

Committee Report

Edited

CONSENT CALENDAR

February 22, 2017

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Legislative Administration to which
was referred HB 429,**

**AN ACT relative to the authority of the judiciary to
review provisions of certain education statutes. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Kathleen Hoelzel

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Legislative Administration
Bill Number:	HB 429
Title:	relative to the authority of the judiciary to review provisions of certain education statutes.
Date:	February 22, 2017
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would allow the legislature to define which children are educable and which are not. Such decisions would not be reviewable by the courts. One principal of democracy, especially as it relates to fundamental rights is that an aggrieved person has an opportunity to seek redress through the courts. This bill would undermine that basic tenet of democracy. This bill is an effort to cut, eliminate or otherwise defund public education and eviscerate the Claremont decisions.

Vote 14-0.

Rep. Kathleen Hoelzel
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Legislative Administration

HB 429, relative to the authority of the judiciary to review provisions of certain education statutes.
INEXPEDIENT TO LEGISLATE.

Rep. Kathleen Hoelzel for Legislative Administration. This bill would allow the Legislature to define which children are educable and which are not. Such decisions would not be reviewable by the courts. One principal of democracy, especially as it relates to fundamental rights is that an aggrieved person has an opportunity to seek redress through the courts. This bill would undermine that basic tenet of democracy. This bill is an effort to cut, eliminate or otherwise defund public education and eviscerate the Claremont decisions. **Vote 14-0.**

Original: House Clerk

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CONSENT CALENDAR

February 22, 2017

HOUSE OF REPRESENTATIVES

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FOR THE COMMITTEE

Original: House Clerk
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CONSENT CALENDAR

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Original: House Clerk
Cc: Committee Bill File

Heikel

COMMITTEE REPORT

COMMITTEE: Legislative Administration

BILL NUMBER: HB 429

TITLE: Relative to the authority of the judiciary to review provisions of certain education statutes

DATE: 02-21-2017 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. _____

STATEMENT OF INTENT:

See Attached

COMMITTEE VOTE: 14 - 0 ~~10-0~~

RESPECTFULLY SUBMITTED,

- | |
|---|
| <ul style="list-style-type: none"> • Copy to Committee Bill File • Use Another Report for Minority Report |
|---|

Rep. Kathleen M. Heikel
For the Committee

Blurb on HB429

This bill would allow the Legislature to define which children are educable and which are not. Such decisions would not be reviewable by the courts. One principal of democracy, especially as it relates to fundamental rights is that an aggrieved person has an opportunity to seek redress through the courts. This bill would undermine that basic tenet of democracy. This bill is an effort to cut, eliminate or otherwise defund public education and eviscerate the Claremont decisions.

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 429

BILL TITLE: relative to the authority of the judiciary to review provisions of certain education statutes.

DATE: February 21, 2017

LOB ROOM: 104

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Hoelzel

Seconded by Rep. Weber

Vote: 14-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Robert Nigrello, Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 429

BILL TITLE: relative to the authority of the judiciary to review provisions of certain education statutes.

DATE: 2/21/2017

LOB ROOM: 104

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Horzel Secoded by Rep. Weber Vote: 14 0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: _____ Rep. , Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2/15/2017 3:51:36 PM
Roll Call Committee Registers
Report

2017 SESSION

LEG ADMIN

Bill #: HB 429

Title: JUDICIARY Review of education

PH Date: / /

Exec Session Date: 2 / 2 / 2017

Motion: ITZ

Amendment #:

MEMBER	YEAS	NAYS
Hinch, Richard W. Chariman	X	
Packard, Sherman A. Vice Chairman	X	
Katsakiores, Phyllis M.	X	
Bailey, Brad	X	
Hoelzel, Kathleen M. <i>Motion</i>	X	
Nigrello, Robert L. Clerk	X	
Thomas, Douglas W.	X	
Boutin, Skylar	X	
Weber, Lucy M. <i>Secord</i>	X	
Smith, Timothy J. <i>Read.</i>	X	
Forest, Armand D.	X	
Nutting, Allison	X	
Stallcop, Joseph	X	
Sandler, Catt	X	
TOTAL VOTE:		

140.

Consent - No Objection

Hearing Minutes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 429

BILL TITLE: relative to the authority of the judiciary to review provisions of certain education statutes.

DATE: February 21, 2017

LOB ROOM: 104

Time Public Hearing Called to Order: 10:50 a.m.

Time Adjourned: 11:20 a.m.

Committee Members: Reps. Hinch, Packard, Katsakiores, Bailey, Hoelzel, D. Thomas, Boutin, Weber, Forest, Nutting, Stallcop, Sandler and Nigrello

Bill Sponsors:

Rep. Hill
Sen. Avard

Rep. Itse
Sen. Giuda

Sen. French

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Greg Hill - Prime sponsor of the bill. Introduced the bill.

***Gregory Sorg** - Former House member. Supports the bill. Discussed Claremont decision, and the mistakes of the Supreme Court. Need to have separation of Judiciary. Written testimony received.

Barrett Christina, New Hampshire School Boards Association - Opposes the bill. Attack on Claremont Lawsuit. Bill eliminates Judicial Review of Education.

***Jane Ferrini, Coalition Communities** - Opposes the bill. Written testimony.

Rep. Dan Itse - Co-sponsor of the bill. Supports due to constitutional issues.

***Joseph Haas** - Opposes the bill. See written testimony.

Respectfully submitted,



Rep. Robert L. Nigrello
Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 429

BILL TITLE: relative to the authority of the judiciary to review provisions of certain education statutes.

DATE: February 21, 2017

ROOM: 104

Time Public Hearing Called to Order: 10:53

Time Adjourned: 11:20

(please circle if present)

Committee Members: Reps. Hinch, Packard, Katsakiores, Bailey, Hoelzel, D. Thomas, Boutin, Weber, T. Smith, Forest, Nutting, Stallcop, Sandler and Nigrello

Bill Sponsors:

Rep. Hill
Sen. Avard

Rep. Itse
Sen. Giuda

Sen. French

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep Hill - prime sponsor introduction

GREG SORG's support bill, discussed CLAREMONT decision, the mistakes of the supreme court, needs to have separation of Judiciary

Written Testimony Received

BARRETT CHRISTINA - opposes, ATTACK ON CLAREMONT LAWSUIT

BILL ELIMINATES JUDICIAL REVIEW OF EDUCATION

JANE FERRIN opposes - Written Testimony

Rep Itse - Support due to constitutional issues

JOE HAAS - opposes bill - See WRIT

Testimony

The Coalition Communities

Alton, Bridgewater, Carroll, Center Harbor, Dublin, Easton, Eaton, Franconia, Freedom, Grantham, Greenland, Hampton, Hampton Falls, Hanover

Hart's Location, Hebron, Holderness, Jackson, Lincoln, Marlow, Meredith, Moultonborough, Newbury, New Castle, New London, Newington

North Hampton, Pittsburg, Portsmouth, Rye, Sandwich, Seabrook, Sugar Hill, Sunapee, Tuftonboro, Waterville Valley

To: Chairman Hinch and Members of the House Legislative Administration Committee
From: Jane Ferrini, on behalf of the Coalition Communities*
Re: HB 429
Date: February 17, 2017

Chairman Hinch and Members of the House Legislative Administration Committee:

The Coalition Communities, a group of communities that are former "donor" communities, do not support HB 429 because it proposes that any laws made relative to an adequate public education "shall be incontestable and not subject to review by any court." The Coalition Communities do not support HB 429 because this type of unprecedented statutory language violates Articles in both our Federal and State Constitution regarding the Separation of Powers.

In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, out to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with the chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

Constitution of New Hampshire, Part I, [Art] 37.

The Coalition Communities urge this Committee to remember the words of Alexander Hamilton when reviewing this bill:

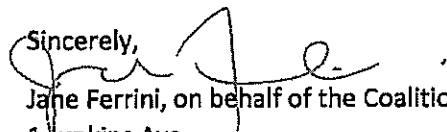
The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature be deputies of their own election...They are means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided.

Alexander Hamilton, *The Federalist Papers, Federalist No.9, November 21, 1787*

For these reasons, the Coalition Communities do not support HB 429 and urge the Members of the House Legislative Administration Committee to vote it Inexpedient to Legislate.

Thank you for your attention and consideration.

Sincerely,



Jane Ferrini, on behalf of the Coalition Communities

1 Junkins Ave.

Portsmouth, NH 03801

(603) 610-7256

jferrini@cityofportsmouth.com

*Alton, Bridgewater, Carroll, Center Harbor, Dublin, Easton, Eaton, Franconia, Freedom, Grantham, Greenland, Hampton, Hampton Falls, Hanover, Hart's Location, Hebron, Holderness, Jackson, Lincoln, Marlow, Meredith, Moultonborough, Newbury, New Castle, New London, Newington, North Hampton, Pittsburg, Portsmouth, Rye, Sandwich, Seabrook, Sugar Hill, Sunapee, Tuftonboro, Waterville Valley

Supplement I to Testimony on HB 429:

Sources of the Legislature's Authority over Education Funding

Article 8, Part I expressly recognizes that the authority of the government is derived from the people, and must be accountable and responsive to them. The judicial branch, by design, is isolated and unaccountable. This is necessary in order to enable it to perform its adjudicatory function free of political influence. But if the people of New Hampshire have a fundamental right to accountability and responsiveness from their government, it follows that they have a right to live under the policy choices made by the elected branches, not those preferred by the judicial branch.

Article 12, Part I states that the inhabitants of this State are not controllable by any other laws than those to which they or their representative body have given their consent. This means that no policy choice articulated by the judicial branch, no matter how artfully clothed in the raiment of the Constitution, can be enforced against the people unless the people directly, or acting through the Legislature, have consented to it. The argument that the judicial branch can direct the legislative branch to implement a policy preferred by the judicial branch, but not consented to by the people or the Legislature, is constitutionally and historically false.

Article 28, Part I states that no tax "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." It is impossible to be clearer than that: If the Legislature refuses to enact a scheme of taxation essential to the implementation of a policy preference of the judiciary, the judiciary's preference must yield to the Legislature's.

Article 29, Part I reposes the power of suspending the laws, or the execution of them, exclusively in the Legislature, or by authority derived from the Legislature. The assumption that the judiciary has authority to refuse to enforce laws duly enacted by the Legislature and signed by the Governor is completely contrary to this express provision of the Constitution.

Article 31, Part I states that the Legislature shall assemble "for the redress of public grievances and for making such laws as the public good may require." This means that the recourse of any person dissatisfied with the laws of New Hampshire is not to the judiciary – which has no authority to require a coordinate branch to do *anything* – but to the Legislature, through petition or through the ballot box.

Article 37, Part I expressly separates the legislative, executive and judicial functions. By definition, the judicial power is *retrospective*, directed towards deciding upon the legality of claims and conduct arising in the past under laws previously established. By definition, the legislative power is *prospective*, directed towards making new laws of general applicability for the regulation of controversies that may arise in the future. Therefore, any ruling of any court purporting to limit what laws the legislature may enact in the future would be a *legislative* rather than a *judicial* act, and thus, unauthorized and void.

Article 4, Part II gives the Legislature “full power and authority” to “erect and constitute judicatories and courts of record, or other courts,” and to establish their jurisdiction. Although Article 72-a gives the Supreme and Superior courts constitutional status, their jurisdiction is regulated by statute. Therefore, any time the Legislature and Governor conclude that the judiciary is abusing its authority on any subject of legislation, all they need do is remove, by statute, the judiciary’s jurisdiction to adjudicate cases arising under that subject.

Article 5, Part II gives the Legislature “full power and authority” to “make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions... as they may judge for the benefit and welfare of this state, and for the governing and ordering thereof,” and to “impose and levy proportional and reasonable assessments, rates, and taxes.” The judiciary is not made a participant in this process. Accordingly, consistent with Article 37 of Part I, the judicial branch’s opinion of the wholesomeness, reasonableness and proportionality of legislative acts, while undoubtedly instructive and worthy of consideration, is not binding on the legislative branch.

Article 56, Part II states that no moneys shall be issued out of the treasury of this state unless in conformity to the acts and resolves of the Legislature. In practical terms, this means that in the event of a difference in opinion between the judiciary and the Legislature as to the Legislature’s constitutional duty to fund any activity, the Legislature’s opinion *must* prevail, since the judiciary has no constitutional authority to enforce its own.

Article 74, Part II authorizes each of the House, the Senate, the Governor, and the Executive Council “to require the opinions of the justices of the supreme court upon important questions of law.” Neither here nor anywhere else in the Constitution are the opinions of the Supreme Court made final and binding upon the legislative and executive branches. Such a concept was unknown and would have been considered preposterous in the eighteenth century; it was - and remains - axiomatic in English law both that Parliament was the sole judge of the constitutionality of its own enactments, and that any decision of any English court, even on constitutional grounds, could be reversed for purposes of future cases by a simple act of ordinary legislation. The authors of New Hampshire’s Constitution would hardly have altered so fundamental a change in the allocation of power among the branches of government without directly saying so.

*Gregory M. Sorg
February 21, 2017*

2/21/2017, Tue

Update to HB429 to restrict judicial review of the education statutes (Public Hearing today @ 10:50 a.m.)

Joseph S. Haas

Tue 2/21/2017 8:43 AM

Sent Items

To: dsolomon@unionleader.com <dsolomon@unionleader.com>; dtuohy@unionleader.com <dtuohy@unionleader.com>; governorSununu@nh.gov <governorSununu@nh.gov>; stephan.hamilton@dra.nh.gov <stephan.hamilton@dra.nh.gov>; mcourtney@uptonhatfield.com <mcourtney@uptonhatfield.com>; reppbs@tlc.net <reppbs@tlc.net>; Dick.Patten@leg.state.nh.us <Dick.Patten@leg.state.nh.us>; HouseFinanceCommittee@leg.state.nh.us <HouseFinanceCommittee@leg.state.nh.us>; HouseWays&MeansCommittee@leg.state.nh.us <HouseWays&MeansCommittee@leg.state.nh.us>; HouseJudiciaryCommittee@leg.state.nh.us <HouseJudiciaryCommittee@leg.state.nh.us>; greg.hill@leg.state.nh.us <greg.hill@leg.state.nh.us>; Harold.French@leg.state.nh.us <Harold.French@leg.state.nh.us>; Kevin.Avard@leg.state.nh.us <Kevin.Avard@leg.state.nh.us>; Bob.Giuda@leg.state.nh.us <Bob.Giuda@leg.state.nh.us>; HouseLegislativeAdministration@leg.state.nh.us <HouseLegislativeAdministration@leg.state.nh.us>; ckeating@courts.state.nh.us <ckeating@courts.state.nh.us>; sarah.blodgett@nh.gov <sarah.blodgett@nh.gov>; patricia.heinrich@judcouncil.state.nh.us <patricia.heinrich@judcouncil.state.nh.us>; lmerrill@courts.state.nh.us <lmerrill@courts.state.nh.us>; hzibel@courts.state.nh.us <hzibel@courts.state.nh.us>; brendap@nhbfa.com <brendap@nhbfa.com>; JamesKW@nhbfa.com <JamesKW@nhbfa.com>; MikeD@nhbfa.com <MikeD@nhbfa.com>; Dick Marple <armlaw@hotmail.com>; David Carkhuff <david@laconiadailysun.com>; Dan Itse <itsenh@comcast.net>;

Cc: G&C Exec. Sec. Joanne Ruell <gcweb@nh.gov>; jrue@nh.gov <jrue@nh.gov>; Joseph.Kenney@NH.gov <Joseph.Kenney@NH.gov>; Andru.Volinsky@nh.gov <Andru.Volinsky@nh.gov>; represcott@nh.gov <represcott@nh.gov>; G&C #4-b <cpappas@nh.gov>; David.Wheeler@nh.gov <David.Wheeler@nh.gov>; peter.loughlin@pjllaw.com <peter.loughlin@pjllaw.com>;

To: The Legislative Administration Committee

This is to remind you of what I did write to you about HB429 back on Fri., Feb. 10th '17 @ 1:53 p.m.

The Public Hearing for this is today at 10:50 a.m. in your LOB Room 104

and so to please read, listen and vote accordingly:

Plus: I see that HB489 at: http://www.gencourt.state.nh.us/bill_status/ that: it "

PASSED/ADOPTED WITH AMENDMENT

" with the " Bill Docket " =

Date	Body	Description
1/12/2017	H	Introduced 01/05/2017 and referred to Ways and Means
1/18/2017	H	Public Hearing: 01/25/2017 11:00 AM LOB 202
2/7/2017	H	Executive Session: 02/02/2017 LOB 202
2/10/2017	H	Committee Report: Ought to Pass with Amendment #2017-0262h (NT) for 02/15/2017 (Vote 21-0; RC) HC 11 P. 31
2/16/2017	H	Special Order to 2/16/2017 Without Objection
2/16/2017	H	Amendment #2017-0262h: AA VV 02/16/2017
2/16/2017	H	Ought to Pass with Amendment 0262h: MA VV 02/16/2017

correction: NOT Fri., Feb. 13th, BUT Fri., Feb. 10th below for this HB489 at page 31 with mention of it in HB415 to repeal the education tax at pages 22-23 and the Amendment at pages 51-2. The Amendment also at: http://www.gencourt.state.nh.us/bill_status/billtext.aspx?sy=2017&txtFormat=amend&id=2017-0262H

So IF this does pass and because I already have a case in the Superior Court dealing with this then that " 3 Effective Date. This act shall take effect 60 days after its passage. " of that I remind you too of Article 37: " [Art.] 23. [Retrospective Laws Prohibited.] Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes, or the punishment of offenses. " of the N.H. Constitution, Part the First & Bill of Rights [<https://www.nh.gov/constitution/billofrights.html>] ought to change to AFTER our Fri., Aug. 25th '17 = 2.5-hour bench trial before Judge Brian Tucker in Merrimack County Superior Court and after his finding, and so to January 1, 2018 would be THE way-to-go. This Commission might like to include either him or Judge Hicks in as one of the two public members or at least invite them each to talk about this.

Yours truly, - - Joe Haas

From: Joseph S. Haas

Sent: Friday, February 10, 2017 1:53 PM

To: dsolomon@unionleader.com; dtuohy@unionleader.com; governorSununu@nh.gov; stephan.hamilton@dra.nh.gov; mcourtney@uptonhatfield.com; reppbs@tlc.net; Dick.Patten@leg.state.nh.us; HouseFinanceCommittee@leg.state.nh.us; HouseWays&MeansCommittee@leg.state.nh.us; HouseJudiciaryCommittee@leg.state.nh.us; greg.hill@leg.state.nh.us; Dan Itse; Harold.French@leg.state.nh.us; Kevin.Avard@leg.state.nh.us; Bob.Giuda@leg.state.nh.us; Dick Marple; HouseLegislativeAdministration@leg.state.nh.us; ckeating@courts.state.nh.us; sarah.blodgett@nh.gov; patricia.heinrich@judcouncil.state.nh.us; lmerrill@courts.state.nh.us; hzibel@courts.state.nh.us; brendap@nhbfa.com; JamesKW@nhbfa.com; MikeD@nhbfa.com; David Carkhuff
Cc: G&C Exec. Sec. Joanne Ruell; jrue@nh.gov; Joseph.Kenney@NH.gov; Andru.Volinsky@nh.gov; represcott@nh.gov; G&C #4-b; David.Wheeler@nh.gov; peter.loughlin@pjllaw.com
Subject: Fw: [The Sununu budget] & more:

RE: <http://www.unionleader.com/state-government/sununu-budget-calls-for-increases-in-spending-on-social-services-education-20170209&source=RSS>

Thank you Dave.

Sununu budget calls for increases in spending on social services, education | New Hampshire

2/21/2017 *me*

Fw: [The Sununu budget] & more - Joseph S. Haas

Fw: [The Sununu budget] & more:

Joseph S. Haas

Fri 2/10/2017 1:53 PM

Sent Items

To: dsolomon@unionleader.com <dsolomon@unionleader.com>; dtuohy@unionleader.com <dtuohy@unionleader.com>; governorSununu@nh.gov <governorSununu@nh.gov>; stephan.hamilton@dra.nh.gov <stephan.hamilton@dra.nh.gov>; mcourtney@uptonhatfield.com <mcourtney@uptonhatfield.com>; reppbs@ttlc.net <reppbs@ttlc.net>; Dick.Patten@leg.state.nh.us <Dick.Patten@leg.state.nh.us>; HouseFinanceCommittee@leg.state.nh.us <HouseFinanceCommittee@leg.state.nh.us>; HouseWays&MeansCommittee@leg.state.nh.us <HouseWays&MeansCommittee@leg.state.nh.us>; HouseJudiciaryCommittee@leg.state.nh.us <HouseJudiciaryCommittee@leg.state.nh.us>; greg.hill@leg.state.nh.us <greg.hill@leg.state.nh.us>; Dan Itse <itsenh@comcast.net>; Harold.French@leg.state.nh.us <Harold.French@leg.state.nh.us>; Kevin.Avard@leg.state.nh.us <Kevin.Avard@leg.state.nh.us>; Bob.Giuda@leg.state.nh.us <Bob.Giuda@leg.state.nh.us>; Dick Marple <armlaw@hotmail.com>; HouseLegislativeAdministration@leg.state.nh.us <HouseLegislativeAdministration@leg.state.nh.us>; ckeating@courts.state.nh.us <ckeating@courts.state.nh.us>; sarah.blodgett@nh.gov <sarah.blodgett@nh.gov>; patricia.heinrich@judcouncil.state.nh.us <patricia.heinrich@judcouncil.state.nh.us>; lmerill@courts.state.nh.us <lmerill@courts.state.nh.us>; hzibel@courts.state.nh.us <hzibel@courts.state.nh.us>; brendap@nhbfa.com <brendap@nhbfa.com>; JamesKW@nhbfa.com <JamesKW@nhbfa.com>; MikeD@nhbfa.com <MikeD@nhbfa.com>; David Carkhuff <david@laconiadiailyson.com>;

Cc: G&C Exec. Sec. Joanne Ruell <gcweb@nh.gov>; jrue@nh.gov <jrue@nh.gov>; Joseph.Kenney@NH.gov <Joseph.Kenney@NH.gov>; Andru.Volinsky@nh.gov <Andru.Volinsky@nh.gov>; represcott@nh.gov <represcott@nh.gov>; G&C #4-b <cpappas@nh.gov>; David.Wheeler@nh.gov <David.Wheeler@nh.gov>; peter.loughlin@pjllaw.com <peter.loughlin@pjllaw.com>;

RE: <http://www.unionleader.com/state-government/sununu-budget-calls-for-increases-in-spending-on-social-services-education-20170209&source=RSS>

Thank you Dave.

Sununu budget calls for increases in spending on social services, education | New Hampshire

www.unionleader.com

CONCORD – Gov. Chris Sununu presented a two-year state budget that provides targeted aid for full-day kindergarten throughout the state, increases aid to charter schools, provides \$35 million in pay and benefit increases to state employees and significant increases for the Department of Corrections and the Department of Health and Human Services.

" JOSEPH S HAAS JR said Friday, February 10, 2017 at 1:49 pm "

Reference: " federal sources " like what? in your paragraph #5; like to subordinate the State to under the belt of "Uncle Sam" again like what the Dept. of Revenue Commissioner * did by not going after Dr./ dentist Elaine Brown, the wife of Ed Brown who didn't pay her State license tax (for her business in Lebanon) and so the Commissioner (with approval from WHO was his Assistant A.G. contact person?) contracted with the Feds for a kickback we never got because the bidder of their Plainfield home only paid so much? That James Hollander of "Hot Grips" motorcycle handles over there who is trying to sell the place but can't. Why not? NOT because of it possibly booby-trapped with land mines, BUT because he paid cash for the whole house on 110 acres (a back lot accessible by a driveway over a neighbor's R.O.W.) but only got a Moiety Title *** to half by the Morsell case of 1875 U.S. ** that prescribes that by the ""elegit" process the creditor AND successor-in-interest who steps into the creditor's shoes can only squeeze the debtor (so-called in this case with-out his CIVIL trial!) to an equal half or "moiety" amount from where to make payments. *** That is IF any Insurance Company would even sell him such a policy, or that any bank would loan to anybody by a mortgage to buy it of all screwed-up like this on a fraud: The Feds telling the buyer that he was buying the whole when they did lie. What should have happened was to "parley" on the "steps" to the place for to determine which half of the freehold, estate of RSA Ch. 480:1-9 (and 511:2) homestead to occupy on temporarily and not "pluck" them off the place and send to separate dungeons and call it an FCI to "correct" but provide no course with classes in this subject matter to learn of their deficiencies that really be for all of us electing these Federal Reps of which one of two is unlawful by the 14th Amendment, Section 2 that she does refuse to Section 5 of how she or the other woman has to go since we cannot vote for our State Judicial officers like the judge Jean K. (Mrs. Peter Hoe) Burling who allowed her Article 82 Court Clerk Muh (see HR18 of 2016 ****) to violate Article 12 ***** by buckling under to that agent of Uncle Sam, Assistant USA Seth Aframe of to send the file to there even without the 28USC636(c)(1) [*] "consent" of BOTH parties in case #2005-C-033 there in Grafton County Superior Court. [**] So when I read of that Sununu is spouting-off about Federal Funds to the rescue, I ask of HOW did Uncle Sam get those in the first place? We ought not to take "blood money" of money from the offending Federalies to us "kin" of our neighbor the Browns who are the victims of Federal Statutes enacted by too many M.O.C.s and thus the laws tainted with unlawfulness and by the N.H. judge edicts for Champerty as an example thus totally void! When is his budget going to House Finance for a Public Hearing? [***] I'd like to give them my "two cents" of NOT to accept any Federal Funds until the State does issue an apology in writing to the Browns by like having a new Revenue Commissar appointed to look into this "Cold Case" and punish the right culprit, being the former Commissioner under his secret agreement on the Federal kickback that never came. He should have taken Dr. Brown to state court. [***] See Vol. 31 HOUSE RECORD No. 11 for today = Fri., February 10th, 2017 @ both page 33 for the FINANCIAL JOINT WITH SENATE FINANCE in Room 210-2112 LOB this next Tue., Feb. 14th at 2:00 p.m. = the Governor's budget presentation; and page 37 on Wed., Feb. 22 in House Ways & Means at 10:00 a.m. = some Revenue Work Session. http://www.gencourt.state.nh.us/house/calijournals/calendars/2017/HC_11.pdf

Yours truly, *Joseph S. Haas* Joe / Joseph S. Haas, P. O. Box 3842, Concord, N.H. 03302, Tel. 413: 438-3820 (cell phone), e-mail: JosephSHAas at Hotmail dot com

cc: The House Finance Committee

<http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H34>

click " Bills Currently in Committee " gets to " HB1 " " Title: making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2018 and June 30, 2019. " Next/Last Hearing: Finance on at " no day and time yet scheduled over at:

"House Finance

Secretary: Janet Clayman
Researcher: N/A

Phone: 271-3165
Location: LOB 210-

Committee Members:

Chairman: Neal Kurk(r)
V. Chairman: Lynne Ober(r)
Clerk: Kenneth Weyler(r)

Email Committee Members
 Bills Currently in Committee
 Bills Originally Referred to Committee
 Mailing list of Committee Members

- Listen to Committee Hearings!
- Mary Allen (r) Karen Umberger (r)
- Timothy Twombly (r) Frank Byron (r)
- J. Tracy Emerick (r) Peter Spanos (r)

- Betsy McKinney (r)
- David Danielson (r)
- David Bates (r)

2/21/2017

Fw: [The Sununu budget] & more - Joseph S. Haas

Erin Hennessey (r)	Steve Vaillancourt (r)	Gerald Griffin (r)
Mary Jane Wallner (d)	Sharon Nordgren (d)	Daniel Eaton (d)
Marjorie Smith (d)	Cindy Rosenwald (d)	Peter Leishman (d)
Thomas Buco (d)	William Hatch (d)	Katherine Rogers (d)
Robert Walsh (d)	Patricia Lovejoy (d)	

footnotes: RSA Ch. 480:1-9 homestead at: <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XLIX-480.htm>
 see also R.S.A. Chapter 511:2 at: <http://www.gencourt.state.nh.us/rsa/html/LII/511/511-2.htm> for the list of exempt items.

-* <http://www.revenue.nh.gov/>

**

Morsell v. First National Bank (full text) :: 91 U.S. 357 (1875)

" <https://supreme.justia.com/cases/federal/us/91/357/case.html>

"The lien arose from the power to issue a writ of *elegit*."

*** see also: Moiety Title at: https://en.wikipedia.org/wiki/Moiety_title

**** http://www.gencourt.state.nh.us/bill_status/ & Article 82 Court Clerk: <https://www.nh.gov/constitution/clerks.html>

***** <https://www.nh.gov/constitution/constitution.html>

[*] <https://www.law.cornell.edu/uscode/text/28/636>

[**] <http://www.courts.state.nh.us/courtlocations/grafsupedir.htm>

P.S. Plus speaking of REVENUE be-it-know that Ed & Elaine Brown did pay their property taxes but who got no "protection" from these "other laws" of the Feds that they never "consent"ed to! Also that of being forced by extortion to have to pay for the unlawful State-Wide School Tax too! both that AND the local tax for education also as outlined by Judge Hicks in the Londonderry case of 2006 + 2009 * (of now over a decade later and my case #16-C-61 in Merrimack County Superior Court ** he ONLY one in the state to take this to the next step by asserting RSA Ch.; 491:22 *** in REFUSING to pay for what be un-lawful!

_* <http://www.courts.state.nh.us/supreme/opinions/index.htm> to both: <http://www.courts.state.nh.us/supreme/opinions/2006/londo103.pdf> of Sept. 8, 2006 and <http://www.courts.state.nh.us/supreme/opinions/2008/londo107.pdf> of Oct. 15, 2008 to be exact, of the latter one decided while that Special Committee of The General Court was to look-into not only adequacy but "accountability" too, but who never did, and now nine years later re-forming in what's described at page 31 of today's HOUSE RECORD Vol. 39, No. 11 for Fri., Feb. 13'17 being the next to last of many bills in The REGULAR CALENDAR PART TWO from page 24 start of this one for WAYS & MEANS (#12 of 12 committees for that day) to vote on:

"HB 489, establishing a commission to study the tax structure of the state. OUGHT TO PASS WITH AMENDMENT. Rep. Gary Azarian for Ways and Means. This bill establishes a commission to study the tax structure of the state with the purpose of developing changes to state tax laws in order to reduce the burden on property taxes under the current tax structure. The tax structure of NH is very complex. Being without a sales or income tax is what makes, and will continue to make, NH unique. The state garners its revenues from many different sources. This bill as amended establishes a commission to study adaption of the tax structure of the state to economic and demographic change. The commission shall evaluate the taxes and other revenue sources that provide the most revenue to the state with regard to their ability to foster or impede the goals of growth and to attract and retain the young people needed to reverse current demographic trends that threaten such growth. The commission shall make proposals to adapt the state's tax structure to these needs as it sees fit. The committee unanimously supports this bill as amended. Vote 21-0.

" http://www.gencourt.state.nh.us/bill_status/ "

Next/Last Hearing: 01/25/2017 at 11:00 AM LOB Room 202

" in WAYS & MEANS [*] " SPONSORS: Rep. P. Schmidt, Straf. 19; Rep. Patten, Merr. 17 " New Subdivision; Tax Structure of State; Commission Established. Amend RSA 76 by inserting after section 21 the following new subdivision: " / " <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-V-76.htm> under the heading or title of: "

CHAPTER 76: APPORTIONMENT, ASSESSMENT AND ABATEMENT OF TAXES

" and I see: " I. The members of the commission shall be as follows: " includes: " (g) The commissioner of the department of revenue administration, or designee." but that as I've already written of the former Commissioner a crook and the current one in violation of RSA Ch. 198:4-a, III <http://www.gencourt.state.nh.us/rsa/html/xv/198/198-4-a.htm> = " III. The commissioner of revenue administration shall examine such certificates and delete any appropriation which is not made in accordance with the law,

" as in those MS22 forms from the S.A.U.'s wanting the State to set a Tax Rate for to tax the real estate for to subsidize ALL the students in the local school "district" when only ___% of whom are in "need" of subsidization; reference Article 38 of the "frugality" clause in our N.H. Constitution, Part the First & Bill of Rights [

<https://www.nh.gov/constitution/billofrights.html>] that this Commissioner John T. Beardmore [<http://www.revenue.nh.gov/about-us/index.htm>] has chosen, in the Executive branch of government to indefinitely suspend as against Article 29 in that "ought" not to be, in the same Part the First for which he should be RSA Ch. 92:2

"forthwith dismissed" [<http://www.gencourt.state.nh.us/rsa/html/VI/92/92-2.htm>] as in violation of his Article 84 [<https://www.nh.gov/constitution/oaths.html>] oath of office! and in that the word "ought" is not just should, but ion this case beyond that of a shall or must in the mandatory, but that of a duty to do. My case #61 recently motioned to amend to include him and Gov. Sununu as co-defendants, of Chris for having been, as an Executive Councilor [<https://www.nh.gov/council/>] in violation of his oath too for not giving his Article 5, Part the Second "advice and consent" to either agree with Judge Hicks et als or not [

<https://www.nh.gov/constitution/formofgov.html>] to Beardmore of BEFORE he has Stephan W. Hamilton there send out those Education Tax Warrants to all the cities and towns in this state . Noting that the Assessing Standards Board (under this word "ASSESSMENT" here is by pages 31, 37 + 39 having their Regular Meetings @ 9:30 a.m. in LOB Room 303 each Fridays, Feb. 10, Feb. 24 + March 24th; plus to also note that from past experience to they only define such word "assessing" to that of only appraising, and put little effort, if any, into that of the taxing part of the definition of the word of to assess or tax. See also: " (c) Two members, appointed by the governor, with expertise in business, economics, or municipal governance. " and so I nominate Attorney Peter J. Laughlin <http://pillaw.com/> "

Leonard Cotton House

Strawbery Banke

144 Washington Street

Portsmouth, NH 03802-1111

Phone: (603)431-6466"

e-mail: _____ if he will accept the assignment as one of the two "public members"; + maybe another attorney "public member" Andru Volinsky [

<https://www.nh.gov/council/districts/d2/index.htm>] or if he or they are too busy, of maybe somebody they might recommend, of see also: " II. The commission shall also include input and assistance from other individuals and public and private organizations, as it deems relevant, to consider local and regional issues impacted by the property tax." of notice the restriction or limit to "input" of not to that of any G&A; + " IV. The commission shall study the tax structure of New Hampshire with the purpose of developing changes to state tax laws in order

to reduce the burden on property taxes under the current tax structure. " or just to have the Executive Councilors DO their job of to advise of to give BOTH "advice and consent" to the Commissioner to have his people assigned to reach region of the state to see to it that ONLY those people in the poverty classification be put into the MS22 form by the local SAUs getting their data from the local school "district" be territorial in nature of applicable to the in personal and not in rem, of to this bill those who can afford it the tuition and subsidize the rest by that of having them apply to The N.H. Charitable Foundation [<https://www.nhcf.org/>] = a PRIVATE outfit to where to where we can give (contribute or donate) OR loan of t lend to those in "need" as per Deuteronomy 15:7+8 [<http://biblehub.com/deuteronomy/15-7.htm>] since by Article 6, Part 1st:

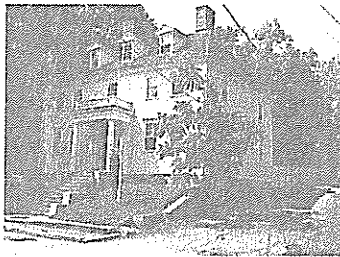
<https://www.nh.gov/constitution/billofrights.html> " But no person shall ever be compelled to pay towards the support of the schools of any sect or denomination. " of it a known fact that ALL government school teachers are either members of The N.E.A. or subject to them as Ministers of the Religion of Secular Humanism (Torcaso v. Watkins, U.S. Supreme Court https://en.wikipedia.org/wiki/Torcaso_v._Watkins see Content #3, footnotes #4,5+6) so as to avoid that as found in Article 83, Part 2 <https://www.nh.gov/constitution/it.html> = "Provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools of institutions of any religious sect or denomination. "



Torcaso v. Watkins - Wikipedia

en.wikipedia.org

Torcaso v. Watkins, 367 U.S. 488 (1961) was a United States Supreme Court case in which the court reaffirmed that the United States Constitution prohibits States and ...



Peter J. Loughlin, Esquire Loughlin Law Office - Home

pjljlaw.com

After serving as Portsmouth City Attorney for 7 years, Peter Loughlin's practice has continued to be exclusively in the area of municipal law.

Peter B. Schmidt : PO Box 1468 , Dover, NH , 03821-1468

" (d) " Phone: (603)743-3751 " Email: reppbs@ttlc.net " 8th term in the NH House " consecutive? 8 x 2 = 16 years; (on that 2008 Commission nine years ago?) " Represents Dover Wards 1 and 2 " on ED&A " Executive Departments and Administration " <http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H07> " US Marine Corps (1956-58)" from Illinois. [<http://www.gencourt.state.nh.us/house/members/member.aspx?member=376521>] & "

Dick W. Patten : 30 Pinewood Trail , Concord, NH , 03301-5247

" (r) " Email: Dick.Patten@leg.state.nh.us"

4th term in the NH House

" consecutive? 4 x 2 = 8 years; (so NOT on that 2008 Commission nine years ago?) " Represents Concord, Ward 8 " on The House "

Transportation

" Committee [<http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H27>] " NH State Grange (state historian, 1998-)"

-** <http://www.courts.state.nh.us/courtlocations/merrsupedir.htm>

*** <http://www.gencourt.state.nh.us/rsa/html/LI/491/491-22.htm> " The taxpayers of a taxing district in this state shall be deemed to have an equitable right and interest in the preservation of an orderly and lawful government within such district; therefore any taxpayer in the jurisdiction of the taxing district shall have standing to petition for relief under this section when it is alleged that the taxing district or any agency or authority thereof has engaged, or proposes to engage, in conduct that is unlawful or unauthorized, "

[*] " <http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H28> "

"House Ways and Means

Secretary:	Karen Karwocki	Phone:	271-3529
Researcher:	Jennifer Foor	Location:	LOB 202
Committee Members:		Email Committee Members	
Chairman:	Norman Major(r)	Bills Currently in Committee	
V. Chairman:	Patrick Abrami(R)	Bills Originally Referred to Committee	
Clerk:	Gary Azarian(r)	Mailing list of Committee Members	

- "
- Mary Griffin (r) Jordan Ulery (r) Russell Ober (r)
- Bill Ohm (r) John Manning (r) Arthur Barnes (r)
- Marc Abear (r) Charlie Burns (r) Timothy Lang (r)
- Susan Almy (d) Richard Ames (d) Paul Henle (d)
- Thomas Southworth (d) Christopher Herbert (d) Robert Theberge (r)
- Dennis Malloy (d) Joelle Martin (d) Edith Tucker (d)

"
" Listen to Committee Hearings!

" but HB489 not listed.

P.S. #2 See also:

(a) today's HOUSE RECORD, page 34 for Judiciary, [<http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H10>] and this next Tuesday, February 14th @ 1:00 p.m. for a number of bills in "Executive session" including: " HB 174, limiting jurisdiction of the superior courts over certain adequate education statutes and adequate education grants; " http://www.gencourt.state.nh.us/bill_status/ " SPONSORS: Rep. Hill, Men. 3; Rep. Iisc, Rock. 10; Sen. French, Dist 7; Sen. Avard, Dist 12; Sen. Giuda, Dist 2 " regarding: " distributions made pursuant to the provisions of RSA 198; " (see above, for 198:4-a,III to be exact) and so a copy likewise going to: <http://www.gencourt.state.nh.us/house/members/member.aspx?member=376948> , <http://www.gencourt.state.nh.us/house/members/member.aspx?member=376357> , + http://www.gencourt.state.nh.us/Senate/members/senate_roster.aspx since I did not attend that: Wednesday "

Next/Last Hearing: 01/18/2017 at 02:30 PM LOB Room 208

" but will try to attend:

in House " Legislative Administration" <http://www.gencourt.state.nh.us/house/committees/committeedetails.aspx?code=H12> reference today's HOUSE RECORD @ page 36 for Tue., Feb. 21st @ 10:50 a.m. (to 11:10 = 20 minutes allotted) in LOB Room 104

"HB429 " relative to the authority of the judiciary to review provisions of certain education statutes. " with the same Prime and co-sponsors as abover and foir:

This bill asserts:

I. That any determination made regarding adequate public education shall be conclusively presumed to be a policy decision entirely within the competence of the legislature and is not subject to review by any court.

II. That any distribution of funds from the education trust fund shall be conclusively presumed to be in furtherance of a policy decision within the competence of the legislature and is not subject to review by any court.

" of it thus for a continuation of that 2008 dis-banded Nov. 15, 2008 Commission that DID get into the "adequacy" issue BUT that of NOT having dealt with the "accountability" issue of WHO to pay WHOM of that already decided by the N.H. Supreme Court in Vol. 55 N.H. REPORTS 503 @ page 505 (1875) in the Brentwood School District No. 2 case of to ONLY subsidize the poor parents of the poor children. Reference what Rose& Milton Friedman echoed in Chapter 5 of their best-selling book (c)_ 1980 entitled: "Free to Choose" and that also became an award-winning T.V. series too, both of which I did read and watch back then and have been fighting this Secular Humanism ever since 1978 of first paying my property taxes under protest for a return that never came, and so to that of the bank ("First Bank" of Meredith, N.H.) paying it for me and adding it to my mortgage as NOT in the contract as the Town of Ashland thus having been over-paid and so no property taxes to them in 1981-84 resulting in the 1984 Tax Sale of when the Town sucked out my rents (of me the landlord for the corporation) of then at \$15,000 a year for 4 years (1984-88) when we won a quitclaim deed from the Town with CONTRACT of that since "they" (Town and bidder Pare) got \$60,000 (\$15,000 x 4) take away \$17,500 in what would have been the tax -- then \$42,500 contracted for to return but that was never paid! [a violation of Article I, Section 10 of the United States Constitution!] as protested by us to the 1992 N.H. Supreme Court MEMORANDUM Opinion, of in-complete with-OUT the Court Clerk Howard Zibel having processed the "Notice of Errors" in-effect suspending our "due process" rights (against Article 29) of which this Legislative Administration Committee did LIE (as too lazy to check it out) of what I said of contesting such within the past 20+ years of in-effect them applying the "Adverse Possession" way of putting on blinders to my actions like what started this with the Champerty charge of there was a posting of the other property in dispute but that they closed their eyes to that too, so WHEN this gets to them of to look back over a century to this 1875 case I expect a written apology from the 10 of 14 of them on HJR2 before proceeding with this House Bill 429. See also my e-mail to Dick Marple yesterday @ 1:06 p.m. of my reply to that John Wayne video, to maybe send to you later. This enough for now.

"House Legislative Administration

Secretary:	Heather Ebbs	Phone:	271-3125
Researcher:	Pam Smarling	Location:	LOB 104
Committee Members:			Email Committee Members
Chairman:	Richard Hinch(r)		Bills Currently in Committee
V. Chairman:	Sherman Packard(r)		Bills Originally Referred to Committee
Clerk:	Robert Nigrello(r)		Mailing list of Committee Members

Phyllis Katsakiores (r)	Brad Bailey (r)	Kathleen Hoelzel (r)
Douglas Thomas (r)	Skylar Boutin (r)	Dianne Schuett (d)
Lucy Weber (d)	Timothy Smith (d)	Armand Forest (d)
Allison Nutting (d)	Joseph Stallcop (d)	

"

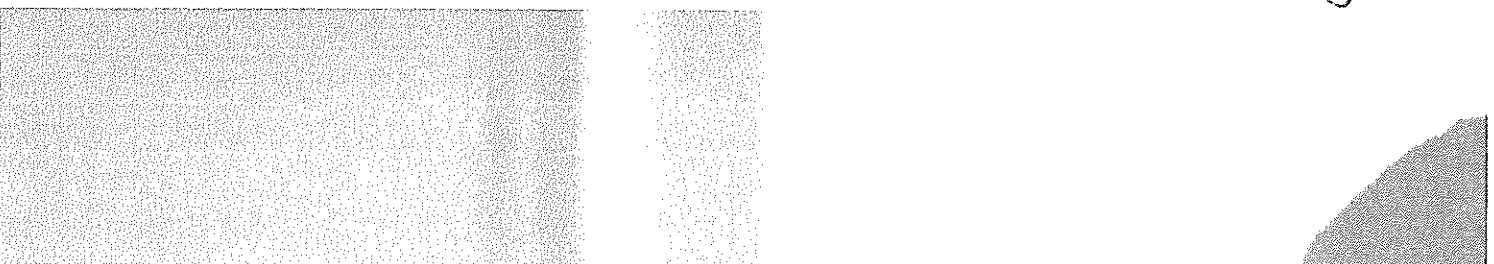
"

{State Government

February 09, 2017 2:16PM

Handwritten signature

Handwritten initials JS/10



Bill as
Introduced

HB 429 - AS INTRODUCED

2017 SESSION

17-0338
04/09

HOUSE BILL **429**

AN ACT relative to the authority of the judiciary to review provisions of certain education statutes.

SPONSORS: Rep. Hill, Merr. 3; Rep. Itse, Rock. 10; Sen. French, Dist 7; Sen. Avard, Dist 12; Sen. Giuda, Dist 2

COMMITTEE: Legislative Administration

ANALYSIS

This bill asserts:

I. That any determination made regarding adequate public education shall be conclusively presumed to be a policy decision entirely within the competence of the legislature and is not subject to review by any court.

II. That any distribution of funds from the education trust fund shall be conclusively presumed to be in furtherance of a policy decision within the competence of the legislature and is not subject to review by any court.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to the authority of the judiciary to review provisions of certain education statutes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Adequate Public Education; Policy and Purpose. Amend RSA 193-E:1 by
2 inserting after paragraph II the following new paragraph:

3 III. Every determination made under authority of this chapter shall be conclusively
4 presumed a policy decision entirely within the competence of the legislature and shall be
5 incontestable and not subject to review by any court.

6 2 Education Trust Fund Created and Invested. Amend RSA 198:39 to read as follows:
7 198:39 Education Trust Fund Created and Invested.

8 I. The state treasurer shall establish an education trust fund in the treasury. Moneys in
9 such fund shall not be used for any purpose other than to distribute adequate education grants to
10 municipalities' school districts and to approved charter schools pursuant to RSA 198:42, to provide
11 low and moderate income homeowners property tax relief under RSA 198:56-198:61, and to fund
12 kindergarten programs as may be determined by the [~~general—court~~] *legislature*. *Any*
13 *distribution made under authority of this chapter shall be conclusively presumed to be in*
14 *furtherance of a policy decision within the competence of the legislature and shall be*
15 *incontestable and not subject to review by any court.*

16 II. The state treasurer shall deposit into this fund immediately upon receipt:

17 (a) Funds certified to the state treasurer by the commissioner of revenue administration
18 pursuant to RSA 77-A:20-a, relative to business profits taxes.

19 (b) Funds certified to the state treasurer by the commissioner of revenue administration
20 pursuant to RSA 77-E:14, relative to business enterprise tax.

21 (c) Funds collected and paid over to the state treasurer by the commissioner of revenue
22 administration pursuant to RSA 78-A:26, III relative to the tax on motor vehicle rentals.

23 (d) Funds collected and paid over to the state treasurer by the department of revenue
24 administration pursuant to RSA 78:32, relative to tobacco taxes.

25 (e) Funds certified to the state treasurer by the commissioner of revenue administration
26 pursuant to RSA 78-B:13, relative to real estate transfer taxes.

27 (f) Funds collected and paid over to the state treasurer by the department of revenue
28 administration pursuant to RSA 83-F:7, I, relative to the utility property tax.

29 (g) [Repealed.]

30 (h) All moneys due the fund in accordance with RSA 284:21-j, relative to sweepstakes

HB 429 - AS INTRODUCED

- Page 2 -

1 and the lottery.

2 (i) Tobacco settlement funds in the amount of \$40,000,000 annually.

3 (j) The school portion of any revenue sharing funds distributed pursuant to RSA 31-A:4
4 which were apportioned to school districts in the property tax rate calculations in 1998.

5 (k) Any other moneys appropriated from the general fund.

6 ~~[II.]~~ III. The education trust fund shall be nonlapsing. The state treasurer shall invest that
7 part of the fund which is not needed for immediate distribution in short-term interest-bearing
8 investments. The income from these investments shall be returned to the fund.

9 3 Effective Date. This act shall take effect 60 days after its passage.