

Whereas, section 468A of the Internal Revenue Code permits taxpayers with qualifying interests in nuclear power plants to deduct contributions to Nuclear Decommissioning Reserve Funds; and

Whereas, the income of Nuclear Decommissioning Reserve Funds is taxed at a fixed 20 percent rate rather than at the normal corporate tax rate; and

Whereas, the amount that taxpayers with qualifying interests may contribute to Nuclear Decommissioning Reserve Funds is limited to a portion of the total nuclear decommissioning costs which is based on the estimated useful life of the nuclear power plant; and

Whereas, electric utility restructuring by the states may encourage or require actions by taxpayers with qualifying interests that deviate from the decommissioning funding formula in federal tax laws, including: prefunding of decommissioning obligations as a condition of the sale of the qualifying interest; the discontinuation of including decommissioning funding in cost of service rates, which will be replaced by competitive market-based rates; and reliance on non-bypassable transition charges to retail customers of a former nuclear power plant owner, such as stranded cost or wires charges, to recover future decommissioning contributions; and

Whereas, states may require that nuclear decommissioning funding be completed in a period shorter than the estimated useful life of the nuclear power plant, and some portion of these state-mandated contributions may be ineligible for deposit in a Nuclear Decommissioning Reserve Fund; and

Whereas, there should be no federal tax disincentive to fund as promptly as possible the expenditures required for the safe decommissioning of nuclear power plants; and

Whereas, compliance with state electric utility restructuring requirements and the transition to a competitive electric market may force nuclear power plant owners into decommissioning funding obligations with adverse federal tax consequences under current law; and

Whereas, these adverse federal tax consequences will ultimately cause higher rates for retail electricity customers; now, therefore, be it

*Resolved by the house of representatives, the senate concurring:*

That the general court of New Hampshire hereby urges the United States Congress and the Internal Revenue Service to make changes to the Internal Revenue Code and federal tax regulations necessary to broaden the ability of taxpayers to make tax-deductible contributions to Nuclear Decommissioning Reserve Funds and to permit all contributions toward future decommissioning expenses to receive beneficial tax treatment; and

That copies of this resolution, signed by the speaker of the house of representatives and the president of the senate, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of the New Hampshire Congressional delegation, and to the Commissioner of Internal Revenue.

POM-275. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to health care choices for senior citizens; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION 9

Whereas, all senior citizens in New Hampshire deserve access to all Medicare options to ensure greater health care choice; therefore, be it

*Resolved by the house of representatives, the senate concurring:*

That the general court of New Hampshire hereby urges the federal government to review Medicare policies and procedures to ensure that New Hampshire senior citizens retain all Medicare options. Specifically, the federal government should evaluate the Medicare environment in New Hampshire to ensure that:

(a) Existing policies and procedures provide for citizens to have a choice of Medicare options;

(b) Medicare reimbursement rates for physicians, hospitals, and home health care providers are sufficient to allow for access to needed care statewide and greater product choice in rural areas of the state;

(c) Medicare premium rates for New Hampshire managed care products be set at a level that allows attractive benefit coverage to citizens;

(d) Applications for Medicare insurance product introduction or expansions in New Hampshire receive high priority status by the federal government; and

(e) Congress reviews the impact of the "Balanced Budget Act" of 1997 on the ability of Medicare health maintenance organizations and home health care providers to continue to operate in New Hampshire; and

That a copy of this resolution be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire delegation.

POM-276. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to tobacco settlement funds; to the Committee on Finance.

#### HOUSE CONCURRENT RESOLUTION 12

Whereas, on November 23, 1998, representatives from 46 states signed a settlement agreement with the 5 largest tobacco manufacturers; and

Whereas, the Attorneys General Master Tobacco Settlement Agreement culminated legal action that began in 1994 when states began filing lawsuits against the tobacco industry; and

Whereas, the respective states are presently in the process of finalizing the terms of the Master Tobacco Settlement Agreement, and are making initial fiscal determinations relative to the most responsible ways and means to utilize the settlement funds; and

Whereas, under the terms of the agreement, tobacco manufacturers will pay \$206 billion over the next 25 years to the respective states in up-front and annual payments; and

Whereas, New Hampshire is projected to receive \$1,304,689,150 through the year 2025 under the terms of the Master Tobacco Settlement; and

Whereas, because many state lawsuits sought to recover Medicaid funds spent to treat illnesses caused by tobacco use, the Health Care Financing Administration (HCFA) contends that it is authorized and obligated, under the Social Security Act, to collect its share of any tobacco settlement funds attributable to Medicaid; and

Whereas, the Master Tobacco Settlement Agreement does not address the Medicaid recoupment issue, and thus the Social Security Act must be amended to resolve the recoupment issue in favor of the respective states; and

Whereas, as we move toward final approval of the Master Tobacco Settlement Agreement, it is imperative that state sovereignty be preserved; now, therefore, be it

*Resolved by the State house of representatives, the senate concurring:*

That the New Hampshire legislature urges the United States Congress to enact legislation amending the Social Security Act to prohibit recoupment by the federal government of state tobacco settlement funds; and

That it is the sense of the New Hampshire state legislature that the respective state legislatures should have complete autonomy over the appropriation and expenditure of state tobacco settlements funds; and

That the New Hampshire state legislature most fervently opposes any efforts by the federal government to earmark or impose any other restrictions on the respective states' use of state tobacco settlement funds; and

That copies of this resolution be transmitted by the house clerk to the President of the United States; the President and the Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representatives; and to each member of New Hampshire's congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 1429: An original bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2000 (Rept. No. 106-120).

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany the bill (S. 692) to prohibit Internet gambling, and for other purposes (Rept. No. 106-121).

#### EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Carlos Murguia, of Kansas, to the United States District Judge for the District of Kansas.

(The above nomination was reported with the recommendation that it be confirmed.)

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1429. An original bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2000; from the Committee on Finance; placed on the calendar.

By Mr. THOMAS (for himself and Mr. SMITH of Oregon):

S. 1430. A bill to set forth the policy of the United States with respect to Macau, and for other purposes; to the Committee on Foreign Relations.

By Mr. LAUTENBERG:

S. 1431. A bill to suspend temporarily the duty on mixtures of sennosides; to the Committee on Finance.

S. 1432. A bill to suspend temporarily the duty on dark couverture chocolate; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1433. A bill to amend the Internal Revenue Code of 1986 to impose a retail excise