

State of New Hampshire HOUSE RECORD

**First Year of the 156th Session of the General Court
Calendar and Journal of the 1999 Session**

Web Site Address: www.state.nh.us

Vol. 21 Concord N.H Tuesday, June 8, 1999 No. 60

Contains: Additional Scheduling, Additional Report, House Resolution 12 and Additional Amendments.

HOUSE CALENDAR

WEDNESDAY, JUNE 9

ADDITIONAL COMMITTEE REPORT

FINANCE

HB 684, allowing the department of health and human services to accept and expend federal reimbursement funds. OUGHT TO PASS WITH AMENDMENT

Rep. Neal M. Kurk for Finance: The amendment replaces the bill. The amendment provides for supplemental appropriations to the Department of Health and Human Services for FY 99 to deal with shortfalls in several accounts. These include (1) additional provider payments for hospital, medical and pharmaceutical products and services for people on Medicaid; (2) additional payments for court-ordered placements of children in foster and residential care; and (3) additional payments for departmental computer and data services provided by Administrative Services. The cost of these appropriations is partially offset by additional federal funds for covered services provided by the department in prior years and by reductions in personnel services

and benefits. These appropriations are necessary so that providers and others may be promptly paid.

Finally, the amendment also provides for increased contributions to retired state employees' health insurance premiums which have risen faster than anticipated.

The net cost to the general fund of this amendment is approximately \$7.6 million. Vote 20-1.

HOUSE RESOLUTION 12

1999 SESSION

99-1049

09/01

HOUSE RESOLUTION 12

A RESOLUTION requesting an opinion of the justices on the constitutionality of HB 536, as amended.

SPONSORS: Rep. Hess, Merr 11; Rep. Bradley, Carr 8

COMMITTEE:

ANALYSIS

This house resolution requests an opinion of the justices on the constitutionality of HB 536, as amended, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

A RESOLUTION requesting an opinion of the justices on the constitutionality of HB 536, as amended.

Whereas, there is presently pending before the House of Representatives HB 536, as amended by document number 1999-1063h, authorizing municipalities to exempt from the local property tax personal property employed in the generation and production of electric power; and

Whereas, section 2 of HB 536 as amended provides that the governing body of a town or city may make the determination to exempt from local property taxation so much of the equipment for the generation and production of electric power and for such a term of years as the governing body determines will attract new construction of electric generation facilities, retain existing electric generation facilities, or foster economic development; and

Whereas, section 2 of HB 536 as amended further provides that the determination, including but not limited to the fair market value of the equipment exempted, the term of the exemption, any agreement for payment of taxes, and/or any agreement for payment in lieu of taxes, shall be subject to approval of the legislative body of the municipality; and

Whereas, legislation proposing new tax exemptions should be scrutinized to determine its constitutionality; now, therefore, be it Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion on the following questions of law:

1. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate constitutional requirements of uniformity and equality governing the assessment and collection of property taxes and the constitutional

prohibition against authorizing gifts to corporations organized for profit, as provided by part II, article 5 of the New Hampshire constitution?

2. Do the provisions of HB 536 as amended, which exempt from local property taxes so much of the equipment for the generation and production of electric power and for such a term of years as may be determined by the municipality, violate the constitutional provision 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 under part I, article 10 of the New Hampshire constitution?

3. Is the classification of taxable property provided for in HB 536 as amended based on a reasonable distinction which promotes a proper object of public welfare and does not require any taxpayer to pay more than his or her fair share of the tax burden as required by part I, article 12 of the New Hampshire constitution?

That the clerk of the House of Representatives transmit copies of this resolution and copies of HB 536, as amended by document number 1999-1063h, to the justices of the New Hampshire supreme court.

COMMITTEE MEETING
THURSDAY, JUNE 10

CHILDREN AND FAMILY LAW, Room 206, LOB

10:00 a.m. Executive session on pending legislation.

WEDNESDAY, JUNE 9
ADDITIONAL AMENDMENTS

1999-1504h

Amendment to HB 684
Proposed by the Committee on Finance

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

AN ACT making adjustments to the fiscal year 1999 budget for the department of health and human services.

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

- 1 Funds Lapsed; Department of Health and Human Services. Notwithstanding any other provision of law, the following amounts shall lapse to the general fund from the department of health and human services.
- I. \$558,317 in state fiscal year 1999 from PAU 05-01-03-02-05, class 000, revenue account 3881 (Federal Funds, Title IV-E, Foster Care).
- II. \$939,137 in state fiscal year 1999 from PAU 05-01-03-02-05 class 000, revenue account 0230 (Federal Funds, Title XIX, Medicaid).
- III. \$3,944,108 in state fiscal year 1999 from PAU 05-01-02-04-10, class 000, revenue account 3951 (Federal Funds, Medicaid System Certification).
- 2 Supplemental Appropriations. In addition to any other sums for the fiscal year ending June 30, 1999, the following appropriations and charges are hereby authorized for the following departments and agencies. Said appropriations shall be a charge against the funds as specified in the individual appropriation:

FY 1999

05 Health and Social Services

01 Dept of Health and Human Services

04 Div of Human Services

04 Financial Grants

05 Medical Grants

Provider Payments 19,648,718

Total 19,648,718

Estimated Source of Funds For Medical Grants

00 Federal Funds 9,824,343

05 Private Local Funds (290,671)

09 Agency Income 3,198,242

General Fund 6,916,804

Total 19,648,718

05 Health and Social Services

01 Dept of Health and Human Services

04 Division of Human Services

04 Financial Grants

06 Nursing Services

90 Nursing Services (386,992)

91 Home Nursing Services (124,683)

93 Other Nursing Services (508,341)

95 Mid Level Care (375,000)

Total (1,395,016)

Estimated Source of Funds For Nursing Services

00 Federal Funds (675,057)

05 Private Local Fund (4,441,226)

General Fund 3,721,267

Total (1,395,016)

01 General Government

10 NH Retirement System

02 State Contributions

92 Retirees Health Insurance 3,250,000

Total 3,250,000

Estimated Source of Fund for State Contributions

General Fund 3,250,000

Total 3,250,000

05 Health and Social Services

01 Dept of Health and Human Services

03 Division of Children Youth and Families

02 Bureau of Children's Services

05 DCYF – Settlement Services

90 Foster care IV-E 893,183

93 Residential 1,785,882

Total 2,679,065

Estimated Source of Funds For Settlement Services

00 Federal Funds 4,073,667

05 Private Local Funds (348,228)

General Fund (1,046,374)

Total 2,679,065

05 Health and Social Services

01 Dept of Health and Human Services

09 Office of Information Systems

01 Management Systems

29 Transfers to Data Center 2,500,000

Total 2,500,000

Estimated Source of Funds For Management Systems

00 Federal Funds 1,250,000

General Fund 1,250,000

Total 2,500,000

3 Personnel Appropriations and Reductions; General Fund Appropriation Reduction; Health and Human Services. Amend 1997, 350:10, I to read as follows:

I. The commissioner of the department of health and human services shall provide the commissioner of the department of administrative services a list of general fund reductions for permanent, temporary, and unclassified personnel services and related fringe benefits on July 31, 1997, and for whatever period is necessary to result in a total general fund appropriation reduction of \$3,250,000 in each year of the biennium ending June 30, 1999. ***The commissioner of the department of health and human services shall provide the commissioner of administrative services with a list of additional reductions of \$1,250,000 for the fiscal year ending June 30, 1999.*** Such reductions shall limit the aggregate number of permanent,

temporary, and unclassified positions in pay status to those in aggregate positions funded by remaining appropriations in the department of health and human services. Upon receipt of the commissioner's list, the commissioner of the department of administrative services shall make the appropriate reductions.

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

AMENDED ANALYSIS

This bill makes adjustments to the budget for the department of health and human services for fiscal year 1999.

1999-1485h

Corrected Committee Amendment to SB 176-FN-A

Proposed by the Committee on Health, Human Services and Elderly Affairs

Amend the bill by replacing section 2 with the following:

2 Appropriation. The sum of \$500,000 is hereby appropriated, for the fiscal year ending June 30, 2000, to the department of health and human services, for the purposes of this act. The governor is authorized to draw a warrant for said sum from any moneys in the treasury not otherwise appropriated.

AMENDED ANALYSIS

This bill makes an appropriation of \$500,000, from the general fund to the department of health and human services to provide technology support, assistive devices, information, and training programs to individuals with disabilities.

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Vol. 21 Concord N.H. Wednesday, June 9, 1999 No. 60A

Contains: Additional Committee Report and Floor Amendment.

ADDENDUM TO HOUSE CALENDAR

WEDNESDAY, JUNE 9

ADDITIONAL COMMITTEE REPORT

MUNICIPAL AND COUNTY GOVERNMENT

HB 745-L, authorizing the town of Ashland to call a special meeting for the purpose of raising money to address a general fund deficit. OUGHT TO PASS

Rep. Betsey L. Patten for Municipal and County Government: During an audit of the Town of Ashland a general fund deficit was discovered. In order to avoid receivership, the selectmen requested through their Representatives and Senator, the General Court to allow them to hold a special meeting without seeking court permission. The committee voted unanimously OTP. Vote 16-0.

WEDNESDAY, JUNE 9

FLOOR AMENDMENT

1999-1511h

Floor Amendment to HB 744

Proposed by Rep. Millham

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

AN ACT ratifying the Plainfield Village Water District annual meeting held on March 27, 1999, and the Gilford School District annual meeting held on March 17, 1999.

Amend the bill by inserting after section 1 the following and renumbering the original section 2 to read as 3:

2 Ratification of the March 17, 1999 Gilford School District Annual Meeting. All acts, votes, notices, and proceedings of the Gilford School District annual meeting held on March 17, 1999 and the related public hearing held on February 11, 1999 are hereby legalized, ratified, and confirmed.

AMENDED ANALYSIS

This bill ratifies all acts, votes, notices, and proceedings of the Plainfield Village Water District annual meeting held on March 27, 1999.

This bill also ratifies all acts, votes, notices, and proceedings of the Gilford School District annual meeting held on March 17, 1999.