

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 [H.] **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.