

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

July 23, 2012

The Fiscal Committee of the General Court met on Monday, July 23, 2012 at 10:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Ken Weyler, Chairman  
Representative Beverly Rodeschin  
Representative Daniel McGuire  
Representative Stephen Stepanek  
Representative Robert Foose  
Senator Chuck Morse  
Senate President Peter Bragdon  
Senator Bob Odell  
Senator Sylvia Larsen  
Senator John Gallus

Chairman Weyler opened the meeting at 10:10 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator Bragdon, seconded by Representative Foose, that the minutes of the June 18, 2012 meeting be accepted as written. MOTION ADOPTED.

OLD BUSINESS:

Office of Legislative Budget Assistant – Administrative Procedures. Tabled 12/29/10.  
No Action Taken.

FIS 11-274 Additional Information #3 Department of Information Technology – The request was withdrawn due to the repeal of the requirement contained in Chapter 224:365, I, that required the Commissioner of Information Technology to engage the services of an information systems consultant to review and evaluate the State’s Medicaid Management Information System (MMIS), memo dated June 25, 2012, in conjunction with previously tabled request; FIS 11-274 Department of Information Technology – request for an extension to the October 1, 2011 requirement to present the consultant’s report on the MMIS system to the Fiscal Committee to December 31, 2011, and subsequent handouts; FIS 11-274 Additional Information – Department of Justice handout presented at the October 28, 2011 meeting, and FIS 11-274 Additional Information #2 – Department of Information Technology update presented at the January 20, 2012 meeting, originally tabled 09/23/11.

FIS 11-322 House of Representatives – request on behalf of the House Speaker that the Office of Legislative Budget Assistant conduct a complete financial audit of the New Hampshire Disaster Relief Fund (“NHDRF”) from inception to the present and a complete report on how NHDRF operated itself, determined distributions and followed-up on distributions. Tabled 10/28/11. No Action Taken.

FIS 12-227 Administrative Office of the Courts – authorization for the governor and council to make three (3) judicial appointments to the new circuit court to fill three (3) positions that will become vacant due to the completion of the terms of three (3) marital masters. Tabled 06/18/12. No Action Taken.

FIS 12-228 Administrative Office of the Courts – authorization for \$1,696,658 of additional funding from state general funds not otherwise appropriated for the fiscal year ending June 30, 2013. The Committee approved \$500,000 of additional funding for the Jury Management System and the remaining \$1,196,658 requested for the NH e-court project was Tabled 06/18/12. No Action Taken.

NEW BUSINESS:

RSA 14:30-a, III AUDIT TOPIC RECOMMENDATION BY LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE:

FIS 12-229 Letter from Senator Peter Bragdon, Chairman of the Legislative Performance Audit and Oversight Committee relative to the recommendation of the following performance audit topics – On a motion by Representative McGuire, seconded by Senator Bragdon, that the Committee approve the request of the Legislative Performance Audit and Oversight Committee relative to the recommendation of the following two performance audit topics: 1) Department of Health and Human Services, Juvenile Justice System, and 2) State of New Hampshire Human Resources Practices: Employees vs. Contractors. MOTION ADOPTED.

RSA 9:16-a, TRANSFERS AUTHORIZED:

**CONSENT CALENDAR**

On a motion by Senator Bragdon, seconded by Representative McGuire, that the Committee approve the request under this section as submitted. MOTION ADOPTED. [FIS 12-235 Department of Transportation – transfer \$85,300]

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**

At the request of Representative McGuire FIS 12-246 Department of Safety, and FIS 12-250 Department of Resources and Economic Development were removed from the Consent Calendar.

On a motion by Senator Bragdon, seconded by Representative Stepanek, that the Committee approve the remaining requests under this section as submitted. MOTION ADOPTED. [FIS 12-236 Department of Safety – accept and expend \$6,000,000, FIS 12-237 Department of Transportation – accept and expend \$20,000,000 in federal funds and further accept and expend other funds in the amounts of \$30,517,270 from the State of Maine and \$796,651 from the City of Portsmouth through June 30, 2013, FIS 12-238 Department of Transportation – authorization to amend FIS 09-089, approved March 20, 2009, by reallocating \$150 in federal ARRA funds through June 30, 2013, FIS 12-254 Office of Energy and Planning – authorization to amend FIS 12-054, approved

February 27, 2012, by reallocating \$431,550 in federal ARRA funds through September 30, 2012, FIS 12-255 Office of Energy and Planning – authorization to amend FIS 11-134, approved May 2, 2011, by reallocating \$2,586 in federal ARRA funds and extending the end date from August 14, 2012 to February 14, 2013, FIS 12-256 Office of Energy and Planning – authorization to amend FIS 12-164, approved May 21, 2012, by reallocating \$1,200 in federal ARRA funds through September 30, 2012, and FIS 12-257 The Adjutant General's Department – accept and expend \$2,124,500]

FIS 12-246 Department of Safety – John Beardmore, Director of Administration, Department of Safety presented the request and responded to the questions of the Committee.

On a motion by Senator Bragdon, seconded by Representative Stepanek, that the Committee approve the request of the Department of Safety to accept and expend \$60,514. MOTION ADOPTED.

FIS 12-250 Department of Resources and Economic Development – Brad Simpkins, Interim Director, and Susan Francher, Forester V, Division of Forest and Lands, Department of Resources and Economic Development presented the request and responded to questions of the Committee.

On a motion by Senator Morse, seconded by Senator Bragdon, that the Committee table the request of the Department of Resources and Economic Development to accept and expend \$2,260,000. MOTION ADOPTED. (9-Yes, 1-No)

RSA 124:15 POSITIONS RESTRICTED :

**CONSENT CALENDAR**

At the request of the Chair FIS 12-239 Department of Safety and FIS 12-249 Department of Justice were removed from the Consent Calendar.

FIS 12-239 Department of Safety – John Beardmore, Director of Administration, Department of Safety presented the request and responded to the questions of the Committee.

On a motion by Senator Bragdon, seconded by Representative Foose, that the Committee approve the request of the Department of Safety to establish one (1) temporary part-time Program Assistant II position through September 30, 2012. No Action Taken.

On a motion by Senator Morse, seconded by Representative Stepanek, that the Committee table the request of the Department of Safety to establish one (1) temporary part-time Program Assistant II position through September 30, 2012. MOTION ADOPTED.

FIS 12-249 Department of Justice – Anne Edwards, Esquire, Associate Attorney General, Department of Justice, presented the request and responded to questions of the Committee.

On a motion by Senator Morse, seconded by Representative Stepanek, that the Committee table the request of the Department of Justice to hire a contract attorney to serve as a hearings officer for the Banking Department through June 30, 2013. MOTION ADOPTED.

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 :

FIS 12-240 Department of Safety – John Beardmore, Director of Administration, Department of Safety presented the request and responded to the questions of the Committee.

On a motion by Senator Morse, seconded by Senator Bragdon, that the Committee table the request of the Department of Safety to 1) accept and expend \$538,953 in federal funds through June 30, 2013 and contingent upon approval of #1, authorization to 2) establish one (1) temporary full-time Business Systems Analyst I position through June 30, 2013. MOTION ADOPTED.

FIS 12-247 Department of Transportation – Patrick McKenna, Director of Finance, Department of Transportation, presented the request and responded to questions of the Committee.

On a motion by Senator Morse, seconded by Representative Stepanek, that the Committee approve the request of the Department of Transportation to accept and expend \$73,823 in other funds through June 30, 2013 and establish one (1) temporary part-time Civil Engineer IV position and establish a Consultant position through June 30, 2013. MOTION ADOPTED.

FIS 12-251 Department of Justice – Anne Edwards, Esquire, Associate Attorney General, Department of Justice, and Linda Hodgdon, Commissioner, Department of Administrative Services, presented the request and responded to questions of the Committee.

On a motion by Senator Morse, seconded by Representative Stepanek, that the Committee table the request of the Department of Justice to 1) accept and expend \$103,480 in other funds through June 30, 2013, and contingent upon approval of #1, authorization to 2) establish a full-time unclassified attorney position through June 30, 2013. MOTION ADOPTED. (7-Yes, 3-No)

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 228:12 TRANSFERS FROM HIGHWAY SURPLUS ACCOUNT:

FIS 12-241 Department of Transportation – On a motion by Senator Bragdon, seconded by Representative Stepanek, that the Committee approve the request of the Department of Transportation to accept and expend \$2,025,000 in other funds through June 30, 2013, and transfer \$675,000 in highway surplus funds through June 30, 2013. MOTION ADOPTED.

RSA 228:12 TRANSFERS FROM HIGHWAY SURPLUS ACCOUNT:

FIS 12-242 Department of Transportation – Christopher Clement, Commissioner, and William Janelle, Director of Operations, Department of Transportation, presented the request and responded to questions of the Committee.

On a motion by Senator Larsen, seconded by Representative Foose, that the Committee approve the request of the Department of Transportation to transfer \$168,780 in highway surplus funds through June 30, 2013. No Action Taken.

On a motion by Senator Morse, seconded by Representative Stepanek, that the Committee table the request of the Department of Transportation to transfer \$168,780 in highway surplus funds through June 30, 2013. MOTION ADOPTED.

At 11:01 a.m. the Senate requested a recess to caucus, returning from discussions on the tabled items at 11:30 a.m.

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

Senator Morse reported that the Senate wished to leave FIS 12-250 Department of Resources and Economic Development request to accept and expend \$2,260,000 on the table and requested the Department provide more detailed information for the next meeting.

RSA 124:15 POSITIONS RESTRICTED :

CONSENT CALENDAR

FIS 12-239 Department of Safety – On a motion by Senator Morse, seconded by Senator Bragdon, that the item be removed from the table. MOTION ADOPTED. (9-Yes, 1-No)

On a motion by Senator Bragdon, seconded by Senator Morse, that the Committee approve request of the Department of Safety to establish one (1) temporary part-time Program Assistant II position through September 30, 2012. MOTION ADOPTED. (7-Yes, 2-No)

FIS 12-249 Department of Justice – On a motion by Senator Morse, seconded by Senator Bragdon, that the item be removed from the table. MOTION ADOPTED.

On a motion by Senator Bragdon, seconded by Senator Morse, that the Committee approve the request of the Department of Justice to hire a contract attorney to serve as a hearings officer for the Banking Department through June 30, 2013. MOTION ADOPTED.

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 :

Senator Morse reported that the Senate wished to leave FIS 12-240 Department of Safety request to 1) accept and expend \$538,953 in federal funds through June 30, 2013 and contingent upon approval of #1, authorization to 2) establish one (1) temporary full-time Business Systems Analyst I position through June 30, 2013 on the table.

FIS 12-251 Department of Justice – On a motion by Senator Morse, seconded by Senator Bragdon, that the item be removed from the table. MOTION ADOPTED. (5-Yes, 3-No)

On a motion by Senator Bragdon, seconded by Representative Foose, that the Committee approve the request of the Department of Justice to 1) accept and expend \$103,480 in other funds through June 30, 2013, and 2) establish a full-time unclassified attorney position through June 30, 2013. MOTION ADOPTED. (7-Yes, 3-No)

RSA 228:12 TRANSFERS FROM HIGHWAY SURPLUS ACCOUNT:

Senator Morse reported that the Senate wished to leave FIS 12-242 Department of Transportation request to transfer \$168,780 in highway surplus funds through June 30, 2013 on the table, requesting to meet with the Commissioner to obtain more details on what the plan is.

RSA 228:69, I (b), APPROPRIATION AND USE OF SPECIAL RAILROAD FUND:

FIS 12-248 Department of Transportation – On a motion by Senator Larsen, seconded by Senator Bragdon, that the Committee approve the request of the Department of Transportation to budget and expend \$394,317 in prior year carry-forward funds from the Special Railroad Fund for maintenance and repair of active State-owned railroad lines through June 30, 2013. MOTION ADOPTED.

CHAPTER 224:14, II, LAWS OF 2011, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

FIS 12-243 Department of Health and Human Services – Jonathan McCosh, Financial Manager, Bureau of Elderly and Adult Services, Department of Health and Human Services, presented the request and responded to questions of the Committee.

On a motion by Senator Morse, seconded by Representative Stepanek, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$15,150,271.96 in federal funds and \$15,147,242.50 in other funds, for a total of \$30,297,514.46 through June 30, 2013. MOTION ADOPTED.

CHAPTER 224:14, III, LAWS OF 2011, DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

FIS 12-244 Department of Health and Human Services – On a motion by Senator Odell, seconded by Representative McGuire, that the Committee approve the request of the Department of Health and Human Services to transfer \$205,975 in federal funds and \$205,975 in general funds, for a total of \$411,950 through June 30, 2013. MOTION ADOPTED.

CHAPTER 224:210, LAWS OF 2011, DEPARTMENT OF INFORMATION TECHNOLOGY; TRANSFERS AMONG ACCOUNTS:

FIS 12-245 Department of Information Technology – On a motion by Representative McGuire, seconded by Representative Stepanek, that the Committee approve the request of the Department of Information to transfer \$34,657 in other funds through June 30, 2013. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational items were accepted and placed on file.

MISCELLANEOUS:

Office of Legislative Budget Assistant – Jeffry Pattison, Legislative Budget Assistant, requested authority to hire one (1) performance audit auditor to fill a vacant position in the Audit Division, Office of Legislative Budget Assistant.

On a motion by Representative Foose, seconded by Representative Stepanek, that the Committee approve the request of the Office of Legislative Budget Assistant to hire one (1) performance audit auditor to fill a vacant position in the Audit Division. MOTION ADOPTED.

AUDITS:

State of New Hampshire, Department of Resources and Economic Development, Hampton Beach Parking Meter Fund, Financial Audit Report For The Ten Months Ended April 30, 2012 – William Mitchell, Financial Audit Supervisor, and James LaRiviere, Senior Audit Manager, Office of Legislative Budget Assistant, presented the report and responded to questions of the Committee. Thomas Martin, Business Manager, and Philip Bryce, Director, Division of Parks and Recreation, were present to respond to questions of the Committee.

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

ADJOURNMENT:

The next regular meeting of the Fiscal Committee was set for Friday, September 14, 2012 at 10:00 a.m.

The Committee requested that the Department of Health and Human Services report on the status of Managed Care at the September 14, 2012 meeting.

On a motion by Representative Rodeschin, seconded by Representative Stepanek, that the meeting adjourn. MOTION ADOPTED. (Whereupon the meeting adjourned at 12:11 p.m.)

---

Representative Beverly Rodeschin, Clerk