

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

May 18, 2010

The Fiscal Committee of the General Court met on Tuesday, May 18, 2010 at 9:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Marjorie Smith, Chairman  
Representative Neal Kurk  
Representative Sharon Nordgren  
Representative Douglas Scamman  
Representative Robert Foose  
Senator Lou D'Allesandro  
Senate President Sylvia Larsen  
Senator Harold Janeway  
Senator Kathleen Sgambati  
Senator John Gallus

Chairman Smith opened the meeting at 9:10 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Representative Foose, seconded by Senator D'Allesandro, that the minutes of the April 12, 2010 meeting and the continuation meeting of April 14, 2010 be accepted as written. MOTION ADOPTED.

OLD BUSINESS:

FIS 10-116 New Hampshire Liquor Commission – Tabled 04/12/10 and Re-tabled 04/14/10. On a motion by Representative Scamman, seconded by Senator D'Allesandro, that this request be removed from the table. MOTION ADOPTED.

On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request from the New Hampshire Liquor Commission to withdraw the request to establish one (1) part-time temporary Drug Recognition Expert (DRE) Program Assistant through September 30, 2010. MOTION ADOPTED.

NEW BUSINESS:

RSA 9:16-a, TRANSFERS AUTHORIZED:

**CONSENT CALENDAR**

On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request on the agenda under this section as submitted. MOTION ADOPTED. [FIS 10-140 Public Utilities Commission – transfer \$21,938]

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$50,000 FROM ANY NON-STATE SOURCE:

**CONSENT CALENDAR**

Items FIS 10-126 Department of Safety – accept and expend \$175,000 and FIS 10-148 Department of Resources and Economic Development – accept and expend \$1,526,763 in federal funds and \$381,690 in other funds through June 30, 2011 were removed from the Consent Calendar at the request of Representative Kurk.

On a motion by Representative Foose, seconded by Senator D'Allesandro that the Committee approve the remainder of the requests on the agenda under this section as submitted. MOTION ADOPTED. [FIS 10-141 Department of Safety – accept and expend \$15,000,000, FIS 10-142 Department of Safety – authorization to amend FIS 09-344, approved October 20, 2009, by reallocating \$225,000 in other funds through June 30, 2011, FIS 10-162 Department of Environmental Services – accept and expend \$975,001]

FIS 10-126 Department of Safety – Wesley Colby, Director of Administration, Department of Safety presented the request and responded to questions of the Committee.

On a motion by Representative Foose, seconded by Senator D'Allesandro that the Committee approve the request of the Department of Safety to accept and expend \$175,000. MOTION ADOPTED. (7-Yes, 2-No)

FIS 10-148 Department of Resources and Economic Development – Brad Simpkins, Interim Director, and Paul Leary, Program Specialist, Division of Forests and Lands, Department of Resources and Economic Development presented the request and responded to questions of the Committee.

On a motion by Representative Scamman, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Resources and Economic Development to accept and expend \$1,526,763 in federal funds and \$381,690 in other funds through June 30, 2011. No action taken.

On a motion by Representative Kurk, that the Committee table the request of the Department of Resources and Economic Development to accept and expend \$1,526,763 in federal funds and \$381,690 in other funds through June 30, 2011. MOTION FAILED DUE TO THE LACK OF A SECOND.

On the original motion by Representative Scamman, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Resources and Economic Development to accept and expend \$1,526,763 in federal funds and \$381,690 in other funds through June 30, 2011. MOTION ADOPTED. (8-Yes, 1-No)

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$50,000 FROM ANY NON-STATE SOURCE:

**ARRA FUNDS CONSENT CALENDAR**

Item FIS 10-144 Public Utilities Commission – accept and expend \$500,000 in other ARRA funds (from the Office of Energy and Planning) through April 30, 2012 was removed from the Consent Calendar at the request of Representative Kurk.

On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the remainder of the requests on the agenda under this section as submitted. MOTION ADOPTED. [FIS 10-143 The Adjutant General's Department – authorization to amend FIS 09-229, approved June 12, 2009, by reallocating \$69,770 in federal ARRA funds through September 30, 2010, FIS 10-145 Public Utilities Commission – authorization to amend FIS 09-389, approved December 3, 2009, by reallocating \$77,401 in federal ARRA funds between Fiscal Years 2010, 2011, 2012 and 2013 through December 31, 2012, FIS 10-156 Office of Energy and Planning – authorization to amend FIS 09-182, approved May 15, 2009, by reallocating \$7,000 in federal ARRA funds through June 30, 2010 and further reallocating \$628,359 in federal ARRA funds between Fiscal Years 2010, 2011 and 2012 through June 30, 2012]

FIS 10-144 Public Utilities Commission – Jack Ruderman, Administrator, Public Utilities Commission, presented the request and responded to questions of the Committee.

On a motion by Representative Kurk, seconded by Representative Scamman, that the Committee deny the request of the Public Utilities Commission to accept and expend \$500,000 in other ARRA funds (from the Office of Energy and Planning) through April 30, 2012. MOTION FAILED. (1-Yes, 8-No)

On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the Public Utilities Commission to accept and expend \$500,000 in other ARRA funds (from the Office of Energy and Planning) through April 30, 2012. MOTION ADOPTED. (8-Yes, 1-No)

CHAPTER 144:39, II, LAWS OF 2009, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

**ARRA FUNDS CONSENT CALENDAR**

On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the requests on the agenda under this section as submitted. MOTION ADOPTED. [FIS 10-127 Department of Health and Human Services – authorization to accept and expend \$3,654 in federal ARRA funds through June 30, 2010, FIS 10-128 Department of Health and Human Services – authorization to accept and expend \$99,163 in federal ARRA funds through June 30, 2011]

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$50,000 FROM ANY NON-STATE SOURCE AND RSA 124:15 POSITIONS RESTRICTED:

ARRA FUNDS

FIS 10-154 Department of Employment Security – On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Employment Security to accept and expend \$217,500 in federal ARRA funds through May 31, 2011 and further establish two (2) full-time temporary Labor Market Analyst II positions through May 31, 2011. MOTION ADOPTED.

FIS 10-159 Department of Employment Security – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the Department of Employment Security to amend FIS 09-230, approved June 12, 2009, by reallocating \$30,000 in federal ARRA funds through June 30, 2011 and extend the end date of six (6) full-time temporary positions from June 30, 2010 to June 30, 2011 (FIS 09-230, approved June 12, 2009). MOTION ADOPTED.

FIS 10-160 Department of Employment Security – On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Employment Security to amend FIS 09-231, approved June 12, 2009, by reallocating \$299,500 in federal ARRA funds through September 30, 2010 and extend the end date of fourteen (14) full-time temporary positions and nine (9) part-time temporary positions from June 30, 2010 through September 30, 2010 (FIS 09-231, approved June 12, 2009). MOTION ADOPTED.

RSA 21-P:23 HIGHWAY FUND SURPLUS:

FIS 10-149 Department of Safety – Wesley Colby, Director of Administration, Department of Safety presented the request and responded to questions of the Committee. Leonard Russell, Financial Analyst, Department of Transportation, was also present to respond to questions.

On a motion by Representative Scamman, seconded by Senator D'Allesandro that the Committee approve the request of the Department of Safety to transfer \$125,000 from the Highway Fund Surplus account through June 30, 2010. MOTION ADOPTED.

RSA 206:33-b TRANSFERS FROM FISH AND GAME FUND:

FIS 10-163 New Hampshire Fish and Game Department – On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the New Hampshire Fish and Game Department to transfer \$40,000 from the Fish and Game Fund Reserve account to the Fish and Game FY 2010 Operating Budget. MOTION ADOPTED.

RSA 215-A:23, IX AND RSA 215-C:29, X REGISTRATION FEES:

FIS 10-157 New Hampshire Fish and Game Department – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the New Hampshire Fish and Game Department to transfer \$30,600 of unexpended funds from Excess Registration Fees to the Fish and Game OHRV Fiscal Year 2010 Operating Budget. MOTION ADOPTED.

RSA 604-A:1-b ADDITIONAL FUNDING:

FIS 10-146 Judicial Council – Nina Gardner, Executive Director, Judicial Council presented the request and responded to questions of the Committee.

On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the Judicial Council to receive \$350,000 in additional General Funds from funds not otherwise appropriated through June 30, 2011. MOTION ADOPTED.

FIS 10-147 Judicial Council – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the Judicial Council to receive \$75,000 in additional General Funds from funds not otherwise appropriated through June 30, 2011. MOTION ADOPTED.

CHAPTER 4:5, LAWS OF 2010, DEPARTMENT BUDGETS; TRANSFERS OF FEDERAL FUNDS:

FIS 10-150 Department of Safety – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the Department of Safety to transfer \$600 in federal funds through June 30, 2010. MOTION ADOPTED.

CHAPTER 143, LAWS OF 2009:

FIS 10-138 Department of Corrections – On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Corrections to transfer \$638,883 in general funds effective from July 1, 2010 or upon approval, whichever is later, through June 30, 2011. MOTION ADOPTED.

CHAPTER 143:4, LAWS OF 2009, LOTTERY COMMISSION; AUTHORITY GRANTED:

FIS 10-158 New Hampshire Lottery Commission – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the New Hampshire Lottery Commission to purchase instant gaming tickets and related services from July 1, 2010 through June 30, 2011 in an amount not to exceed \$2,300,000 and transfer \$2,300,000 from the Lottery Special Revenue Account for the purchase of instant tickets and related services. MOTION ADOPTED.

CHAPTER 144:39, II, LAWS OF 2009, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

FIS 10-129 Department of Health and Human Services – On a motion by Representative Kurk, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$149,850 in other funds (from the Office of Energy and Planning) through June 30, 2010. MOTION ADOPTED.

CHAPTER 144:39, II, LAWS OF 2009, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS AND RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$50,000 FROM ANY NON-STATE SOURCE:

FIS 10-161 Department of Health and Human Services – On a motion by Representative Foose, seconded by Representative Scamman, that the Committee approve the request of the Department of Health and Human Services to 1) amend FIS 10-031, approved February 5, 2010, the allocation of \$71,347.52 in other funds by decreasing the amount in SFY 2010 by \$17,895 and increasing the amount in SFY 2011 by \$17,895 through August 31, 2010, and subject to approval of Item #1, authorization for the Department of Environmental Services to 2) amend FIS 10-031, approved February 5, 2010, the existing allocation of \$71,347.52 in other funds by decreasing the amount in SFY 2010 by \$17,895 and increasing the amount in SFY 2011 by \$17,895 through August 31, 2010. MOTION ADOPTED.

CHAPTER 144:39, II, LAWS OF 2009, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS AND RSA 124:15 POSITIONS RESTRICTED:

FIS 10-151 Department of Health and Human Services – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$1,082,235 in federal funds through June 30, 2011 and to hire consultants in the sum of \$932,235 through June 30, 2011. MOTION ADOPTED.

CHAPTER 144:39, III, LAWS OF 2009, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

FIS 10-152 Department of Health and Human Services – On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the Department of Health and Human Services to transfer \$176,530 in federal and state funds through June 30, 2011. MOTION ADOPTED.

CHAPTER 144:39, II AND III, LAWS OF 2009, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

ARRA FUNDS

FIS 10-164 Department of Health and Human Services – On a motion by Representative Foose, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Health and Human Services to 1) transfer \$950,000 in general funds in FY 2010 and to 2) transfer \$250,000 in general funds in FY 2010 and accept and expend \$521,338 in federal funds and \$120,696 in federal ARRA funds through June 30, 2010. MOTION ADOPTED.

FIS 10-165 Department of Health and Human Services – Nicholas Toumpas, Commissioner, and James Fredyma, Controller, Department of Health and Human Services presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Foose, that the Committee approve the request of the Department of Health and Human Services to 1) transfer \$2,500,000 in provider payments in FY 2010 and to 2) transfer in FY 2010 \$691,380 in general funds, \$901,108.62 in federal funds and \$208,620 in federal ARRA funds and 3) transfer \$367,500 in general funds in FY 2010 and further accept and expend \$479,038.80 in matching federal funds and \$100,891.04 in federal ARRA funds through June 30, 2010. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational items were accepted and placed on file.

AUDITS:

State of New Hampshire, Office of Energy and Planning, Financial Audit Report For the Year Ended June 30, 2009 – Richard Mahoney, Director of Audits, and Christine Young, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant, presented the report and responded to questions of the Committee. Joanne Morin, Director, Office of Energy and Planning was present to respond to questions of the Committee and presented a handout.

On a motion by Representative Kurk, seconded by Representative Foose, that the report be accepted, placed on file and released in the usual manner. MOTION ADOPTED

The Committee requested that future auditees prepare a one or two page current status of corrective action summary to present at the time the audit is heard by the Committee.

ADJOURNMENT:

The next regular meeting of the Fiscal Committee was set for Thursday, June 17, 2010 at 9:00 a.m. (Whereupon the meeting adjourned.)

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Representative Neal Kurk, Clerk