

State of
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HOUSE RECORD

First Year of the 156th Session of the General Court

Calendar and Journal of the 1999 Session

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Contains: Member's Notice and Additional Reports and Amendments for Tuesday, June 22.

HOUSE CALENDAR

TUESDAY, JUNE 22

CONSENT CALENDAR – PART II

FINANCE

HB 224-FN-A, establishing a joint committee on code enforcement and appropriating funds for hiring fire investigators in the division of fire safety. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill establishes a joint committee on code enforcement. It also would have established two new fire investigators in the Division of Fire Safety, at a cost of \$270,000 in general funds for the biennium. The committee amendment removes the two new positions and the appropriation; since given the current budget situation, the committee is unable to support this appropriation at this time. Vote 18-0.

HB 297-FN, permitting a jury trial in the superior court for alleged violations of the state law against discrimination for a certain time period or with the written assent of the commission for human rights after an action has been filed with the commission. RE-REFER TO COMMITTEE

Rep. Susan W. Almy for Finance: This bill as amended by the policy committee allows both claimants and employers to remove discrimination complaints from the Commission for Human Rights after only three months. Since the average time to issue a decision (reduced two-thirds in recent years) has stabilized at 12-15 months, the Finance Committee felt that this would result in nearly all discrimination cases going to the court system. The bill was re-referred to get better information on the costs and

on effects of changing the time period. Vote 19-0.

HB 417-FN-A, relative to the rehabilitation of the Walker building at New Hampshire hospital and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Robert E. Clegg for Finance: **This bill would appropriate \$340,000 of general funds for design work to rehabilitate the Walker building on the state hospital campus.** In light of the state's pressing financial needs at this time, the Committee felt it should delay considering this bill until next year. Vote 16-0.

HB 498-FN, establishing a special education catastrophic aid fund and relative to exempting certain unexpected catastrophic special education expenses from the provisions of the municipal budget law. INEXPEDIENT TO LEGISLATE

Rep. Avis B. Nichols for Finance: **This bill would establish a \$2 million special education catastrophic aid fund.** It would also exempt certain unexpected catastrophic special education expenses from the municipal budget law. The Committee felt that the special education catastrophic aid fund was not needed, as school districts can borrow for these unanticipated expenses in advance of state reimbursement. The exemptions from the municipal budget law are taken care of in HB 577, which the Committee has recommended for passage. As a result, this bill is no longer needed. Vote 16-0.

HB 577, relative to the power of a school district to expend catastrophic special education funds and relative to the exemption of certain unexpected catastrophic special education expenses from the provisions of the municipal budget law. OUGHT TO PASS WITH AMENDMENT

Rep. Norman L. Major for Finance: This is a technical corrections bill. As amended, it authorizes a school district to expend funds reflecting the total catastrophic special education costs for pupils in the district and provides that certain catastrophic special education expenses which could not be identified or anticipated prior to the adoption of the school district budget shall be exempt from the provisions of the municipal budget law. The bill also clarifies the costs and the Department of Education liability for the cost of the school district borrowing relative to these special education funds. No additional general funds are involved. Vote 17-0.

HB 618-FN-A, establishing a voucher program for smoking cessation and continually appropriating a special fund. RE-REFER TO COMMITTEE

Rep. Robert K. Boyce for Finance: This bill is not the first nor certainly the last seeking to allocate funds from the tobacco settlement. It sought to reserve a portion of the tobacco settlement money for a smoking cessation program. While the Committee felt this may be an appropriate use of these funds, since this money will most likely not be received until sometime next year it seems logical to re-refer this so that it can be considered along with other proposals which are sure to follow. Vote 23-0.

HB 630-FN-L, relative to the Skyhaven airport transfer plan. RE-REFER TO COMMITTEE

Rep. Paul J. Dwyer, Sr. for Finance: This bill would transfer the Skyhaven state airport to the city of Rochester. Due to time constraints and the overwhelming Finance Committee agenda this year, Division I felt it needed more time to address this matter. Vote 19-0.

HB 694-FN, relative to prevention and prohibition of MTBE contamination of drinking water, wells, and surface and groundwater resources. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Finance: This bill relates to the study and control of methyl t-butyl ether (MBTE), a controversial gasoline additive. The House passed SB 70 last week, a slightly amended version of this bill with the fiscal impacts removed, and the policy committee has requested that we find this now-redundant bill Inexpedient to Legislate. Vote 17-0.

HB 699-FN-A, establishing the granite state scholars program and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: This bill establishes a Granite State Scholars Program which recognizes highly qualified high school graduates by providing them with incentive grants to pursue degrees at the state's public colleges. Private funds raised by the public institutions will be matched with state funds and together will be the source of student grants. **The bill calls for general fund appropriations of \$5 million for each year of the biennium.** The state's financial participation would end when it had contributed a total of \$25 million. In view of the shortage of state revenues to fund primary and secondary education pursuant to HB 117, the Committee cannot recommend passage at this time. Re-referring the bill will give

the Committee the opportunity to consider other possible funding sources. Vote 16-0.

SB 37-FN, relative to fees for testing of domestic animals for disease. OUGHT TO PASS

Rep. Margaret A. Lynch for Finance: This bill requires fees for testing of domestic animals to include the costs of mileage, hourly wage and lodging be paid to the Department of Agriculture, Markets and Food. There is no impact on the general fund as the fees are paid by those using the service. Vote 19-0.

TUESDAY, JUNE 22

REGULAR CALENDAR

FINANCE

HB 25-FN-A, making appropriations for capital improvements. OUGHT TO PASS WITH AMENDMENT

Rep. Kenneth L. Weyler for Finance: This is the capital budget bill. The Public Works and Highway Committee had done a fine job of reviewing requests to keep from exceeding the Treasurer's recommendation of \$50 million in general fund bonding.

Changes made by the Finance Committee were to extend bonding authority on ten projects approved in previous budgets, but about to lapse due to delays. Many of these requests arrived after Public Works' action on the bill.

The Department of Education expressed difficulty in accomplishing mandates from HB 117 without more information technology spending. **The committee added \$265,550 to their capital budget by reclassifying Department of Safety budget to highway funds. There was also a \$75,000 increase in Fish and Game bonding at the department's request.** Vote 15-0.

HB 279-FN-A, relative to refinancing the cost and rehabilitation of the Cheshire Bridge. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance This bill suggests refinancing the cost and rehabilitation of the Cheshire Bridge by abolishing the tolls used to pay off \$2,000,000 bonded indebtedness and authorizing bond payments from a special account established in the highway fund. Although the elimination of the toll collection is likely to have a positive economic impact on Charlestown and surrounding towns, the Finance Committee along with Public Works and Highways needs to determine the 4-to-1 federal match implications which would result from utilizing the gas tax funds towards bridge payments instead of using them for the federal match. **The use of \$2 million in gas tax funds over 5 years is likely to cause the loss of \$8 million in federal matching funds.** Moreover, the committee needs to consider the impact of the precedent set by this bill. Time is needed to get answers to these important questions. Vote 13-3.

HB 303-FN-A, relative to the preservation of and access to legislative records and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Charles L. Vaughn for Finance: This bill is the result of a study committee (HB 111, Chapter 36:1, Laws of 1998). It requires the Division of Records Management and Archives, Department of State, to preserve legislative committee records, and appropriates general funds for equipment and other costs.

The study committee reviewed present procedures for receiving, storing and accessing our historical legislative records, reviewed various technologies, costs, durability and processes with many consultants, information system managers and others for accomplishing this task. The implementation and cost of the recommended preservation and electronic access plan is included in this bill. **With the sponsor's approval, we are recommending that this bill be re-referred to allow investigation of other methods of funding the \$140,000 cost.** Vote 17-2.

HB 553-FN-A, establishing a commission on the status of men, and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Robert K. Boyce for Finance: **This bill would require \$45,000 per year which is not in the budget.** The committee amendment removes the appropriation but leaves in the ability for the commission to accept and expend gifts or grants. Vote 17-2.

HB 617-FN-A-L, relative to funding and monitoring seacoast harbor issues. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: The committee has attempted to deal with the important harbor dredging and pier maintenance issues in this bill. Unfortunately time pressures have not allowed us to settle these issues and re-referral will give us the time to give these issues the full attention they deserve. The studies contained in this bill have been placed in HB 2. Vote 17-0.

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

Rep. Jeffrey C. MacGillivray for Finance: This bill establishes a mercury emissions reduction and control program. The committee enthusiastically supports the provisions of this bill as they apply to the Penacook incinerators, since these will have no general fund impact. The committee was unwilling to fund 100% of the cost of the mercury emissions reduction equipment at the Claremont incinerator **(this would have cost over \$170,000 per year for 5 years)**, and was unable to determine what fraction the state should pay or whether Part 1, Article 28-a would apply. The committee amendment postpones the applicability of the new state mercury emissions standard for the Claremont incinerator until it is subject to a new federal standard which appears to be in the pipeline, and eliminates the now-unnecessary grant program. This will also allow additional time to examine additional options. There is no financial impact to the general fund in this bill as amended. Vote 18-0.

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. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill transfers the regulation of emergency medical services from the Department of Health and Human Services to the Department of Safety. This transfer has been studied for several years and is supported by all relevant parties. All costs and appropriations of the division, previously budgeted under the Department of Health and Human Services **are being transferred to the Department of Safety, so the only increased cost is due to converting the new division director from a classified employee to an unclassified employee.**

The committee amendment completes the original intention of the bill to place all operating fees and operating revenues generated by this division in the general fund. Vote 15-0.

HB 649-FN, relative to nitrogen oxide emissions from electricity generation. OUGHT TO PASS WITH AMENDMENT

Rep. Jeffrey C. MacGillivray for Finance: This bill relates to air pollution emissions of nitrogen oxides from small power plants. There is no cost to the general fund, only the collection of funds for a dedicated fund. The committee amendment simplifies the dates on which charges collected change, and eliminates the collection of charges until January 1, 2000. Vote 17-0.

HB 669-FN, relative to the determination of current comparable compensation for persons with gainful earnings who receive disability retirement benefits. OUGHT TO PASS

Rep. Jeffrey C. MacGillivray for Finance: This bill benefits a small number of employees who became disabled, attempted to return to work at a lower rate of pay, and subsequently lost some of their disability benefits as a result. The committee agrees that these employees should be commended for their attempt to return to work after their disability, not punished with a smaller disability benefit. **The total cost to the retirement system's special account will be \$786,000 in FY 2000.** By law, there is no current or future impact on the general fund. Vote 19-0.

HB 704-FN-A, establishing a wildlife damage control program and making an appropriation therefor. OUGHT TO PASS WITH AMENDMENT

Rep. Vivian R. Clark for Finance: This bill, as filed, would have obligated the Fish and Game Department to substantially increase its expenditures to assist farms and orchardists in fencing their fields, yet kept those farmers eligible to receive payment for crop damage caused by game. The policy committee amendment reversed the effect of the bill by reducing the amount of funding for fences, eliminating the appeals board, and repealing all of the game damage statutes. The amended bill was presented to the House as a compromise, but before the Finance Committee it became clear that this was not a compromise. Finance therefore first decided to recommend ITL, but was persuaded to reconsider.

Three members of Finance who thought that it might be possible to find a more acceptable compromise thus met in work session with representatives of both the Wildlife and Marine Resources and the Environment and Agriculture committees. The session was very informative, but we were unable to reach any agreement between the extremes of no fencing assistance and no damage payment program, and increased fencing assistance and maintenance of the existing damage payment program. However,

neither side wanted ITL or Re-refer, either.

Finance members were sympathetic to the policy position that the state should not provide business risk protection for one specific type of free enterprise. However, we also felt that suddenly eliminating that protection for those who have made long-term investments based on its existence would likely create another area of litigation which could be very costly to the state.

The amendment put forth by the Finance Committee therefore reflects what we think is the most fiscally sound approach of eventually eliminating damage payments. **It allows growers who have already planted crops which normally produce yields for at least three years from one planting to apply for fencing assistance, and appropriates \$350,000 from Fish and Game funds for that purpose.** Fish and Game can decide who gets the assistance and when. It further provides that any grower who has made such application shall continue to be eligible for compensation for damages caused by game animals, but no longer birds, up until the grower gets the fencing assistance or his crop needs to be re-planted, whichever comes first. It also reinstates the appeals board because that is less expensive for everyone than appeals to a superior court.

Although we doubt that this amendment will satisfy those on either side of the argument, we believe that it is a reasonable solution to a very contentious issue Vote 17-0.

HB 707-FN, relative to the family division of the courts. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: This bill would expand the family court system to add Carroll and Belknap counties to the existing two counties. The court believes that expanding the family court system will add considerable costs to the judicial branch. The committee finds many of the features of the family court system to be desirable, and therefore would like to re-refer the bill in order to thoroughly examine these suggested additional costs to see how they can be minimized Vote 14-2.

SB 12-FN-A, relative to the World War II memorial campaign and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Jeffrey C. MacGillivray for Finance: **This bill would have appropriated \$60,000, representing \$1 for each of the 60,000 New Hampshire World War II veterans, as a contribution to a national World War II memorial.** The committee is aware that considerable private funds have also been raised, but given the current budget situation, the committee is unable to support this appropriation at this time. In a few months the situation may have changed. Vote 12-5.

SB 36-FN-A, relative to salary increases for care providers for persons with developmental and acquired disabilities and making an appropriation therefor. RE-REFER TO COMMITTEE

Rep. Robert K. Boyce for Finance: There was discussion about whether this proposed increase of funds would actually increase the pay to direct care personnel since there was testimony that not all are receiving the current \$7.54 rate. **There is no money in the proposed budget or in the governor's budget to pay the \$4.5 million annual cost of this increase.** We would like to re-refer this bill in order to find further answers to the problems brought to the committee. Vote 16-3.

SB 40, relative to the health care fund. INEXPEDIENT TO LEGISLATE

Rep. Robert E. Clegg for Finance: This bill would require separate legislation and a 2/3 vote of the House and Senate before any transfers of funds from the Health Care Fund could occur. It would also require the fund to be at the same level at the end of a biennium as it was at the beginning. The Committee felt the cause noble but realized that the statute could be by-passed and funds could still be transferred through "notwithstanding any law to the contrary" language. As a result, it appears to the Committee that the bill would not serve its intended purpose. Vote 11-5.

SB 134-FN, relative to medicaid reimbursement rates and dental care. RE-REFER TO COMMITTEE

Rep. Robert K. Boyce for Finance: This bill sought to increase the rate of reimbursement to dentists for services to Medicaid-eligible children in the expectation that this increase would result in more children being treated by dentists. **This bill would increase general fund spending by \$350,000 in fiscal year 2000, increasing subsequently to \$1.1 million in fiscal year 2003.** Such additional funds are not available at this time. Re-referring this bill will allow the committee to investigate other possible sources of funding.

In addition, significant questions were raised regarding the existence of other reasons why so few dentists will treat these children, beyond the current Medicaid reimbursement rates. The fraction of Medicaid children already being treated in New Hampshire is already significantly above the national average. Time is needed to get answers to these important questions. Vote 11-7.

SB 145-FN-A, relative to state financial aid for state fairs, and making an appropriation therefor. INEXPEDIENT TO LEGISLATE

Rep. Jeffrey C. MacGillivray for Finance: **This bill would have appropriated \$250,000 annually from the general fund to support state agricultural fairs.** The committee does not believe that this appropriation is of sufficient comparative importance to be funded in this biennium. Vote 15-4.

SB 205-FN, expanding medical coverage to pay dental assistance for adults on medicaid. INEXPEDIENT TO LEGISLATE

Rep. Robert K. Boyce for Finance: These are new services not now provided, and there is a question about a 28-a violation since 25% of the cost would fall upon the counties. **While the cost of this in 2000 would have been \$200,000 in general funds, it is projected to grow to \$1.5 million in 2003.** There is no money in the proposed budget or in the governor's budget to pay for this. Vote 11-7.

MEMBER’S NOTICE

There will be no official meeting of the Manchester Delegation on June 22 at the noon break.

Rep. Steve Vaillancourt

TUESDAY, JUNE 22

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

1999-1715h

Floor Amendment to HB 1-A

Proposed by Reps. Hager and Burling

INSERT CAMERA READY PART HERE

1.08 Budget Footnotes; General.

- A. Data Processing Services. The department of administrative services and the department of health and human services shall, prior to performing data processing services for any department, board, commission, institution, or other agency, enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on both agencies. Any change or modification in the services to be performed shall likewise be agreed to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the department of justice. The provisions of this paragraph shall not permit any state department, board, commission, institution, or other agency to contract for data processing services without the approval of the department of administrative services.
- B. Revenue shall be deposited with the state treasurer as unrestricted revenue.
- C. Revenue in excess of the estimate may be expended with prior approval of the fiscal committee and the approval of the

governor and council.

D. The funds in this appropriation shall not be transferred or expended for any other purpose.

E. The funds in this appropriation are for general overhead state charges and such sums shall be transferred by the agency to the general fund of the state consistent with federal requirements.

F. This appropriation shall not lapse until June 30, 2001.

G. The funds in this appropriation shall not be transferred or expended for any other purpose and shall not lapse until June 30, 2001.

H. The funds in this appropriation shall not be transferred or used for any other purpose and shall not lapse until June 30, 2001. No additions or deletions may be made from those projects authorized for funding from the original maintenance survey except in an emergency situation and then only after consultation with the commissioner of the department of transportation and approval by the commissioner of the department of administrative services.

I. In the event that estimated revenue is less than budgeted, the total appropriation shall be reduced by the amount of the shortfall in either actual or projected budgeted revenue. The agency head shall notify the bureau of accounting forthwith, in writing, as to precisely which line item appropriation and in what specific amounts reductions are to be made in order to fully compensate for the total revenue deficits. The provisions of this footnote do not apply to federal funds covered by RSA 124:14.

J. This appropriation, to be administered by the commissioner, is for the necessary equipment needs of the department and shall be expended at the commissioner's discretion.

K. The funds in this appropriation are for the lease of state-owned equipment from the department of transportation operations division, mechanical services bureau, and shall not be transferred or used for any other purpose. Transfers may be made between funds appropriated in class 025 in other PAU's with prior approval of the capital budget overview committee and thereafter the fiscal committee and governor and council.

Amend the bill by replacing all after section 1 with the following:

GENERAL SECTIONS

2 General Fund and Total Appropriation Limits. The amount included in PAU 06-06 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU that may be expended for the purpose of section 1 of this act. Any funds received by said agency from other than general funds are hereby appropriated for the use of the agency and may be expended by said agency whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor.

3 Assignment of Office Space. If, during the biennium ending June 30, 2001, because of program reductions, consolidations, or any other reason, office space becomes available in the health and human services complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the commissioner of administrative services may require that any agency renting private space be required to occupy such available space in said building or buildings forthwith. Such funds as have been allocated or committed by any agency affected by this section for outside rental shall be transferred by the director of the division of accounting services to the bureau of general services, PAU 01-04-04-05-01, for maintenance of state buildings.

4 Sweepstakes Commission; Authority Granted. For the biennium ending June 30, 2001, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be made without prior approval by the fiscal committee. If approved, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$4,000,000 for the biennium ending June 30, 2001.

5 Department of Justice; Special Provision. For the biennium ending June 30, 2001, filing fees received by the department of justice pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue; and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Expenditures from this fund shall not be made except by appropriation by the general court.

6 Appropriation of Unrestricted Motor Vehicle Revenue. All sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, drivers licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuel, including revenue received from fines and forfeitures assessed against any violator of any law of the state, other than RSA 266:18 through RSA 266:26, or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall be paid to the state treasurer and shall, for the biennium ending June 30, 2001, be available for expenditure as unrestricted general fund revenues of the state. Fines and forfeitures assessed against any violator of RSA 266:18 through RSA 266:26 shall be available as unrestricted highway fund revenue.

7 Contingent Appropriation; Department of Transportation; Asbestos Removal. When the commissioner of transportation determines that a need exists involving asbestos removal from state-owned buildings, the governor and council is authorized to approve the commissioner’s request for funds not to exceed \$100,000 in total for the biennium ending June 30, 2001. The governor is authorized to draw a warrant for such sums out of any money or funds not otherwise appropriated.

8 General Fund Appropriation Reduction; Judicial Branch. The judicial branch is hereby directed to reduce all state general fund appropriations by \$4,563,000 for the fiscal year ending June 30, 2000, and \$4,480,000 for the fiscal year ending June 30, 2001. The chief justice of the supreme court or designee shall by July 1, 1999, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to comply fully with this section. The chief justice of the supreme court or designee shall by July 1, 2000, notify the department of administrative services as to the specific amounts to be reduced in specified line item appropriations in functional units, in order to fully comply with this section.

9 Positions Abolished. The following positions are hereby abolished forthwith effective at the close of business of June 30, 1999, or later, as specifically indicated.

Department of Resources and Economic Development

03-03-04-04-03 11498, 11501, 11560, 11561, 11562, 11563,
11565, 11566, 30193, 40073, 40074, 40076,
9U349

Department of Transportation

04-01-04-02 40829

Department of Health and Human Services

05-01-01-01-01 9U281, 9U410
05-01-02-01-01 9U169
05-01-02-03-01 9U320
05-01-02-03-04 9U368
05-01-02-04-03 9U317
05-01-02-04-10 9U323
05-01-05-03-07 19039
05-01-05-05-04 9U170
05-01-05-06-01 30801
05-01-05-06-01 9U185, 9U250, 9U259
05-01-05-06-02 14942

05-01-05-06-03 15801, 15824, 9U183, 9U186, 9U187, 9U190,
9U191, 9U197, 9U198, 9U247, 9U248,
9U249, 9U347, 9U353

05-01-05-06-04 9U194, 9U199

05-01-05-07-02 15393

05-01-05-07-07 9U195, 9U196

05-01-10-02-01 9U463

Department of Education

06-03-04-01-12 19184

10 Information Technology Equipment and Software. Any funds appropriated for information technology equipment provided for in section 1 of this act shall not be spent, obligated, or encumbered until such time as the agency’s information technology plans are reviewed and approved by the division of information technology management pursuant to RSA 21-I:67.

11 Transfers. Notwithstanding any other provision of law, within the PAUs listed below, the commissioner or department head may transfer among all accounts as the commissioner or department head shall deem necessary and appropriate for the efficient management of the department in order to accomplish the measurable goals and objectives as approved by the legislative fiscal committee and the governor and council. Such transfers shall have no net effect on the source of funding mix of the approved budget of the department. A report of all such transfers and of any progress in meeting the measurable goals and objectives shall be filed quarterly with the legislative fiscal committee and with the governor and council.

04-01-08 Department of Transportation, Bureau of
Turnpikes

03-04-02-03-01 Department of Environmental Services,
Water Division, Safe Drinking Water Act

03-04-02-05-00 Department of Environmental Services,
Water Division, Subsurface Systems

03-04-02-06-02 Department of Environmental Services,
Water Division, Section 319 Planning

03-04-04-04-02 Department of Environmental Services,
Waste Management Division, Underground
Storage Tank Program

12 Estimates of Unrestricted Revenue:

<u>GENERAL FUND</u>	<u>FY</u>	<u>FY 2001</u>
Beer Tax	\$ 11,700,000	\$ 11,800,000
Board and Care Revenue	10,700,000	10,700,000
Business Profits Tax	172,000,000	175,000,000
Business Enterprise Tax	73,100,000	77,200,000

Estate and Legacy Tax	52,000,000	56,000,000
Insurance Tax	63,000,000	64,000,000
Securities Revenue	22,500,000	22,500,000
Interest and Dividends	66,000,000	70,000,000
Liquor Sales & Distribution	80,000,000	82,000,000
Meals and Rooms Tax	146,000,000	157,000,000
Dog Racing	1,000,000	1,000,000
Horse Racing	2,500,000	2,500,000
Real Estate Transfer Tax	59,000,000	65,000,000
Communications Tax	49,000,000	53,000,000
Tobacco Tax	74,800,000	74,800,000
Utility Tax	10,500,000	10,500,000
Other	42,650,000	42,650,000
Court Fines and Fees	22,000,000	22,000,000
Tobacco Settlement Funds	<u>2,698,000</u>	<u>6,107,000</u>
Subtotal	961,148,000	1,003,757,000
Medicaid Enhancement Revenues	63,700,000	65,300,000
Net Appropriation for Uncompensated		
Care Pool	<u>10,000,000</u>	<u>10,000,000</u>

Total \$ 1,034,848,000 \$ 1,079,057,000

HIGHWAY FUND	<u>FY 2000</u>	<u>FY 2001</u>
Gasoline Road Toll	\$ 124,000,000	\$ 128,300,000
Motor Vehicle Fees	68,000,000	69,000,000
Miscellaneous	<u>10,200,000</u>	<u>10,400,000</u>
TOTAL	\$ 202,200,000	\$ 207,700,000

FISH AND GAME FUND	<u>FY 2000</u>	<u>FY 2001</u>
Fish and Game Licenses	\$ 6,800,000	\$ 6,900,000

Fines and Penalties	100,000	100,000
Miscellaneous Sales	600,000	600,000
Indirect Costs	<u>700,000</u>	<u>700,000</u>
TOTAL	\$ 8,200,000	\$ 8,300,000

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)
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)	(26,000)
Lapse Percent	<u>2.44%</u>	<u>2.36%</u>
Net Appropriations	1,040,357	1,076,464
GAAP Adjustment	2,000	2,000
Current Year Balance	(3,509)	4,593
Balance, June 30	(3,509)	1,084

14 Effective Date. This act shall take effect July 1, 1999.

1999-1690h

Amendment to HB 25-FN-A
Proposed by the Committee on Finance - R

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

1 Capital Appropriations. The sums hereinafter detailed are hereby appropriated for the projects specified to the departments, agencies, and branches named:

I. Adjutant General.

A. NHSVC maintenance building and equipment completion	\$ 610,000
Less federal	<u>-610,000</u>
Net state appropriation subparagraph A	\$0
B. Replacement of information technology	
hardware systems & applications *	<u>62,000</u>
Total state appropriation paragraph I	\$ 62,000

II. Department of Administrative Services, Division of Plant and Property Management.

A. Bureau of General Services.

1. Life safety code compliance – Johnson Hall building	\$ 170,000
2. Defective elec. wiring & panel replacement,	
health and human services building	148,500
3. Replace defective cooling tower legislative office building	66,000
4. Flash & coat (2) stair towers – health and	
human services building	88,000
5. Repair building foundation – Storrs St. warehouse	52,000
6. Renovate existing facility – 61 South Spring St.	1,580,800
7. Communications equipment upgrade *	200,000
8. Executive/legislative budget system *	294,000
9. Information technology plan consultants *	250,000
10. Equipment upgrade-DASD *	200,000
11. Business continuity plan *	250,000
12. Consulting service-asset tracking system *	750,000
13. VSE to MSV Conversion *	200,000
14. Bridges House roof and structural rehabilitation	125,000

15. Light replacement – health and human services *	389,050
16. Light replacement – safety *	<u>177,000</u>
Net state appropriation subparagraph A	\$ 4,940,350
B. Bureau of Court Facilities.	
1. Carroll County courthouse construction	<u>\$ 1</u>
Net state appropriation subparagraph B	\$ 1
Total state appropriation paragraph II	\$ 4,940,351
III. Department of Agriculture, Markets, and Food.	
A. Laboratory equipment	<u>\$ 195,000</u>
Total state appropriation paragraph III	\$ 195,000
IV. Community-technical college system.	
A. Alan B. Shepard memorial wing development, ChristacAuliffe planetarium – Concord	\$ 100,000
B. Library accreditation compliance	4,700,000
C. Maintenance/critical repairs	1,365,000
D. General science laboratory upgrade	600,000
E. Computer systems/hardware *	<u>132,500</u>
Total state appropriation paragraph IV	\$ 6,897,500
V. Department of Corrections.	
A. Replace boiler plant – women’s prison	\$ 200,000
B. New halfway house – southern	1,500,000
C. Year 2000 equipment replacement/upgrade *	146,000
D. Expansion of department WAN *	<u>126,000</u>
Total state appropriation paragraph V	\$ 1,972,000
VI. Department of Education.	
A. Computer applications expansion/replacement *	<u>\$ 565,550</u>
Total state appropriation paragraph VI	\$ 565,550
VII. Department of Environmental Services.	
A. Drinking water state revolving fund matching funds	\$ 2,946,780
B. Wastewater state revolving fund matching funds	270,314

C. Hazardous waste superfund match	3,140,000
D. Storage building for emergency response equipment	540,000
Less federal	<u>-432,000</u>
Net state appropriation subparagraph E	108,000
E. Natural resources mapping	304,000
Less federal	<u>-124,000</u>
Net state appropriation subparagraph E	180,000
F. Bedrock aquifer program	215,515
G. Implementation of information technology plan *	<u>317,104</u>
Total state appropriation paragraph VII	\$ 7,177,713
VIII. Department of Health and Human Services Commissioner's Office.	
A. Laboratory safety improvements	\$ 242,000
B. Laundry and bathing equipment – Glencliff	80,000
C. APS kitchen floor & window repairs – N.H. Hospital	100,000
D. Laundry equipment replacement – N.H. Hospital	180,000
E. Main Bldg./Annex 1 roof replacement –behavioral health	1,210,000
F. Laconia developmental services campus – designated receiving facility renovations – developmental services	500,000
G. Philbrook fire safety improvements – N.H. Hospital	115,000
H. Information technology *	\$20,500,000
Less federal	<u>-13,000,000</u>
Net state appropriation subparagraph H	<u>7,500,000</u>
Total state appropriation paragraph VIII	\$ 9,927,000
The funds appropriated in subparagraph VIII, H for information technology programs shall not be committed, contracted for, or expended, without the prior written approval of the governor.	
IX. Office of Emergency Management.	
A. Telephone system replacement	<u>\$ 218,800</u>
Total state appropriation paragraph IX	\$ 218,800

X. Liquor Commission.	
A. Renovate store #73, Hampton – southbound	<u>\$ 1,425,000</u>
Total state appropriation paragraph X	\$ 1,425,000
XI. Port Authority.	
A. Security monitoring system	\$ 140,000
B. Building improvements	<u>300,000</u>
Total state appropriation paragraph XI	\$ 440,000
XII. Department of Resources and Economic Development.	
A. ADA compliance for parks facilities	\$ 150,000
B. Statewide radio system	650,000
Less federal	<u>-150,000</u>
Net state appropriation subparagraph B	500,000
C. Construct 15 recreational vehicle sites – Moose Brook	100,000
D. Septic gray water system – Mount Washington	150,000
E. Install power – Crawford Notch	<u>150,000</u>
Total state appropriation paragraph XII	\$ 1,050,000
XIII. Department of Transportation.	
A. Match for FAA projects	\$ 500,000
B. Match for public transit bus replacement	290,000
C. Match for regional aircraft fire training facility	700,000
D. Acquisition for abandoned railroads & airports	1,450,000
E. Concord rail bridge	650,000
F. Compliance, governor’s commission on disability –	
All general fund agencies	<u>1,000,000</u>
Total state appropriation paragraph XIII	\$ 4,590,000
XIV. N.H. Veterans Home.	
A. Design and build new facility	\$ 10,000,000
Less federal	<u>-6,500,000</u>
Net state appropriation subparagraph A	3,500,000
Total state appropriation paragraph XIV	\$ 3,500,000

XV. Youth Development Services.

A. King cottage renovations – design only – YDC	\$ 27,000
B. Safe rooms for Tobey building – construction – YDC	245,000
C. Purchase 4 generators *	210,000
D. Phase I – preparation for agency networking *	<u>225,000</u>
Total state appropriation paragraph XV	<u>\$ 707,000</u>
Total state appropriation section 1	\$ 43,667,914

* The bonds issued for these projects shall be 5-year bonds.

2 Appropriation; University System of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Pettee Hall general renovation	\$4,300,000
B. New Hampshire public television equipment	<u>2,000,000</u>
Total state appropriation section 2	\$ 6,300,000

3 Appropriation; Department of Fish and Game. The sums hereinafter detailed are hereby appropriated for the projects specified:

A. Broodfish facility – Milford	\$ 180,000
B. Repair & replacement of fish rearing containers	350,000
C. Water line repair/replacement	200,000
D. Central boat/equipment storage – Concord	210,000
E. Barry conservation camp building replacement	100,000
F. Headquarters Exhibit Refurbishment	<u>75,000</u>
Total state appropriation section 3	\$ 1,115,000

4 Appropriation; Department of Transportation and Department of Safety. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Transportation.

A. Paint storage & transfer building	\$ 415,000
B. Roof repair/Stickney Ave.	630,000
C. Patrol shed – Exeter	600,000
D. Additions & modifications to building B – traffic	325,000

E. Energy & environmental renovations – statewide	1,000,000
F. Conway rest area	500,000
G. Morton building	3,000,000
H. CAD/D transition *	552,000
I. PC & Server & Software Upgrade *	<u>603,000</u>
Total state appropriation paragraph I	\$ 7,625,000
II. Department of Safety.	
A. Carpeting at 10 Hazen Drive, Concord	\$154,000
B. Design and construct Troop D barracks/DMC training	910,000
C. Paving and roof replacement at troop stations	80,000
D. Video surveillance system – troop stations/Hayes bldg.	<u>50,000</u>
Total state appropriation paragraph II	<u>\$ 1,194,000</u>
Total state appropriation section 4	\$ 8,819,000

* The bonds issued for these projects shall be 5-year bonds.

5 Expenditures; General. The appropriations made for the purposes mentioned in sections 1, 3, and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein; provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University System of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university system of New Hampshire. All contracts for the construction of all or any part of said buildings or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university system board of trustees, in its discretion, may wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university system board of trustees.

III. If, in the judgment of the trustees of the university system, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder; or, if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university system has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university system and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

V. Notwithstanding paragraphs I, III, and IV, the sums appropriated by section 2, paragraph A of this act for the Pettee Hall general renovation, may be expended and awarded by the trustees of the university system; provided that all contracts for all or any part of the building or facilities shall follow construction management procurement procedures and guidelines. If the trustees select construction management pursuant to this paragraph, paragraphs I, III, and IV shall not apply and the trustees shall retain the right to reject or negotiate following accepted construction management practices.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4 of this act, except such land, if any, as may be acquired under the appropriation for the department of environmental services, shall be purchased by the commissioner of the department of transportation with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$59,901,914 and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

9 Payments.

I. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds in the state.

II. The payment of principal and interest on bonds issued for the projects in:

(a) Section 3 shall be made when due from the fish and game fund.

(b) Section 4 shall be made when due from the highway fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu therefor, for each fiscal year such sum as may be necessary to meet interest and principal payments in accordance with the terms and conditions of bonds and notes issued for the purpose of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government, or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are, or become available for any project under sections 1, 3, and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations provided in sections 1, 2, 3, and 4 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council, or for expenditures made pursuant to section 6 by the trustees of the university system, to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source, provided that prior approval of the capital budget overview committee is obtained.

13 Reduction of Appropriation and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such projects and the net appropriation of state funds thereof shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 Information Technology Equipment and Software. Individual project appropriations for information technology equipment provided for by sections 1, 3, or 4, or for any other agency in any budget bill enacted during the 1999 legislative session, shall not be spent, obligated, or encumbered until such time as the agency's information technology plans are reviewed by the division of information technology management pursuant to RSA 21-I:67 and approved by the capital budget overview committee. The division of information technology management shall review any such agency technology plans within 90 days. An agency may request an extension of time from the capital budget overview committee.

15 Youth Development Services; Capital Budget Overview Committee Approval. Amend 1997, 351:68, as amended by 1998, 372:2, to read as follows:

351:68 Expenditure of Funds Appropriated for Construction and Renovations - YDC in HB 25-A. The appropriation for construction and renovations - YDC made to the department of youth development services in section 1, paragraph XVI, D of HB 25-A of the 1997 legislative session shall be set aside for a match for any federal funds which are now or may be made available for the construction or renovation costs of facilities for juvenile offenders and shall not be spent, obligated, or encumbered until such time as ***the department receives approval from*** the capital budget overview committee ~~[approves the consultant's survey authorized under section 67 of this act]~~.

16 Regional Community-Technical Colleges; Early Childhood Laboratory School Fund Established. Amend RSA 188-F by inserting after section 20 the following new section:

188-F:20-a Early Childhood Laboratory School Fund. There is established the early childhood laboratory school fund which shall be administered by the department of regional community-technical colleges. Moneys received from private donations or from federal or other sources shall be deposited into the fund. The purpose of the fund is to provide for payment of the cost of bonds and notes on the early childhood laboratory school on the Concord campus, and to enhance academic programs in parent education. The fund shall be continually appropriated to the department of regional community-technical colleges and shall be nonlapsing.

17 Appropriation; Payment of Bonds and Notes; Regional Community-Technical Colleges; Early Childhood Laboratory School.

I. The sum of \$427,400 is appropriated to the regional community-technical colleges for the purpose of the construction of the early childhood laboratory school on the Concord campus.

II. To provide funds for the appropriation made in paragraph I the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$427,400 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made from the early childhood laboratory school fund established in RSA 188-F:20-a.

18 Appropriation Purpose Amended; Resources and Economic Development; Cannon Ski Area. Amend 1995, 309:1, XII, A, 2 to read as follows:

2. ~~[Sunapee]~~ Cannon lift and ski area repairs \$ 527,000

19 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1991, 4:22 as amended by 1992, 289:26, 1993, 358:18 and 1995, 285:1, and as extended by 1997, 349:34, II to read as follows:

4:22 Appropriation. The sum of \$5,750,000 is hereby appropriated to the department of resources and economic development for the purpose of carrying out the provisions of section 21 of this act. These funds shall be in addition to any other funds appropriated to the department and ~~[on June 30, 1997, all unexpended and unencumbered balances]~~ shall ***not*** lapse.

20 Lapse Date Eliminated; Resources and Economic Development; New Hampshire Economic Development Fund. Amend 1993, 349:18, III as inserted by 1995, 285:2 and as amended by 1997, 349:18 to read as follows:

III. The appropriation contained in paragraph I shall not lapse ~~[until June 30, 1999]~~. Any balances remaining ~~[as of June 30, 1997]~~ shall be allocated by the review committee or budgeted within the state operating budget for the purposes of paragraph I or other economic initiatives and programs.

21 Glencliff Home for the Elderly Added. Amend 1995, 310:191, as amended by 1997, 349:31 and 1998, 276:2 to read as follows:

310:191 Department of Health and Human Services; Acute Psychiatric Services Building Renovation; M & S Building; Thayer Building; Glencliff Home for the Elderly Appropriation. The sum of \$2,800,000 is hereby appropriated to the department of health and human services for the design and renovation of, and purchase of equipment and furnishing for the B-wing of the acute psychiatric services building; furnishings, painting, safety features and other patient-required improvements in the M & S Building and the Thayer Building for the use of psychiatric nursing home services; ~~[and]~~ furnishings, painting, safety features, and other patient-required improvements at the Glencliff home for the elderly; ***and improvements to the Brown Building***. This appropriation is in addition to any other funds appropriated to the department of health and human services.

22 Capital Appropriation to Department of Safety; Amount Increased. Amend 1997, 349:4, II, A as amended by 1998, 276:4 to

read as follows:

A. Dover Point substation addition, [~~\$390,000~~] **\$460,000**

Warehouse/Epping station

23 Capital Budget; 1997 HB 25-A; Total Appropriation Increased; highway Funds. Amend 1997, 349:4, total state appropriation section 4 to read as follows:

Total state appropriation section 4 [~~\$4,790,000~~] **\$4,860,000**

24 Capital Budget; 1997 HB 25-A; Total Increased. Amend 1997, 349:8 to read as follows:

349:8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of [~~\$67,998,437~~] **\$68,068,437** and for said purposes may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

25 Lapse Dates Extended to June 30, 2001. The following appropriations are hereby extended to June 30, 2001.

I. The appropriation made to the department of transportation in 1989, 367:1, XII, A, 1, as amended by 1991, 351:27, II(l) and 1992, 289:60, as extended by 1993, 359:20, V, 1995, 309:32, VII, 1996, 215:3, I, and 1997, 349:34, I for improvements at the Keene Dillant-Hopkins airport.

II. The appropriation made to the department of transportation in 1997, 349:1, XIV, B for statewide fuel tank program.

III. The appropriation made to the department of environmental services in 1993, 359:1, IV, B for the state revolving fund match.

IV. The appropriation made to the department of transportation in 1993, 359:1, XII, A, 1, as extended by 1994, 171:1, 1996, 215:3, III, and 1997, 349:34, X for land acquisition for navigation beacons.

V. The appropriation made to the department of administrative services in 1995, 309:1, II, A, 1, as extended by 1997, 349:34, XI for the health and human services building and laboratory HVAC renovations.

VI. The appropriation made to the department of administrative services in 1995, 309:1, II, B, 3, as extended by 1997, 349:34, XIV for the study and design of court facility on county donated land – Carroll County Superior Court.

VII. The appropriations made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs at the legislative office building and Storrs Street garages.

VIII. The appropriation made to the department of corrections in 1995, 309:1, IV, K, as amended by 1997, 349:29, and as extended by 1997, 349:34, XVII for preliminary design of expanded correctional facilities, including land acquisition, in accordance with federal crime bill grants.

IX. The appropriation made to the department of corrections in 1995, 309:1, IV, L and as amended by 1997, 349:34, XVIII for the construction of boilers, N.H. state prison for women, Goffstown.

X. The appropriation made to the department of environmental services in 1995, 309:1, VI, A as extended by 1997, 349:34, XIX for the state revolving fund program – wastewater.

XI. The appropriation made to the department of health and human services in 1995, 309:1, VII, B, I as extended by 1997, 349:34, XXIII for RSA 171-B mentally retarded criminal offenders.

XII. The appropriation made to the department of health and human services in 1995, 309:1, VII, C, 1 as extended by 1997, 349:34, XXIV for life and safety renovations – Glencliff.

XIII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, B as amended by 1998, 276:1, for acute psychiatric service building parking improvement – NH hospital.

XIV. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, E, as amended by 1998, 276:1, for repair tunnel retaining walls – Glencliff.

XV. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, J for additional renovations – Brown building – NH hospital.

XVI. The appropriation made to the department of resources and economic development in 1995, 309:1, XII, A, 2 as amended by section 18 of this act and as extended by 1997, 349:34, XXVIII for Cannon lift and ski area repairs.

XVII. The appropriation made to the department of resources and economic development in 1997, 335:3 for the purchase and development of property in Piermont, New Hampshire on Lake Tarleton.

XVIII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 3 and 4 for roof repairs – supreme court and health and human services building.

XIX. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 9 for repair of drainage system – state library.

XX. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 10 and 11 for parking garage repairs – legislative office building and Storrs street.

XXI. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 12 for the emergency repairs, contingency fund.

XXII. The appropriation made to the department of administrative services in 1997, 349:1, II, A, 13 for the life safety, renovations – health and human services building.

XXIII. The appropriation made to the department of administrative services in 1997, 349:1, II, B, 1-3 for LAN hardware and site preparation, year 2000 financial support system, and check processing and mailing system.

XXIV. The appropriation made to the department of administrative services in 1997, 349:1, II, C, 1 for the bureau of court facilities Dover/Durham/Somersworth District Court.

XXV. The appropriation made to the community technical college system in 1997, 349:1, IV, A for telephone systems and roof projects- Manchester, Claremont, Nashua, and Concord.

XXVI. The appropriation made to the community technical college system in 1997, 349:1, IV, C for critical laboratory support for N.H. industries.

XXVII. The appropriation made to the community technical college system in 1997, 349:1, IV, E for upgrade of general science laboratories.

XXVIII. The appropriation made to the department of environmental services in 1997, 349:1, VI, A for the waste water state revolving fund match.

XXIX. The appropriation made to the department of environmental services in 1997, 349:1, VI, B for the drinking water state revolving fund match.

XXX. The appropriation made to the department of environmental services in 1997, 349:1, VI, D for the bedrock aquifer assessment.

XXXI. The appropriation made to the department of environmental services in 1997, 349:1, VI, F for dam removal.

XXXII. The appropriation made to the department of health and human services commissioner's office in 1997, 349:1, VII, F and as amended in 1998, 276:1 for the Brown Building addition and renovation – Glencliff.

XXXIII. The appropriation made to the port authority in 1997, 349:1, IX, D for the maintenance dredging Hampton/Seabrook harbor.

XXXIV. The appropriation made to the port authority in 1997, 349:1, IX, C for dredging Little Harbor.

XXXV. The appropriations made to the department of resources and economic development in 1997, 349:1, X, B-D for repair Rocky Bend seawall, replace bath house – Sunapee, and replace bridge – Lafayette campground.

XXXVI. The appropriation made to the department of transportation in 1997, 349:1, XIV, A for 5-10 percent match FAA airport projects.

XXXVII. The appropriation made to youth development services in 1997, 349:1, XVI, D as amended by 1997, 351:68 and 1998, 372:2, 3 and as amended by section 15 of this act for construction and renovations – YDC.

XXXVIII. The appropriation made to the department of transportation in 1997, 349:4, I, A for John O. Morton building renovation.

XXXIX. The appropriation made to the department of safety in 1997, 349:4, II, A as amended by 1998, 276:4 and as amended by section 22 of this act for warehouse/Epping station.

XL. The appropriation made to the department of safety in 1997, 349:4, II, B as amended by 1998, 276:4 for microwave system upgrade.

XLI. The appropriation made to the department of corrections in 1998, 223:2 for the design and construction of the new medium security prison and for furnishings and equipment for inmates of the new prison.

XLII. The appropriation made to the university system in 1992, 260:16 as amended by 1997, 351:51 for site planning and design of a research facility on the university of New Hampshire campus to enable the university to develop an entrepreneurial campus concept.

XLIII. The appropriations made to the department of fish and game in 1995, 309:3, A and B as extended by 1997, 349:34, XXXV for roof repairs and concrete repair/replacement – hatcheries.

XLIV. The appropriation made to the department of fish and game in 1997, 349:3, I for headquarters building modification.

XLV. The appropriation made to the liquor commission in 1997, 349:1, VIII, B for point of sale registers.

XLVI. The appropriation made to the department of education in 1997, 349:1, V, A for phase II computer implementation.

26 Effective Date.

I. Section 25 of this act shall take effect June 30, 1999.

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

1999-1685h

Amendment to HB 224-FN-A

Proposed by the Committee on Finance - C

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

AN ACT establishing a joint committee on code enforcement.

Amend the bill by deleting section 2 and renumbering the original section 3 to read as 2.

AMENDED ANALYSIS

This bill establishes a joint committee on code enforcement.

1999-1699h

Amendment to HB 553-FN-A

Proposed by the Committee on Finance - R

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

AN ACT establishing a commission on the status of men.

Amend the bill by deleting section 4 and renumbering the original section 5 to read as 4.

AMENDED ANALYSIS

This bill establishes a commission on the status of men to address issues of cultural bias and stereotyping, health problems unique to men, and methods for encouraging personal growth.

The commission is terminated on September 1, 2005.

1999-1474h

Amendment to HB 577

Proposed by the Committee on Finance - C

Amend RSA 186-C:18, X as inserted by section 3 of the bill by replacing it with the following:

X. Unexpected special education costs incurred by a school district which are eligible for reimbursement from the state pursuant to RSA 186-C:18, III and which could not be identified prior to the adoption of the local district budget shall be exempt from the provisions of RSA 32:8, RSA 32:9, RSA 32:10, and RSA 32:11, III.

AMENDED ANALYSIS

This bill authorizes a school district to expend funds reflecting the total catastrophic special education costs for pupils in the district and provides that certain unexpected special education expenses which are eligible for reimbursement from the state pursuant to RSA 186-C:18, III and which could not be identified or anticipated prior to the adoption of the school district budget shall be exempt from the provisions of the municipal budget law.

1999-1703h

Amendment to HB 625-FN-A

Proposed by the Committee on Finance - R

Amend RSA 125-L:3, I as inserted by section 1 of the bill by replacing it with the following:

I. Any municipal waste combustor with a design capacity to burn 100 tons per day or more of municipal solid waste which is subject to a federal maximum mercury emission rate of 0.08 milligrams per dry standard cubic meter (mg/dscm) or less shall reduce its mercury emissions to achieve a mercury emission rate of no greater than 0.028 mg/dscm corrected to 7 percent oxygen by volume on a dry basis, or at least 85 percent control efficiency.

Amend RSA 125-L:4 as inserted by section 1 of the bill by replacing it with the following:

125-L:4 Rulemaking Authority. The commissioner shall adopt rules, under RSA 541-A relative to:

I. Procedures and frequency for stack testing, testing protocols, measurement methods, and other such actions as may be necessary to verify compliance with this chapter.

II. Fees for implementing and enforcing the terms and conditions relating to reduction of mercury emissions of a permit issued in accordance with RSA 125-C.

Amend RSA 125-L:5, I as inserted by section 1 of the bill by replacing it with the following:

I. No person shall operate a municipal waste combustor with the design capacity to burn 100 tons per day or more of municipal solid waste without a temporary or operating permit issued by the department in accordance with RSA 125-C. Any source subject to this section shall file a complete application for a permit or permit modification under the provisions of RSA 125-C and a plan for achieving compliance with this chapter. Combustors with a design capacity of 250 tons per day or more shall submit such plan and application by July 1, 2000 in order to comply by January 1, 2001 with the emission limits established by this chapter. Combustors with a design capacity of less than 250 tons per day but not less than 100 tons per day which are subject to RSA 125-L:3, I shall submit such plan and application by January 1, 2001 in order to comply by July 1, 2001 with the emission limits established by this chapter.

Amend RSA 125-L as inserted by section 1 of the bill by deleting RSA 125-L:8.

1999-1523h

Amendment to HB 643-FN-A-LOCAL
Proposed by the Committee on Finance - R

Amend RSA 21-P:12-b, II(l) as inserted by section 3 of the bill by replacing it with the following:

(l) With the approval of the commissioner, accept in the name of the state any and all donations and grants from any governmental unit, public agency, institution, person, firm, or corporation and receive, utilize, expend, and dispose of such funds subject to budgetary provisions, consistent with the rules of the department of safety and the purposes or conditions of the donation or grant.

Amend RSA 21-P:12-b, III as inserted by section 3 of the bill by replacing it with the following:

III. The receipt of a donation or grant under subparagraph II(l) shall be noted in the biennial report of the department of safety, which will also identify the nature of the donation or grant and the conditions of the donation or grant, if any. Any moneys received by the division pursuant to subparagraph II(l) shall be deposited in the state treasury to the account of the department of safety and shall not lapse. In addition, the division may receive, hold, and use gifts, bequests, and devises either outright or in trust for purposes consistent with this chapter.

Amend RSA 153-A:15 as inserted by section 6 of the bill by replacing it with the following:

153-A:15 Fees. The commissioner may charge a fee for licensure of an emergency medical service unit, an emergency medical service vehicle, or an emergency medical care provider. However, no fee shall be charged to a nonprofit corporation or volunteer association. The sums obtained from fees charged for licensure shall be forwarded to the state treasurer to be deposited into the general fund.

Amend paragraph II as inserted by section 12 of the bill by replacing it with the following:

II. All of the functions, powers, duties, and responsibilities of the department of health and human services, office of community and public health, bureau of emergency medical services are transferred to the department of safety, division of emergency medical services. The transfer provided for in this section shall include all of the personnel, books, papers, records, equipment, unexpended appropriations or other available funds in any account or subdivision of an account of the department of health and human services and authorized for use by the office of health management, bureau of emergency medical services, actions and other property or obligations of any kind of the department of health and human services, office of community and public health management, bureau of emergency medial services.

Amend paragraph IV as inserted by section 12 of the bill by replacing it with the following:

IV. Notwithstanding the provisions of RSA 21-P:3, II and RSA 21-P:12-b, the first term of the director of emergency medical services shall be for a period of one year. The initial salary for the first-appointed director of emergency medical services shall be at step 1 of RSA 94:1-a, group N.

Amend the bill by replacing all after section 12 with the following:

13 Contingency. Sections 1-12 of this act shall take effect on the date on which 1999, HB 1-A, An Act making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 2000, and June 30, 2001, takes effect.

14 Effective Date.

I. Sections 1-12 of this act shall take effect as provided in section 13 of this act.

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

1999-1704h

Amendment to HB 649-FN
Proposed by the Committee on Finance - R

Amend RSA 125-J:13, II(b) as inserted by section 1 of the bill by replacing it with the following:

(b) The payment provided for in subparagraph II(a) shall be made annually and shall be equal to the number of tons of NOx emitted by the NOx-emitting generation source, less the tons of NOx not requiring emission reduction mechanisms under paragraph I, times a fee of \$200 per ton for tons emitted during the period running May 1 to September 30 and a fee of \$100 per ton for tons emitted during the period running October 1 to April 30. These fees shall be multiplied by:

- (1) Zero for tons emitted prior to January 1, 2000.
- (2) One for tons emitted between January 1, 2000 and June 30, 2000, inclusive.
- (3) Two for tons emitted between July 1, 2000 and June 30, 2001, inclusive.
- (4) Three for tons emitted between July 1, 2001 and June 30, 2002, inclusive.
- (5) Four for tons emitted between July 1, 2002 and June 30, 2003, inclusive.
- (6) Five for tons emitted on or after July 1, 2003.

1999-1462h

Amendment to HB 704-FN-A

Proposed by the Committee on Finance - R

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

AN ACT establishing a wild animal damage control program and making an appropriation therefor.

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

1 Legislative Findings and Purpose. The general court finds that wild animals are a valuable ecological, recreational, and economic resource enjoyed by New Hampshire citizens and by visitors to the state, however, the general court notes that damage to agricultural and horticultural products by game and other wild animals often creates conflicts and economic losses. The general court further finds that as a consequence of continued growth in New Hampshire’s human population and development patterns that result in frequent contacts between people and wild animals, as well as increases in some wild animal populations, demands to address conflicts may be expected to increase in the future. Therefore, a wild animal damage control program is hereby formally established to minimize the effects of wild animals on agriculture, human health and safety, property, and natural resources by providing educational and technical advice and recommendations to all citizens while conserving the wildlife resources of the state.

2 Subdivision Heading Changed. The subdivision heading preceding RSA 207:22 is repealed and reenacted to read as follows:

Wild Animal Damage Control

3 Limitations for Persons Posting Property. RSA 207:22-a is repealed and reenacted to read as follows:

207:22-a Limitations for Persons Posting Property. Any person whose land is posted pursuant to RSA 635:4 to prohibit hunting shall forfeit the right to participate in the wild animal damage control program established pursuant to RSA 207:22-c, or to receive payment pursuant to RSA 207:23-a, except that this limitation shall not apply in the following circumstances:

- I. To a person who posts only the person’s land lying within 100 yards of a dwelling or other farm or outbuildings contiguous to the person’s dwelling and used regularly by the person, or the person’s family or tenant.
- II. To any person whose land is posted for the protection of crops only during the closed season for the type of animals for which the person seeks assistance from the wild animal damage control program.
- III. To any person who posts such person’s land "Hunting by Permission Only", provided that the names and addresses of the hunters who have received permission to hunt that land in that year shall be furnished when requested by the executive director, and that in the judgment of the executive director, the history of hunter access and hunter density represents a good-faith effort by the landowner to allow hunting.

4 New Sections; Wild Animal Damage Control Program; Advisory Board Established. Amend RSA 207 by inserting after section 22-a the following new sections:

207:22-b Wild Animal Damage Control Advisory Board.

I. There is established a wild animal damage control advisory board which shall consist of the following members:

- (a) The executive director of the fish and game department, or designee, who shall act as chairperson.
- (b) The commissioner, department of agriculture, markets, and food, or designee.
- (c) The director for New Hampshire of the United States Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services, or designee.
- (d) A fish and game commissioner appointed each fiscal year by the chairperson of the commission.
- (e) The executive director of the New Hampshire Farm Bureau Federation.

II. The board shall have responsibility for the duties designated to the board under RSA 207:22-c, II.

III. The chairperson of the board shall submit an annual report by October 1 of each year, beginning in 1999, to the governor, the senate president, the speaker of the house, and the chairpersons of each of the senate and house standing committees having jurisdiction over wildlife and agriculture matters, relative to all receipts and disbursements of the wild animal damage control program established in RSA 207:22-c.

207:22-c Wild Animal Damage Control Program; Administration. There is established a wild animal damage control program which shall be administered by the executive director in cooperation with the United States Department of Agriculture and the New Hampshire department of agriculture, markets, and food. The program shall emphasize a comprehensive approach that integrates wildlife management and wildlife control methods and strategies and shall respond to conflicts between wild animals and human populations by stressing the importance of prevention of damage by initiating one or more of the following courses of action:

I. A general wild animal damage mitigation program:

- (a) The general wild animal damage mitigation program shall address conflicts between wild animals and human populations by disseminating educational and technical information, and providing assistance. The program may make available various repellents, institute the loan of direct control devices and materials including electric fences and frightening devices, and make referrals to nuisance wildlife cooperators.
- (b) Actions under this paragraph shall be of a temporary nature and may include any other nuisance control methods available, as determined by the executive director, or designee.

II. A cooperative fencing program:

- (a) Commercial growers, whose crop normally produces significant yield for at least 3 years from the time of planting, may participate in a cost-share-fencing program on a 75 percent state to 25 percent commercial grower cost share basis. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible commercial grower for the purchase of fencing materials and their installation, provided the commercial grower's participation and eligibility has been approved by the wild animal damage control advisory board.
- (b) Commercial growers desiring to participate in the 75/25 cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before January 1, 2000. Separate applications shall be required for non-contiguous areas. Each application shall include a statement of the nature of the crop to be fenced and the date its planting was completed.
- (c) Maintenance costs of installed fences shall be the responsibility of the applicant.
- (d) The wild animal damage control advisory board shall determine on an annual basis no later than June 30 of each year the recipients of the fencing moneys for the ensuing year. The board will make its determinations based on urgency of need for damage relief, the remaining useful life of the planting, and any other factors necessary to ensure a fair and equitable allocation of funds. The decisions of the board shall be final.

(e) The failure of a commercial grower to properly install and maintain fencing purchased under this paragraph shall make the commercial grower ineligible to participate in this program until such time as approved by a majority of the wild animal damage control advisory board.

(f) The executive director shall adopt rules pursuant to RSA 541-A to implement and execute the cooperative fencing program, which may include but not be limited to eligibility criteria, fencing specifications, funding levels, and inspection procedures.

(g) The provisions and penalties of RSA 641 concerning false statements shall apply to all reporting and documentation required pursuant to this paragraph.

(h) For purposes of this paragraph, a "commercial grower" means any person who grows an agricultural or horticultural crop from which the person has derived, or reasonably expects to derive an annual gross income from the sale of crops normally produced of at least \$2500.

III. A depredation permit program:

(a) The executive director shall adopt rules, pursuant to RSA 541-A, regulating the issuance of depredation permits to kill animals causing damage to commercial crops. Such rules shall address the method and manner of taking animals, the disposition of animals taken under such permits, as well as the qualifications necessary to participate in the program. Such qualifications shall include, but not be limited to, the provision of information concerning the history of damage, the record of preventative methods used in the past, and the public hunting access history.

(b) The depredation permit program shall include the issuance of 2 pre-damage deer kill permits, each with 6 deer tags, to commercial growers as defined in RSA 207:22-c, II(h) upon request to the director. Issuance of pre-damage deer kill permits will facilitate protection of qualifying crops at the onset of deer visitation to said crops. Any deer taken under this provision shall be subject to investigation by the local conservation officer to determine whether or not the potential existed at the time of taking for damage to have occurred. Any additional depredation permits shall be issued following the procedures in this paragraph.

5 Damage by Game. RSA 207:23 is repealed and reenacted to read as follows:

207:23 Game Damage.

I. Commercial growers who have made application for inclusion in the fencing program under RSA 207:22-c, II may receive payment for damages to crops caused by game after the time that application is made and before the funds are made available for fencing and the fencing is installed, provided that:

(a) The crop for which application has been made was planted no later than June 1, 1999;

(b) The crop for which application has been made produces a significant yield for at least 3 years after planting;

(c) The crop, if an orchard, was planted no more than 20 years before the date of the damage, or if any other crop, was planted no more than 3 years before the date of the damage; and

(d) Installation of the fencing has not been unjustifiably delayed after receipt of funds from the fencing program.

II. A person who suffers loss or damage to crops, fruit trees, or nursery stock shall, if the person claims damages therefor, within 10 days from the discovery thereof, notify the executive director in writing of such damage. The executive director or agent shall investigate such claim within 30 days from the receipt of notice of such damage, determine whether such damage was caused by game, and appraise the amount thereof to be paid. The appraisal shall be made at the time of harvest. The executive director shall present a certificate of the amount of the appraisal to the governor, who is authorized to draw a warrant upon the fish and game fund in payment therefor.

6 Reference to Game Birds Removed. Amend RSA 207:23-b to read as follows:

207:23-b Preventative Measures to Alleviate Damage. Upon receiving a complaint of damages caused by [~~game birds,~~] game animals[.] or mountain lions, the executive director may expend funds for materials and other preventive measures to alleviate the damage.

7 Depredation Permit Required. Amend RSA 207:26 to read as follows:

207:26 Killing by Land Owner of Bird or Animal Inflicting Damage. A person may pursue, wound or kill, on land owned or

occupied by ~~him~~ **such person**, any ~~wild~~ **unprotected** bird or wild animal which ~~he~~ **the person** finds in the act of doing actual and substantial damage to poultry, **crops, domestic animals**, or ~~his~~ **the person's** property, and ~~he~~ may authorize, **for a wild animal**, a **family** member ~~[of his family or a person employed by him]~~, **employee, or other person requested** to do so under the provision of ~~[written authority or direction from]~~ **a depredation permit issued by** the executive director **pursuant to RSA 207:22-c, III.**

8 Discretion of Executive Director. Amend RSA 207:29 to read as follows:

207:29 Disposition of Game, etc., Killed. Any game or fur-bearing animal killed or wounded as provided in this subdivision shall, in the discretion of the executive director, be returned to the person who killed the same ~~[or]~~, be given to some charitable institution, **or otherwise disposed of.**

9 Appropriation; Funding.

- I. There is hereby appropriated the sum of \$350,000 for the fiscal year ending June 30, 2000 from the fish and game fund to the fish and game department for the purpose of funding the wild animal damage control program, established in RSA 207:22-c.
- II. The executive director may accept and expend federal funds and funds from any other source that may be designated for wild animal damage control programs.
- III. The sums appropriated by this section shall not be used for any other purpose and shall be non-lapsing.

10 Applicability. The provisions of this act shall apply to claims applied for after the effective date of this act. Any claim applied for under the provisions of RSA 207:22-25 prior to the effective date of this act shall continue to be governed by the fish and game department laws and procedures in effect prior to the effective date of this act.

11 Repeal. RSA 207:22, relative to damage by game birds, is repealed.

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

AMENDED ANALYSIS

This bill establishes a wild animal damage control program and the wild animal damage control advisory board. The bill also repealed provisions relating to damage by game birds.

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 Wednesday June 23, 1999 No. 66A

Contains: Additional Hearings, Special Order and Floor Amendment

ADDENDUM TO HOUSE CALENDAR

WEDNESDAY, JUNE 23

REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

SPECIAL ORDER

SB 227-FN, establishing a gambling business felony. OUGHT TO PASS

Rep. Frank D. Callaghan for Criminal Justice and Public Safety: This bill establishes a gambling business felony. It makes it a misdemeanor for a person to knowingly and unlawfully permit gambling on the premises of a business conducted, financed, supervised, directed, or owned by such person. It makes it a felony for a person to knowingly and unlawfully conduct, finance, manage, supervise or direct any gambling activity of a certain magnitude or duration. It also requires persons convicted of illegal gambling operations to forfeit any implements, equipment, and apparatus, including money or proceeds wagered or gained by such gambling operations. Vote 10-7.

COMMITTEE MEETING

WEDNESDAY, JUNE 23

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

Executive session on pending legislation, immediately following the House session.

THURSDAY, JUNE 24

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

10:00 a.m. Continued public hearing on **SB 158**, relative to indecent exposure.

Executive session on pending legislation.

FINANCE, Rooms 210-211, LOB

9:00 a.m. Rescheduled public hearing on ***SB 176-FN-A***, relative to technology support for individuals and making an appropriation therefor.

10:00 a.m. Rescheduled public hearing on ***SB 62-FN-A-L***, relative to the acquisition of Umbagog Lake Campground in Cambridge, New Hampshire, and making an appropriation therefor. (A)

10:30 a.m. Rescheduled public hearing on ***SB 113***, establishing a division of travel and tourism development within the department of resources and economic development. (A)

11:15 a.m. Rescheduled public hearing on ***SB 182-FN***, relative to eligibility for ordinary death benefits under the New Hampshire retirement system.

1:00 p.m. Rescheduled public hearing on ***SB 187-FN-***, relative to payment of group health insurance premiums for eligible retired teachers in the New Hampshire retirement system and a non-germane amendment appropriating funds for the legislatively-created long term care institute. (Copies of the proposed amendment will be available from the Sergeant-at-Arms Office.)

2:15 p.m. Rescheduled public hearing on ***SB 195-FN-A***, appropriating funds for sludge testing.

3:00 p.m. Rescheduled public hearing on ***CACR 26***, relating to the state's duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state. Providing that the state shall have the duty to assure the opportunity for an adequate primary and secondary public education to all pupils in the state; the nature and means of the fulfillment of such duty shall be determined by the legislature and judicial review shall be limited to whether or not there is any rational basis therefor; the legislature shall have exclusive authority to determine and fund the costs or to delegate the authority to impose assessments, rates, and taxes for education to political subdivisions, which if so delegated shall be deemed local and shall be proportional and reasonable within the political subdivision in which they are imposed.

Executive session on pending legislation may be held throughout the day on any pending legislation.

FLOOR AMENDMENT

1999-1761h

Floor Amendment to SB 227-FN

Proposed by Rep. Christie

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

1 New Paragraph; Business Conducting Illegal Gambling. Amend RSA 647:2 by inserting after paragraph I the following new paragraph:

I-a.(a) A person is guilty of a misdemeanor if such person conducts, finances, manages, supervises, directs, or owns all or part of a business and such person knowingly and unlawfully permits gambling on the premises of the business.

(b) A person is guilty of a class B felony if such person knowingly and unlawfully conducts, finances, manages, supervises, or directs any gambling activity which does any of the following:

- (1) Has had gross revenue of \$2,000 in any single day.
- (2) Has been or remains in substantially continuous operation for a period in excess of 10 days.
- (3) Accepts wagers exceeding \$5,000 during any 30 day period on future contingent events.

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

AMENDED ANALYSIS

This bill:

I. Makes it a misdemeanor for a person to knowingly and unlawfully permit gambling on the premises of a business conducted, financed, managed, supervised, directed, or owned by such person.

II. Makes it a felony for a person to knowingly and unlawfully conduct, finance, manage, supervise, or direct any gambling activity of a certain magnitude or duration.