

Bill as Introduced

SB 323 - AS INTRODUCED

2012 SESSION

12-3005
04/01

SENATE BILL

323

AN ACT

authorizing accounting transfers by the department of corrections.

SPONSORS:

Sen. Morse, Dist 22; Sen. Odell, Dist 8; Sen. Barnes, Jr., Dist 17;
Rep. Weyler, Rock 8

COMMITTEE:

Finance

ANALYSIS

This bill authorizes the commissioner of the department of corrections to transfer funds within and among accounting units within the department for the efficient management of the department.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT authorizing accounting transfers by the department of corrections.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Department of Corrections; Transfers. Notwithstanding any provision of law to the contrary
2 and subject to the approval of the fiscal committee of the general court and governor and council, for
3 the biennium ending June 30, 2013, the commissioner of the department of corrections is authorized
4 to transfer funds within and among all accounting units within the department and to create
5 accounting units and expenditure classes as required and as the commissioner deems necessary and
6 appropriate to address present or projected budget deficits, or to respond to changes in federal law,
7 regulations, or programs, and otherwise as necessary for the efficient management of the
8 department.

9 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 155
SB 323 - FINAL VERSION

2012 SESSION

12-3005
04/01

SENATE BILL **323**

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12-3005
04/01

STATE OF NEW HAMPSHIRE

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7 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
8 the department.

9 155:2 Effective Date. This act shall take effect upon its passage.

10 Approved: June 7, 2012

11 Effective Date: June 7, 2012

Committee Minutes

**SENATE CALENDAR NOTICE
FINANCE**

Senator Chuck Morse Chairman
 Senator Bob Odell V Chairman
 Senator John Barnes, Jr.
 Senator Peter Bragdon
 Senator Lou D'Allesandro
 Senator Jeanie Forrester
 Senator John Gallus

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: December 29, 2011

HEARINGS

Thursday

1/5/2012

FINANCE

SH 103

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	SB376	extending the committee to develop a plan for privatizing the department of corrections.
1:15 PM	SB358-FN	expanding eligibility for free admission to the state park system to certain members and their families and retired members of the armed forces.
1:30 PM	SB323	authorizing accounting transfers by the department of corrections.
1:45 PM	SB309-FN-A	making appropriations to the university system of New Hampshire and the community college system.

Sponsors:

SB376

Sen. Jeanie Forrester
 Sen. John Gallus

Sen. Andy Sanborn
 Rep. Joseph Krasucki

Sen. Chuck Morse
 Rep. Russell Ober

Rep. Dan McGuire

SB358-FN

Sen. Andy Sanborn
 Sen. Jeb Bradley
 Sen. Fenton Groen
 Sen. Raymond White

Sen. Gary Lambert
 Sen. Sharon Carson
 Sen. Jim Luther
 Rep. David Bettencourt

Sen. John Barnes, Jr.
 Sen. James Forsythe
 Sen. Chuck Morse
 Rep. William O'Brien

Sen. David Boutin
 Sen. John Gallus
 Sen. Bob Odell
 Rep. Alfred Baldasaro

SB323

Sen. Chuck Morse

Rep. Kenneth Weyler

Sen. Bob Odell

Sen. John Barnes, Jr.

SB309-FN-A

Sen. Molly Kelly

Sen. Sylvia Larsen

Finance Committee

Hearing Report

TO: Members of the Senate

FROM: Shannon Whitehead, Legislative Aide

RE: Hearing report on SB 323 – **authorizing accounting transfers by the department of corrections.**

HEARING DATE: January 5, 2012

MEMBERS OF THE COMMITTEE PRESENT: Senators: Bragdon, Forrester, Morse, Odell, Barnes, D'Allesandro, and Gallus

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Morse, Dist 22; Sen. Odell, Dist 8; Sen. Barnes, Jr., Dist 17; Rep. Weyler, Rock 8

What the bill does: This bill authorizes the commissioner of the department of corrections to transfer funds within and among accounting units within the department for the efficient management of the department.

Who supports the bill: Senator Chuck Morse and Assistant Commissioner of the Department of Corrections, Bill McGonagle.

Who opposes the bill: No one appeared in opposition

Summary of testimony received:

Senator Morse: Prime Sponsor of the bill. The department is not asking to transfer funds. This request is in response to the \$6 million and \$7 million budget reduction, which is not business as usual, or a quick transfer of funds. The department needs the ability to move funds to have any change of meeting the budget reductions and to continue with the RFPs to privatize nursing, pharmacy and the sex offender treatment programs.

The \$75,000 transfer limit which was mentioned by the House when I originally put this legislation in would not help us address any of the transfers that would be required under the three RFPs, which is now 5. As an example, the nursing privatization RFP would require transferring over \$3 million in salaries and benefits to a contract expense line. Also in order to

do the transfer, the department would need a new contract expense class which we cannot do without legislation being passed.

With sex offender treatment program RFP, the department would additionally need to establish a new accounting unit also trying to transfer current Department of Correction's canteen, hobby craft, recreation staff, and other operating classes from general funds to other non-general funds. At the present, the department does not have the legal authority to effect these actions which have deemed appropriate and necessary to address the back of the budget reductions. It is my understanding that the Department of Health and Human Services has had this authority for several years and that the Administrative Services receive similar authority under HB 2.

This is probably the biggest budget that we cut. It was the only one added to. It also has three RFPs out there that I think could help State Government. And we probably could address that as we introduce those RFPs. I think it's a good place to go. It will help them and it only affects the budget. This ends at the end of 2013. This is just to help them through this session.

Senator Odell noted that in the bill that any changes it has to go through Fiscal Committee also, separate from the committee.

Assistant Commissioner William McGonagle: What I heard of Senator Morse's presentation we would agree with everything he said. We support this bill and would find the ability to transfer funds that would provide for the department a necessary set of tools for us to deal with our back of the budget cuts.

Hearing was closed at 1:23pm

Funding: n/a

Future Action: The bill was voted ought to pass, 7-0. The bill has been voted to be on the consent calendar by a vote of 7-0. Senator Morse for the committee.

SGW

[file: SB 323 report]
Date: January 9, 2012

SENATE FINANCE COMMITTEE

State House, Room 103

Concord, NH

Thursday, January 5, 2012

SENATE BILL 323, AN ACT authorizing accounting transfers by the Department of Corrections.

TESTIMONY OF:

Sen. Chuck Morse. Pg. 1
William McGonagle Pg. 3

VICE-CHAIRMAN ODELL: We'll open the public hearing on Senate Bill 323 and invite Senator Morse to introduce his bill. Welcome, Senator Morse.

CHUCK MORSE, State Senator, Senate District #22:
Thank you, Senator Odell. I'm just going to read a response from Commissioner Wrenn. The House had -- had -- when I introduced this legislation, I had questions from the House and Commissioner Wrenn sent me a response, and I think it's appropriate to read it. And it will explain why we want to do this. There is legislation in the House which he alludes to that has been going through a process to help all departments, then there's explanation. I'll explain why it won't work for his.

We're not asking to transfer funds. We are also asking to create new accounting units and new expense classes. This request is in response to the \$6 million and \$7 million budget reduction which is not business as usual or a quick transfer of funds. We need the ability to move funds to have any chance of meeting the budget reductions and to continue with the RFPs to privatize nursing, pharmacy, and the sex offender treatment program, which was talked about earlier.

The \$75,000 transfer limit which was mentioned by the House when I originally put this legislation in would not help us address any of the transfers that would be required

under the three RFPs, which is actually five now. As an example, the nursing privatization RFP would require transferring over \$3 million in salaries and benefits to a contract expense line. Also, in order to do the transfer, we would need a new contract expense class which we cannot do without legislation being passed.

With the sex offender treatment program RFP, we would additionally need to establish a new accounting unit. We are also trying to transfer current Department of Corrections canteen, hobby craft, recreation staff, and other operating classes from general funds to other non-general funds. At the present, we do not have the legal authority to effect these actions which we have deemed appropriate and necessary to address the back-of-the-budget reductions. It is my understanding that the Department of Health and Human Services has had this authority for several years and that Administrative Services receives similar authority under HB2.

Normally, I would be against something like this. This is probably the biggest budget that we cut, and rightfully so, because it was the only one added to. And it also has three RFPs out there that I think could help State Government. And we probably could address this as we introduce those RFPs. But reality is, I think it's -- it's a good place to go, I think it will help them, and it only affects this budget. This ends at the end of 2013. And the next budget will be drafted in the manner that the group that puts it together will decide to do. So this is just to help them through this session.

VICE-CHAIRMAN ODELL: Thank you, Senator Morse. Questions for Senator Morse? So I note in the bill that any change has to go through Fiscal Committee, also, separate from us.

SEN. MORSE: Okay.

VICE-CHAIRMAN ODELL: All right. Thank you.

SEN. MORSE: Thank you. I believe the Department is here.

VICE-CHAIRMAN ODELL: Yes.

WILLIAM MCGONAGLE, Assistant Commissioner, Department of Corrections: I came to answer questions if there are for us. What I heard of Senator Morse's presentation we would agree with everything he said that I heard. But I'll approach.

For the record, my name is Bill McGonagle, the Assistant Commissioner for the Department of Corrections; and certainly, we support this bill and would find the ability to transfer funds that that would provide for the Department a necessary set of tools for us to deal with our back-of-the-budget cuts. If there are other questions, I'm certainly willing to answer them.

SEN. MORSE: You're in charge.

VICE-CHAIRMAN ODELL: I'm in charge? All right. Questions? Seeing none. Thank you very much.


MR. MCGONAGLE: My pleasure.

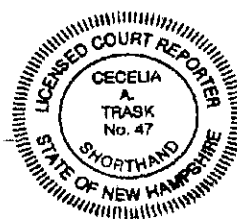
VICE-CHAIRMAN ODELL: Appreciate you being here. Anyone else wishing to testify on Senate Bill 323? Seeing no one else, I will close the public hearing on Senate Bill 323.

(Hearing closed at 1:23 a.m.)

CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.


Cecelia A. Trask, LSR, RMR, CRR
State of New Hampshire
License No. 47



Senate Finance Committee

January 5, 2012

Senate Bill 323

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 6, 2012

THE COMMITTEE ON Finance

to which was referred Senate Bill 323

AN ACT authorizing accounting transfers by the department of
 corrections.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 7-0

AMENDMENT # s

Senator Chuck Morse
For the Committee

Shannon Whitehead 271-4980

New Hampshire General Court - Bill Status System

Docket of SB323

Docket Abbreviations

Bill Title: authorizing accounting transfers by the department of corrections.*Official Docket of SB323:*

Date	Body	Description
1/1/2012	S	Introduced 1/4/2012 and Referred to Finance; SJ 1 , Pg.11
1/1/2012	S	Hearing: 1/5/12, Room 103, SH, 1:30 p.m; SC1
1/10/2012	S	Committee Report: Ought to Pass, 1/18/12; Vote 7-0; CC; SC3
1/18/2012	S	Ought to Pass, MA, VV; OT3rdg; SJ 2 , Pg.21
2/8/2012	H	Introduced and Referred to Finance; HJ 15 , PG.848
2/8/2012	H	Public Hearing: 3/6/2012 1:00 PM LOB 210-211
3/20/2012	H	Division I Work Session: 4/3/2012 10:00 AM LOB 212
4/10/2012	H	Executive Session: 4/17/2012 10:00 AM LOB 210-211
4/18/2012	H	Committee Report: Ought to Pass for April 25 (Vote 23-0; CC); HC 33 , PG.1917
4/25/2012	H	Ought to Pass: MA VV; HJ 38 , PG.2143
4/25/2012	H	Lay On Table SB's 315, 317, 323, 369, 379, and 389 (Rep Lambert); HJ 38 , PG.2204
4/25/2012	H	Divide Motion To Lay Senate Bills On Table (Rep Weber): MF RC 82-204 ; HJ 38 , PG.2204-2206
4/25/2012	H	Lay On Table Senate Bills (Rep Lambert): MA DIV 195-93; HJ 38 , PG.2204-2206
4/25/2012	H	Remove From Table (Rep Vaillancourt): MF DIV 93-184
5/16/2012	H	Remove From Table (Rep L.Ober): MA DIV 311-12; HJ 44 , PG.2352
5/23/2012	S	Enrolled
5/30/2012	H	Enrolled [Recessed from 5/17/2012 Session]; HJ 46 , PG.2495
6/7/2012	S	Signed by the Governor on 06/07/2012; Chapter 0155; Effective 06/07/2012

NH House

NH Senate

Other Referrals

3323

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # _____ - AMENDMENT # _____
 - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): transcript

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 6-21-12

Shannon Whitehead
BY COMMITTEE AIDE