. It fails to heed the explicit words of part I, article 28 of the New Hampshire constitution which requires that:

"No subsidy, charge, tax, impost, or duty, shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature, or authority derived from that body."

(2) The court does not have the power to mandate the tax which its ruling requires, given that part I, article 28 expressly prohibits the creation of any pretext by which the power to tax or impose charges of any kind upon the people might be wrested from "...the people, or their representatives in the legislature".

(3) As representatives of the people, legislators are individually and collectively required to assert the rights of the people when their rights are infringed. Given the supreme court's usurpation of the people's power to tax, it is now the responsibility of the legislature to right this grievous wrong.

(e) The supreme court's reasoning concerning the Claremont I and Claremont II decisions fails to recognize and abide by the limitations imposed by part I of the constitution upon the power and authority granted government in part II of the constitution, particularly with regard to taxes and how they shall be levied. Neither the judicial branch nor the executive branch can usurp the right of the people, "...or their representatives in the legislature..." with regard to either the election of funding priorities or the allocation of financial responsibility. The selection of governmental priorities worthy of financial sacrifice is solely the province of the people and their elected representatives to the general court.

(f) The fault with the New Hampshire supreme court's decision is that its interpretation of part II, article 83 imposes an obligation upon the people of New Hampshire to expend funds and to tax themselves in ways not freely determined by them. The New Hampshire supreme court does not possess the power to impose funding obligations upon the people of New Hampshire. The funding obligations which are inextricably a part of the Claremont I and Claremont II rulings create a pretext for levying either a tax, charge, subsidy, impost, or duty upon the people in order to meet the obligations which the court has contrived. Since the constitution expressly prohibits the creation of any pretext which could require the people of New Hampshire to tax themselves, it follows that the supreme court's interpretation of part II, article 83 which creates such a pretext is fundamentally unconstitutional.

II. Therefore, since the holding of the supreme court in Claremont I to the effect that the state must guarantee funding, is unconstitutional on its face, the rationale and conclusions which follow and which are based upon that wrongful holding fail as well. For this reason, the legislature rejects the rulings of the New Hampshire supreme court in both the Claremont I and Claremont II cases to the extent that they require the state to "guarantee" funding of any sort and asserts that the legislature is constitutionally prohibited from complying with such rulings. The legislature cannot permit the judicial branch to usurp the fundamental right of the people to act

freely with regard to choosing which of the financial burdens of government they wish to assume. For the legislature to act otherwise would be to reincarnate, validate, and reimpose the practice of taxation without representation, a practice which the adoption in the year 1784 of part I, article 28, of the bill of rights of the New Hampshire constitution was meant to cure.

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

AMENDED ANALYSIS

This bill states that the legislature rejects the supreme court's Claremont I and Claremont II rulings to the extent to which the rulings require the state to "guarantee" funding of an adequate legislation, on the grounds that imposition upon the legislature of such a requirement is unconstitutional under part I, article 28 of the New Hampshire constitution.

Reps. Mirski, Nancy Wall and Loren Jean spoke in favor.

Rep. Mirski requested a roll call; sufficiently seconded.

The question being the adoption of the Mirski floor amendment (2231h).

YEAS 66 NAYS 278			
YEAS 66			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Czech, Stanley	Johnson, James
Lawton, David	Lawton, Robert	Rice, Thomas	Rosen, Ralph
Wendelboe, Francine			
CARROLL			
Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Mock, Henry
Sullivan, P Judith			
CHESHIRE			
Roberts, William			
COOS			
None			
GRAFTON			
Alger, John	Brothers, Richard	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	Mirski, Paul	Ward, Brien
Weber, Phil			

HILLSBOROUGH			
Alukonis, David	Arnold, Thomas Jr	Beaupre, Roland	Christiansen, Lars
Clegg, Robert Jr	Herman, Keith	Jean, Loren	Martin, Mary
McGough, Tim	McRae, Karen	Ouellette, Dean	Pappas, Marc
Wall, Nancy	White, Donald	Withee, Dennis	
MERRIMACK			
Langer, Ray	Larrabee, David Sr	Leber, William	Marple, Richard
ROCKINGHAM			
Beaulieu, Jon	Corbin, C David	Dearborn, Bruce	Dunham, Vivian
Hamel, Albert	Langley, Jane	Mikowski, Walter	Noyes, Richard
Packard, Sherman	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Raynowska, Bernard	Reardon, Neil	Rubin, George	Ruffner, Walter
Vaughn, Charles	Weare, Everett	Welch, David	Weyler, Kenneth
STRAFFORD			
Bickford, David	McKinley, Robert	Woods, Phyllis	
SULLIVAN			
None			
NAYS 278			
BELKNAP			
Bartlett, Gordon	Holbrook, Robert	Millham, Alida	Pilliod, James
Salatiello, Thomas	Thomas, John	Turner, Robert	Wood, Jane
CARROLL			
Chandler, Gene	Kenney, Joseph	Lyman, L Randy	Patten, Betsey
Philbrick, Donald			
CHESHIRE			
Avery, Stephen	Batchelder, Robert	Blaisdell, Michael	Burnham, Daniel
Hunt, John	Lerandean, Alfred	Lynch, Margaret	Lynott, Margaret

Manning, Joseph	McGuirk, Paul	Meadar, David	Mitchell, McKim
Pratt, John	Richardson, Barbara	Riley, William	Rose, William
Royce, H Charles	Russell, Ronald	Smith, Edwin	Zerba, Roger
COOS			
Davis, Perley	Glines, Sara	Horton, Lynn	Mears, Edgar
Merrill, Gerald	Pratt, Leighton	Rodrigue, Robert	
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	Johnson, Gary
LaMott, Paul	Marshall, Gene	Nordgren, Sharon	Picconi, Al
Scanlan, David	Solow, Martha		
HILLSBOROUGH			
Ahern, Richard	Andrews, Frederick	Arthur, Rose	Baroody, Benjamin
Batula, Peter	Belvin, William	Bergeron, Lucien	Bergin, Peter
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
Calawa, Leon Jr	Chabot, Robert	Cote, Peter	Coughlin, Pamela
Craig, James	Curran, James	Daigle, Robert	Dalianis, Griffin
Daniels, Gary	Desmarais, Vivian	Desrosiers, William	Dokmo, Cynthia
Drabinowicz, A Theresa	Durham, Susan	Dwyer, Paul Sr	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Foster, Linda
Franks, Suzan	Gagnon, Eugene	Gagnon, Paul	Garrish, Linda
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Goulet, Maurice
Haettenschwiller, Alphonse	Hall, Betty	Hansen, Herbert	Herman, Richard
Holley, Sylvia	Hunter, Bruce	Jean, Claudette	Johnson, Lionel
Keye, Harvey	Konys, Christine	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	McCarty, Winston	McColgan, Philip Jr
McDonald, James Sr	McDonough-Wallace, Alice	Melcher, Harold	Mendenhall, Leslie

Mercer, Robert	Messier, Irene	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pepino, Leo	Peterson, Andrew
Reidy, Frank	Rowe, Robert	Sarette, John	Sargent, Maxwell
Simon, Anthony	Tate, Joan	Thulander, O Alan	Turgeon, Roland
Vaillancourt, Steve	White, John		
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
Fraser, Marilyn	French, Barbara	Gile, Mary	Hager, Elizabeth
Hess, David	Hoadley, Elizabeth	Jacobson, Alf	Kennedy, Richard
Lavoie, Gerard	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	Whalley, Michael
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Belanger, Ronald	Bishop, Franklin	Bridle, Russell
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Cote, Patricia	Cox, Russell	Dalrymple, Janeen	DiFruscia, Anthony
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanagan, Natalie
Flanders, John Sr	Francoeur, Sheila	Gibbons, Paul	Gleason, John
Grant, Kenneth	Griffin, Mary	Henderson, Warren	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Katsakiores, George
Katsakiores, Phyllis	Kelley, Jane	Kobel, Rudolph	Langone, John
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald	O'Keefe, Patricia
O'Neil, Michael	Pantelakos, Laura	Pitts, Jacqueline	Priestley, Anne
Sabella, Norma	Sapareto, Frank	Schanda, Frank	Shelton, Richard
Shultis, Elizabeth	Splaine, James	Stone, Joseph	Stritch, C Donald

Tufts, J Arthur	Varrell, Thomas	Weatherspoon, Jackie	Whittier, John
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	Keans, Sandra	Knowles, William
Lent, Donald	Lundborn, Raymond	Musler, George	Pelletier, Arthur
Rogers, Rose Marie	Rollo, Michael	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 floor amendment failed.

Rep. Wallin offered the Perley Davis/Wallin floor amendment.

Floor Amendment (2230h)

Amend the bill by replacing section 25 with the following:

25 Effective Date.

I. Section 21 of this act shall take effect April 1, 2002.

II. Section 22 of this act shall take effect December 1, 2002.

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

Rep. Wallin spoke in favor.

Rep. Hess spoke against.

Rep. Peterson spoke in favor and yielded to questions.

Rep. Burling spoke against and yielded to questions.

Rep. Peterson requested a roll call; sufficiently seconded.

The question being the adoption of the Perley Davis/Wallin floor amendment (2230h).

YEAS 138 NAYS 206			
YEAS 138			
BELKNAP			
Boriso, Thomas	Millham, Alida	Rice, Thomas	Wood, Jane
CARROLL			
Babson, David Jr	Dickinson, Howard	Howard, Godfrey	Mock, Henry
Philbrick, Donald	Sullivan, P Judith		
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Lynch, Margaret	Lynott, Margaret
Manning, Joseph	McGuirk, Paul	Mitchell, McKim	Pratt, John
Richardson, Barbara			
COOS			
Davis, Perley	Glines, Sara	Rodrigue, Robert	
GRAFTON			
Almy, Susan	Copenhaver, Marion	Densmore, Jessica	Hall, David
Ham, Bonnie	Johnson, Gary	Nordgren, Sharon	Scanlan, David
Solow, Martha	Ward, Brien		
HILLSBOROUGH			
Arnold, Thomas Jr	Bergin, Peter	Christiansen, Lars	Desmarais, Vivian
Dokmo, Cynthia	Franks, Suzan	Garrish, Linda	Ginsburg, Ruth
Hall, Betty	Jean, Loren	LaPorte, George	Leishman, Peter
Lynde, Harold	Martin, Mary	McCarthy, William	McCarty, Winston
McDonough-Wallace, Alice	McRae, Karen	Mendenhall, Leslie	Messier, Irene
Milligan, Robert	O'Connell, Timothy	Ouellette, Dean	Pepino, Leo

Peterson, Andrew	Vaillancourt, Steve	White, John	
MERRIMACK			
Bouchard, Candace	Brewster, Richard	Chase, George	Crosby, Toni
Daneault, Gabriel	Davis, Francis	Fraser, Marilyn	French, Barbara
Gile, Mary	Hager, Elizabeth	Jacobson, Alf	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
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Abbott, Dennis	Case, Margaret	Dearborn, Bruce	DiFruscia, Anthony
Dunham, Vivian	Flanagan, Natalie	Francoeur, Sheila	Grant, Kenneth
Hutchinson, Rebecca	Johnson, Robert	Kane, Cecelia	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Lovejoy, Marian
Norelli, Terie	Noyes, Richard	O'Keefe, Patricia	O'Neil, Michael
Pantelakos, Laura	Pitts, Jacqueline	Raynowska, Bernard	Sabella, Norma
Sapareto, Frank	Shultis, Elizabeth	Splaine, James	Vaughn, Charles
STRAFFORD			
Bickford, David	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Grassie, Anne	Heon, Richard
Johnson, Nancy	Keans, Sandra	Pelletier, Arthur	Rogers, Rose Marie
Rollo, Michael	Spang, Judith	Spear, Barbara	Vachon, Dennis
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas Jr	Jones, Constance
Leone, Richard	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Young, David			
NAYS 206			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Czech, Stanley	Holbrook, Robert
Johnson, James	Lawton, David	Lawton, Robert	Pilliod, James

Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine			
CARROLL			
Kenney, Joseph	Lyman, L Randy	Patten, Betsey	
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Meador, David	Riley, William	Roberts, William	Rose, William
Royce, H Charles	Smith, Edwin	Zerba, Roger	
COOS			
Horton, Lynn	Mears, Edgar	Merrill, Gerald	Pratt, Leighton
GRAFTON			
Akins, Ralph	Alger, John	Brothers, Richard	Cobb, John
Dudley, Terri	Eaton, Stephanie	Gilman, G Michael	Hinman, Harry
LaMott, Paul	Marshall, Gene	Mirski, Paul	Picconi, Al
Weber, Phil			
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arthur, Rose
Baroody, Benjamin	Batula, Peter	Beaupre, Roland	Belvin, William
Bergeron, Lucien	Brundige, Robert	Bruno, Pierre	Buckley, Raymond
Burkush, James	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	Drabinowicz, A Theresa	Durham, Susan
Emerton, Lawrence	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Gagnon, Paul	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	Kurk, Neal
L'Heureux, Robert	LaRose, Richard	Lasky, Bette	Leonard, Peter

Lessard, Rudy	Lozeau, Donnalee	MacGillivray, Jeffrey	McColgan, Philip Jr
McDonald, James Sr	McGough, Tim	Melcher, Harold	Mercer, Robert
Moran, Edward	Moriarty, Mary	Mosher, William	Murphy, Robert
Nolan-Piteri, Dawn	O'Hearn, Jane	Pappas, Marc	Reidy, Frank
Rowe, Robert	Sarette, John	Sargent, Maxwell	Simon, Anthony
Tate, Joan	Thulander, O Alan	Turgeon, Roland	Wall, Nancy
White, Donald	Withee, Dennis		
MERRIMACK			
Anderson, Eric	Feuerstein, Martin	Hess, David	Hoadley, Elizabeth
Kennedy, Richard	Langer, Ray	Larrabee, David Sr	Lavoie, Gerard
Leber, William	Marple, Richard	Nichols, Avis	Whalley, Michael
ROCKINGHAM			
Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin	Blanchard, MaryAnn
Bridle, Russell	Clark, Martha	Clark, Vivian	Cooney, Richard
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dowling, Patricia	Downing, Michael	Fesh, Robert	Flanders, John Sr
Gibbons, Paul	Gleason, John	Griffin, Mary	Hamel, Albert
Henderson, Warren	Hutchinson, Karen	Katsakiores, George	Katsakiores, Phyllis
Letourneau, Robert	Major, Norman	McKinney, Betsy	Mikowski, Walter
Moore, Benjamin	Nowe, Mary Lou	Nowe, Ronald	Packard, Sherman
Priestley, Anne	Putnam, Ed II	Quandt, Marshall	Rabideau, Marie
Reardon, Neil	Rubin, George	Ruffner, Walter	Schanda, Frank
Shelton, Richard	Stone, Joseph	Stritch, C Donald	Tufts, J Arthur
Varrell, Thomas	Weare, Everett	Weatherspoon, Jackie	Welch, David
Weyler, Kenneth	Whittier, John	Zolla, William	
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
Domingo, Baldwin	Kaen, Naida	Knowles, William	Lent, Donald
Lundborn, Raymond	McKinley, Robert	Musler, George	Taylor, Kathleen
Twardus, Joseph	Vincent, Francis	Wall, Janet	Woods, Phyllis

SULLIVAN			
Burling, Peter	Flint, Gordon Sr	Kibbey, David	McIntyre, Sara
Wiggins, Celestine			

and the floor amendment failed.

motion to suspend rules

Rep. Vaillancourt moved that the Rules be so far suspended as to permit consideration of a floor amendment containing subject matter that had been indefinitely postponed by the House on May 13, 1999 (Rule 20(c)).

Rep. Vaillancourt spoke in favor.

Rep. Vaillancourt requested a roll call; sufficiently seconded.

The question being the motion to suspend the rules.

YEAS 114 NAYS 228			
YEAS 114			
BELKNAP			
Boriso, Thomas	Czech, Stanley	Lawton, David	
CARROLL			
Dickinson, Howard	Mock, Henry		
CHESHIRE			
Batchelder, Robert	Blaisdell, Michael	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Pratt, John	Roberts, William	Smith, Edwin
Zerba, Roger			
COOS			
Glines, Sara	Mears, Edgar	Rodrigue, Robert	
GRAFTON			
Akins, Ralph	Densmore, Jessica	Hall, David	Ham, Bonnie
Johnson, Gary	Mirski, Paul	Picconi, Al	Ward, Brien
HILLSBOROUGH			

Arthur, Rose	Baroody, Benjamin	Bergeron, Lucien	Buckley, Raymond
Burkush, James	Cote, David	Craig, James	Daigle, Robert
Desmarais, Vivian	Foster, Linda	Franks, Suzan	Gagnon, Paul
Ginsburg, Ruth	Goley, Jeffrey	Gorman, Mary	Hall, Betty
Jean, Claudette	Jean, Loren	Johnson, Lionel	Keye, Harvey
L'Heureux, Robert	LaPorte, George	Lasky, Bette	Leonard, Peter
Martin, Mary	McCarthy, William	McCarty, Winston	McDonald, James Sr
McRae, Karen	Mendenhall, Leslie	Messier, Irene	Milligan, Robert
Moriarty, Mary	Murphy, Robert	Reidy, Frank	Simon, Anthony
Turgeon, Roland	Vaillancourt, Steve	Wall, Nancy	White, John
MERRIMACK			
Fraser, Marilyn	Kennedy, Richard	Marple, Richard	Poulin, Dave
Reardon, Tara	Rodd, Beth	St Cyr, Gerard	Virtue, Carolyn
Whittemore, James			
ROCKINGHAM			
Belanger, Ronald	Blanchard, MaryAnn	DiFruscia, Anthony	Hutchinson, Karen
Johnson, Robert	Kane, Cecelia	Katsakiores, Phyllis	Kelley, Jane
Kobel, Rudolph	Langley, Jane	Langone, John	Mikowski, Walter
O'Keefe, Patricia	Pitts, Jacqueline	Priestley, Anne	Rabideau, Marie
Raynowska, Bernard	Rubin, George	Sapareto, Frank	Vaughn, Charles
Weare, Everett	Weyler, Kenneth		
STRAFFORD			
Berube, Roger	Brown, George	DeChane, Marlene	Domingo, Baldwin
Grassie, Anne	Heon, Richard	Johnson, Nancy	Rogers, Rose Marie
Rollo, Michael	Spang, Judith	Taylor, Kathleen	Vachon, Dennis
Vincent, Francis			
SULLIVAN			
Kibbey, David	Phinizy, James	Robb-Theroux, Amy	Tuthill, John
Wiggins, Celestine			

NAYS 228			
BELKNAP			
Bartlett, Gordon	Boyce, Robert	Holbrook, Robert	Johnson, James
Lawton, Robert	Millham, Alida	Pilliod, James	Rice, Thomas
Rosen, Ralph	Salatiello, Thomas	Thomas, John	Turner, Robert
Wendelboe, Francine	Wood, Jane		
CARROLL			
Babson, David Jr	Chandler, Gene	Howard, Godfrey	Kenney, Joseph
Lyman, L Randy	Patten, Betsey	Philbrick, Donald	Sullivan, P Judith
CHESHIRE			
Avery, Stephen	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meader, David	Mitchell, McKim	Richardson, Barbara
Riley, William	Rose, William	Royce, H Charles	
COOS			
Davis, Perley	Horton, Lynn	Merrill, Gerald	Pratt, Leighton
GRAFTON			
Alger, John	Almy, Susan	Brothers, Richard	Cobb, John
Copenhaver, Marion	Dudley, Terri	Eaton, Stephanie	Gilman, G Michael
Hinman, Harry	LaMott, Paul	Marshall, Gene	Nordgren, Sharon
Scanlan, David	Solow, Martha	Weber, Phil	
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Batula, Peter	Beaupre, Roland	Belvin, William	Brundige, Robert
Bruno, Pierre	Calawa, Leon Jr	Carlson, Donald	Chabot, Robert
Christiansen, Lars	Clegg, Robert Jr	Cote, Peter	Coughlin, Pamela
Curran, James	Dalianis, Griffin	Daniels, Gary	Desrosiers, William
Dokmo, Cynthia	Drabinowicz, A Theresa	Durham, Susan	Emerton, Lawrence
Fenton, James	Fields, Dennis	Flora, Kathleen	Gagnon, Eugene

Garrish, Linda	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Konys, Christine
Kurk, Neal	LaRose, Richard	Leishman, Peter	Lessard, Rudy
Lozeau, Donnalee	Lynde, Harold	MacGillivray, Jeffrey	McColgan, Philip Jr
McDonough-Wallace, Alice	McGough, Tim	Melcher, Harold	Mercer, Robert
Moran, Edward	Mosher, William	Nolan-Piteri, Dawn	O'Connell, Timothy
O'Hearn, Jane	Ouellette, Dean	Pappas, Marc	Pepino, Leo
Peterson, Andrew	Rowe, Robert	Sarette, John	Sargent, Maxwell
Tate, Joan	Thulander, O Alan	White, Donald	Withee, Dennis
MERRIMACK			
Anderson, Eric	Bouchard, Candace	Brewster, Richard	Chase, George
Crosby, Toni	Daneault, Gabriel	Davis, Francis	Feuerstein, Martin
French, Barbara	Gile, Mary	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Jacobson, Alf	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Owen, Derek
Potter, Frances	Seldin, Gloria	Wallin, Jean	Whalley, Michael
Yeaton, Charles			
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Bishop, Franklin	Bridle, Russell
Case, Margaret	Clark, Martha	Clark, Vivian	Cooney, Richard
Corbin, C David	Cote, Patricia	Cox, Russell	Dalrymple, Janeen
Dearborn, Bruce	Dowling, Patricia	Downing, Michael	Dunham, Vivian
Fesh, Robert	Flanagan, Natalie	Flanders, John Sr	Francoeur, Sheila
Gibbons, Paul	Gleason, John	Grant, Kenneth	Griffin, Mary
Hamel, Albert	Henderson, Warren	Hutchinson, Rebecca	Katsakiores, George
Letourneau, Robert	Lovejoy, Marian	Major, Norman	McKinney, Betsy
Moore, Benjamin	Norelli, Terie	Nowe, Mary Lou	Nowe, Ronald
Noyes, Richard	O'Neil, Michael	Packard, Sherman	Pantelakos, Laura

Putnam, Ed II	Quandt, Marshall	Reardon, Neil	Ruffner, Walter
Sabella, Norma	Schanda, Frank	Shelton, Richard	Shultis, Elizabetth
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William
STRAFFORD			
Brennan, William	Callaghan, Frank	Cossette, Larry	Dunlap, Patricia
Estabrook, Iris	Gilmore, Gary	Kaen, Naida	Keans, Sandra
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Pelletier, Arthur	Spear, Barbara	Twardus, Joseph
Wall, Janet	Woods, Phyllis		
SULLIVAN			
Allison, David	Burling, Peter	Cloutier, John	Donovan, Thomas Jr
Flint, Gordon Sr	Jones, Constance	Leone, Richard	McIntyre, Sara
Young, David			

and the motion failed.

consideration of hb 999 (cont'd.)

The question now being the adoption of the committee report.

Reps. Langley and Jacobson spoke against.

Rep. Lozeau spoke in favor.

Rep. Lozeau requested a roll call; sufficiently seconded.

YEAS 212 NAYS 128			
YEAS 212			
BELKNAP			
Bartlett, Gordon	Holbrook, Robert	Johnson, James	Millham, Alida
Pilliod, James	Rosen, Ralph	Salatiello, Thomas	Thomas, John
Turner, Robert	Wendelboe, Francine	Wood, Jane	
CARROLL			

Lyman, L Randy			
CHESHIRE			
Batchelder, Robert	Burnham, Daniel	Hunt, John	Lerandeau, Alfred
Manning, Joseph	Meador, David	Richardson, Barbara	Riley, William
Roberts, William	Rose, William	Royce, H Charles	Smith, Edwin
COOS			
Horton, Lynn	Mears, Edgar	Pratt, Leighton	
GRAFTON			
Akins, Ralph	Almy, Susan	Cobb, John	Copenhaver, Marion
Densmore, Jessica	Dudley, Terri	Eaton, Stephanie	LaMott, Paul
Marshall, Gene	Nordgren, Sharon	Picconi, Al	Scanlan, David
HILLSBOROUGH			
Ahern, Richard	Alukonis, David	Andrews, Frederick	Arnold, Thomas Jr
Arthur, Rose	Baroody, Benjamin	Batula, Peter	Belvin, William
Brundige, Robert	Bruno, Pierre	Buckley, Raymond	Burkush, James
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
Desmarais, Vivian	Dokmo, Cynthia	Durham, Susan	Dyer, Merton
Emerton, Lawrence	Fenton, James	Fields, Dennis	Flora, Kathleen
Foster, Linda	Gagnon, Eugene	Ginsburg, Ruth	Goley, Jeffrey
Gorman, Mary	Goulet, Maurice	Haettenschwiller, Alphonse	Hansen, Herbert
Herman, Keith	Holley, Sylvia	Hunter, Bruce	Jean, Claudette
Johnson, Lionel	Keye, Harvey	Konys, Christine	L'Heureux, Robert
LaPorte, George	LaRose, Richard	Lasky, Bette	Leonard, Peter
Lozeau, Donnalee	McCarthy, William	McCarty, Winston	McDonald, James Sr
McGough, Tim	Mercer, Robert	Milligan, Robert	Moran, Edward
Moriarty, Mary	Mosher, William	Murphy, Robert	Nolan-Piteri, Dawn
O'Connell, Timothy	O'Hearn, Jane	Pappas, Marc	Pepino, Leo

Peterson, Andrew	Reidy, Frank	Rowe, Robert	Sarette, John
Sargent, Maxwell	Simon, Anthony	Tate, Joan	Thulander, O Alan
Turgeon, Roland	White, Donald	Withee, Dennis	
MERRIMACK			
Anderson, Eric	Brewster, Richard	Crosby, Toni	Daneault, Gabriel
Feuerstein, Martin	French, Barbara	Hager, Elizabeth	Hess, David
Hoadley, Elizabeth	Kennedy, Richard	Langer, Ray	Larrabee, David Sr
Lavoie, Gerard	Leber, William	Lockwood, Priscilla	Marshall, Kenneth
Maxfield, Roy	Moore, Carol	Nichols, Avis	Potter, Frances
Poulin, Dave	Reardon, Tara	Rodd, Beth	Whalley, Michael
ROCKINGHAM			
Abbott, Dennis	Beaulieu, Jon	Belanger, Ronald	Bishop, Franklin
Bridle, Russell	Clark, Vivian	Cooney, Richard	Cote, Patricia
Cox, Russell	DiFruscia, Anthony	Dowling, Patricia	Downing, Michael
Fesh, Robert	Flanagan, Natalie	Flanders, John Sr	Gibbons, Paul
Gleason, John	Griffin, Mary	Hamel, Albert	Hutchinson, Karen
Hutchinson, Rebecca	Johnson, Robert	Katsakiores, George	Katsakiores, Phyllis
Kobel, Rudolph	Letourneau, Robert	Major, Norman	McKinney, Betsy
Mikowski, Walter	Nowe, Mary Lou	Nowe, Ronald	Noyes, Richard
O'Neil, Michael	Packard, Sherman	Priestley, Anne	Rabideau, Marie
Reardon, Neil	Ruffner, Walter	Schanda, Frank	Shelton, Richard
Stone, Joseph	Stritch, C Donald	Tufts, J Arthur	Varrell, Thomas
Weatherspoon, Jackie	Welch, David	Whittier, John	Zolla, William
STRAFFORD			
Berube, Roger	Brennan, William	Brown, George	Cossette, Larry
Domingo, Baldwin	Estabrook, Iris	Gilmore, Gary	Kaen, Naida
Knowles, William	Lent, Donald	Lundborn, Raymond	McKinley, Robert
Musler, George	Taylor, Kathleen	Twardus, Joseph	Vincent, Francis
Wall, Janet			
SULLIVAN			

Burling, Peter	Flint, Gordon Sr	Kibbey, David	McIntyre, Sara
Robb-Theroux, Amy			
NAYS 128			
BELKNAP			
Boriso, Thomas	Boyce, Robert	Czech, Stanley	Lawton, David
Lawton, Robert	Rice, Thomas		
CARROLL			
Babson, David Jr	Chandler, Gene	Dickinson, Howard	Howard, Godfrey
Kenney, Joseph	Mock, Henry	Patten, Betsey	Philbrick, Donald
Sullivan, P Judith			
CHESHIRE			
Avery, Stephen	Blaisdell, Michael	Lynch, Margaret	Lynott, Margaret
McGuirk, Paul	Mitchell, McKim	Pratt, John	Zerba, Roger
COOS			
Davis, Perley	Merrill, Gerald	Rodrigue, Robert	
GRAFTON			
Alger, John	Brothers, Richard	Gilman, G Michael	Hall, David
Ham, Bonnie	Hinman, Harry	Johnson, Gary	Mirski, Paul
Ward, Brien	Weber, Phil		
HILLSBOROUGH			
Beaupre, Roland	Bergeron, Lucien	Christiansen, Lars	Drabinowicz, A Theresa
Franks, Suzan	Gagnon, Paul	Garrish, Linda	Hall, Betty
Jean, Loren	Leishman, Peter	Lessard, Rudy	MacGillivray, Jeffrey
Martin, Mary	McColgan, Philip Jr	McDonough-Wallace, Alice	McRae, Karen
Melcher, Harold	Mendenhall, Leslie	Messier, Irene	Ouellette, Dean
Vaillancourt, Steve	Wall, Nancy	White, John	
MERRIMACK			
Bouchard, Candace	Chase, George	Davis, Francis	Fraser, Marilyn

Gile, Mary	Jacobson, Alf	Marple, Richard	Owen, Derek
Seldin, Gloria	St Cyr, Gerard	Virtue, Carolyn	Wallin, Jean
Whittemore, James	Yeaton, Charles		
ROCKINGHAM			
Blanchard, MaryAnn	Case, Margaret	Clark, Martha	Corbin, C David
Dearborn, Bruce	Dunham, Vivian	Francoeur, Sheila	Grant, Kenneth
Henderson, Warren	Kane, Cecelia	Kelley, Jane	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	Shultis, Elizabethth	Splaine, James	Stickney, Nancy
Vaughn, Charles	Weare, Everett	Weyler, Kenneth	
STRAFFORD			
Bickford, David	Callaghan, Frank	DeChane, Marlene	Dunlap, Patricia
Grassie, Anne	Heon, Richard	Johnson, Nancy	Keans, Sandra
Pelletier, Arthur	Rogers, Rose Marie	Rollo, Michael	Spang, Judith
Spear, Barbara	Vachon, Dennis	Woods, Phyllis	
SULLIVAN			
Allison, David	Cloutier, John	Donovan, Thomas Jr	Jones, Constance
Leone, Richard	Phinizy, James	Tuthill, John	Wiggins, Celestine
Young, David			

and the report was adopted.

Ordered to third reading.

protest

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

House Bill 999, as amended, writes into statute the incorrect interpretation of the New Hampshire Constitution by the Supreme Court in their several Claremont rulings. Further, the Supreme Court has, by striking down selective sections of House Bill 117 and leaving others intact, attempted to legislate from the bench in clear contravention of their sworn duties to uphold the Constitution. For these and other reasons, I have voted against House Bill 999 as amended.

senate messages

requests concurrence with amendments

HB 294-FN-L, relative to state aid to municipalities for closure of certain municipal incinerators. (Amendment printed SJ 28, 10/19/99)

Rep. Musler moved that the House concur and spoke in favor.

Adopted.

HB 649-FN, relative to nitrogen oxide emissions from electricity generation. (Amendment printed SJ 29, 10/22/99)

Rep. Thomas moved that the House concur and spoke in favor.

Adopted.

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 at the call of the Chair.

Adopted.

LATE SESSION

Third reading and final passage

HB 999-FN-A-L, establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers.

unanimous consent

Reps. Thomas, Kennedy and McColgan addressed the House.

Rep. Weare moved that the remarks made by Rep. Thomas be printed in the Journal.

Adopted.

Rep. Thomas: Thank you, Madam Speaker. Thank you, Representatives, for allowing me this time. Next Monday Governor Shaheen will sign into law HJR 10 which is another first-in-the-nation which New Hampshire is so famous for. HJR 10 requires that on November 10th every year, the Marine Corps flag will be flown over the capitol building in honor of the birthday of the Corps and the men and women who served so proudly within its ranks and in the finest traditions. No other state has such a law. Please allow me a few minutes, if you would, to indulge in a brief history of the Corps

and a few of the meanings and symbolisms that are the basis of the pride, and yes, the sometimes referred to arrogance of the Corps.

The Marine Corps was organized on November 10, 1775 at a place called Tunns Tavern in Philadelphia by an Act of the Continental Congress. They became "our soldiers of the sea" during the Revolutionary War.

The high thick collar on the dress blue uniform was at one time made of leather to ward off saber slashes, hence the term "leather neck." The term "devil dog" comes from the German soldiers who fought fiercely in the battle of Belleau Wood in France in World War I. It was attributed to the Marines and the ferocity of their fighting. The stirring Marine Corps' hymn which causes every Marine, present and past, to stand at rigid attention has its own reflections to the history of the Corps. The red stripe on our uniform is symbolic of the blood shed at Chapultepec, Mexico which gives us "from the Halls of Montezuma." The Marine officers sword is identical to the one surrendered to Lt. Presley O'Bannon by the Pasha of Tunisia which gives us "the shores of Tripoli." The third most recognizable symbol in the world is the Iwo Jima Memorial in Washington. It depicts the raising of the United States flag over that mountain, Suribachi, by five Marines and one Navy Corpsman. One of those Marines was our own Rene Gagnon from Manchester, New Hampshire. Another Marine who helped take that mountain was our own Alf Jacobson.

We Marines will never forget the fierce determination of our brothers who fought through seven enemy divisions and the "frozen chosen" reservoir in Korea. There are more recent memories of Marines who endured weeks of savage street fighting to reclaim Hue city and the many who perished at Khe Sanh when it was almost lost and finally retained in the political debacle of Viet Nam. And, not to forget those who served in the Gulf War and the "brush fires" around the world from Somalia to Bosnia.

Last, but not least, is the Marine Corps emblem, the eagle, globe and anchor, indicating the Marine service on land, sea and air. On November 10th every Marine Corps station and detachment in the world has a birthday celebration in honor of our Corps for reflections on our history. I will think of the Marines who have passed through my life and of the source of their pride, their selflessness and their sense of purpose. The Marines who have gone before us, through their shared devotion and sacrifice, have set the enduring ethos of our Corps and on November 10th we renew our commitment to the standards which they have set. The ethos of our Corps is that of the warrior and is defined by two qualities. The first is valor. When called to battle we pick up our helmets and our gear. We pick up our weapons; we fight, some of us die but we will win, absolutely. The second is values. We hold ourselves and our Corps to the highest standards of honor, courage and commitment. These ethos have linked every Marine inextricably and forever.

And, so, Madam Speaker, I wish my fellow Marines in this hallowed institution a very happy birthday and Semper Parati. And, finally, Madam Speaker, in jest, there is always a healthy, friendly rivalry between all branches of the armed forces. We Marines are called "Jarheads", seagoing "bellhops." We respond to the Navy when they say that the Marines are a department of Navy – yes, we say the men's department. In jest to the Army when they say things to us, we respond, ARMY means "Ain't Ready to be Marines Yet" and to the Air Force we say, "Well, somebody had to fly." However, more seriously, Madam Speaker, as shown in the Desert Storm War, together we are one. To the wonderful men and women of the Army, Navy, the Air Force, the Coast Guard and the Merchant Marine, a very honorable and happy Veteran's Day. Thank you.

RECESS MOTION

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

Adopted.

The House recessed at 1:55 p.m.

RECESS

(Rep. Hess in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 224, 501 and 577.

senate messages

concurrence

HB 572-FN-A, relative to the apportionment provisions of the business profits tax.

HB 643-FN-A-L, transferring the regulation of emergency medical services from the department of health and human services to the department of safety.

HB 704-FN, establishing a wildlife damage control program and making an appropriation therefor.

HB 999-FN-A-L, establishing a uniform education property tax to provide funding for an adequate public education and providing education property tax hardship relief to low and moderate income taxpayers.

accedes to a request for committee of conference

HB 346-FN-A, relative to permissible fireworks.

The President appointed Sens. D'Allesandro, Disnard and Johnson.

re-referred to committee

HB 375, relative to substitutions for disqualified and deceased candidates.

RECESS

(Rep. Hess in the Chair)

enrolled bill report

The Committee of Enrolled Bills has examined and found correctly enrolled House Bill 999.

RECESS

(Rep. Mears in the Chair)

enrolled bill amendment

HB 643-FN-A-L, transferring the regulation of emergency medical services from the department of health and human services to the department of safety.

Amendment (2235-EBA)

Amend section 5 of the bill by replacing line 1 with the following:

5 Unclassified Salary. Amend RSA 94:1-a, I by inserting in group N the following: director of

Amend RSA 153-A:7, II(a) as inserted by section 6 of the bill by replacing line 2 with the following:

medical services medical control board, and the trauma medical review committee, in accordance with

Amend paragraph IV of section 12 of the bill by replacing line 3 with the following:

first-appointed director of emergency medical services shall be at step 1 of RSA 94:1-a, I, group N.

Adopted.

RECESS

(Rep. Chandler in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House Bills 294, 572 and 643.

Rep. Ronald Nowe, Sen. D'Allesandro for the Committee.

RECESS

(Rep. Gene Chandler in the Chair)

enrolled bill amendments

HB 649-FN, relative to nitrogen oxide emissions from electricity generation.

Amendment (2237-EBA)

Amend section 4 of the bill by replacing lines 2 and 3 with the following:

by inserting after subparagraph (zzz) the following new subparagraph:

(aaaa) Moneys received by the department of environmental services under
RSA 125-

Adopted.

HB 704-FN-A, establishing a wildlife damage control program and making an appropriation therefor.

Amendment (2238-EBA)

Amend RSA 207:22-b, III as inserted by section 4 of the bill by replacing line 2 with the following:

beginning in 2000, to the governor, the senate president, the speaker of the house, and the

Amend RSA 207:22-c, II(d) as inserted by section 4 of the bill by replacing line 3 with the following:

shall make its determinations based on urgency of need for damage relief and any other factors

Amend paragraph II of section 9 of the bill by replacing line 1 with the following:

II. The executive director of the fish and game department may accept and expend federal funds and funds from any other

Adopted.

RECESS

(Rep. Keith Herman in the Chair)

enrolled bills report

The Committee on Enrolled Bills has examined and found correctly enrolled House bills 649 and 704.

Rep. Lozeau, Sen. D'Allesandro for the Committee

RECESS

(Clerk's Note)

outstanding bills

At the time of recess on November 3, 1999, the following bills remained in the House Finance Committee.

CACR 16, relating to establishing a restricted education trust fund; establishing a maximum rate on an income tax, and dedicating income tax revenues to education. Providing that an education trust fund be established, that revenues from a state-run lottery and revenues from the imposition of an income tax shall be deposited into the education trust fund, and that the moneys in such trust fund

shall be used exclusively to provide relief from local school property taxes and to fund the state's duty to cherish the interest of public schools under Article 83, Part 2 of the New Hampshire constitution, and shall not be transferred or diverted to any other purpose.

CACR 17, relating to the state's responsibility to provide to all citizens the opportunity for a public education. Providing that the general court shall have the exclusive authority to determine the content, extent, and funding of a public education and that the state may fulfill its responsibility to provide to all citizens the opportunity for a public education by exercising its power to levy assessments, rates, and taxes, or by delegating this power, in whole or part, to a political subdivision, provided that upon delegation, such assessments, rates, and taxes are proportional and reasonable throughout the state or the political subdivision in which they are imposed.

At the time of recess on November 3, 1999, the following House bills remained on the table in the House.

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

HB 536, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power. (awaiting Supreme Court Opinion)

HB 549-L, relative to the minimum vote required for bond issues by municipalities.

HB 550-L, relative to the date town reports must be made available in towns which have adopted the official ballot referenda form of meeting.

HB 612-FN, relative to compensation paid to jurors.

HB 695-FN-A, providing an exemption under the interest and dividends tax for taxpayers on a limited income.

HB 703-FN-A-L, establishing a regional youth center pilot program in the city of Nashua.

HR 10, affirming revenue estimates for fiscal years 1999, 2000, and 2001.

CACR 12, relating to a 4-year term for the office of governor. Providing that beginning in the year 2002, the governor shall be elected every 4 years.

CACR 21, relating to gender neutral language in the constitution. Providing that all references to persons in the constitution shall be gender neutral.

At the time of recess on November 3, 1999, the following House bills remained on the table in the Senate.

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.

HB 295-FN-L, relative to alternative kindergarten programs in cooperative school districts.

HB 503-FN-L, relative to the adoption of charter school and open enrollment provisions in cooperative school districts and authorized regional enrollment areas.

HJR 1, requesting that the federal government prohibit the U.S. Fish and Wildlife Service or other federal agency from introducing wolf populations to the northeastern United States, especially New Hampshire.

At the time of recess on November 3, 1999, the following House bills remained in Senate Committees.

HB 542-FN-A, repealing the legacies and succession tax.

HB 707-FN, relative to the family division of the courts.

At the time of recess on November 3, 1999 the Senate had requested concurrence with amendments on the following House bills.

HB 615-FN-A, establishing a registry for brain and spinal cord injuries.

HB 625-FN-A, relative to a mercury emissions reduction and control program and a study of mercury in ash landfills.

At the time of recess on November 3, 1999, the following House Bill remained in Committee of Conference.

HB 346-FN-A, relative to permissible fireworks.