

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

January 23, 2015

The Fiscal Committee of the General Court met on Friday, January 23, 2015 at 9:30 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Neal Kurk, Chair
Representative Ken Weyler
Representative Lynne Ober
Representative Mary Jane Wallner
Representative Daniel Eaton
Representative Karen Umberger (Alternate)
Representative Richard Barry (Alternate)
Senator Jeanie Forrester
Senate President Chuck Morse
Senator Andy Sanborn
Senator Gerald Little
Senator Lou D'Allesandro

Chairman Kurk opened the meeting at 9:35 a.m.

ORGANIZATION OF COMMITTEE:

The Chair appointed Representative Weyler to serve as Acting Clerk.

On a motion by Senator Morse, seconded by Senator Sanborn, that Senator Forrester be nominated as Vice Chairman of the Fiscal Committee.

No other nominations were received. The Chairman closed nominations, instructed the Acting Clerk to cast one vote, and Senator Forrester was duly elected Vice Chairman of the Fiscal Committee.

On a motion by Representative Eaton that Representative Weyler be nominated as Clerk of the Fiscal Committee.

No other nominations were received. The Chairman closed nominations, instructed the Acting Clerk to cast one vote, and Representative Weyler was duly elected Clerk of the Fiscal Committee.

RSA 14:30 APPOINTMENT AND COMPENSATION OF LEGISLATIVE BUDGET ASSISTANT:

On a motion by Representative Weyler, seconded by Senator Forrester, that Jeffry Pattison be appointed as the Legislative Budget Assistant, pursuant to the provisions of RSA 14:30, for a two-year term. MOTION ADOPTED.

ADOPTION OF FISCAL COMMITTEE RULES AND PROCEDURES:

On a motion by Representative Eaton, seconded by Senator Sanborn, that the Committee adopt the Fiscal Committee rules and procedures consistent with past practices as outlined in Appendix A, which will be attached to the minutes as part of the official record. MOTION ADOPTED.

ACCEPTANCE OF MINUTES:

On a motion by Representative Eaton, seconded by Senator Little, that the minutes of the November 10, 2014 and November 24, 2014 meetings be accepted as written. MOTION ADOPTED

NEW BUSINESS:

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE:
CONSENT CALENDAR

At the request of Senator Sanborn, FIS 14-202 Department of Safety was removed from the Consent Calendar.

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee approve the remaining requests under this section as submitted. MOTION ADOPTED. [FIS 14-198 Department of Agriculture, Markets & Food – accept and expend \$273,101.12, FIS 14-199 Department of Environmental Services – authorize the Oil Fund Disbursement Board to budget and expend \$600,000 of prior year carry forward Fuel Oil Discharge Cleanup funds through June 30, 2015, FIS 14-200 Department of Environmental Services – accept and expend \$20,000,000, FIS 14-201 Department of Environmental Services – accept and expend \$369,000, FIS 14-208 Department of Agriculture, Markets & Food – accept and expend \$230,000, FIS 14-211 Department of Health and Human Services – authorization to retroactively accept and expend \$124,608 in federal funds for the period of September 1, 2014 through June 30, 2015, FIS 15-004 Department of Health and Human Services – accept and expend \$2,187,927.93, FIS 15-005 Department of Health and Human Services – accept and expend \$641,559]

FIS 14-202 Department of Safety – Elizabeth Bielecki, Director of Administration, and Perry Plummer, Director of Homeland Security and Emergency Management, Department of Safety presented the request and responded to questions of the Committee.

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Safety to accept and expend \$1,107,723. MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE AND RSA 124:15 POSITIONS RESTRICTED:

CONSENT CALENDAR

At the request of the Chair, FIS 15-001 Department of Health and Human Services was removed from the Consent Calendar.

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee approve the remaining requests under this section as submitted. MOTION ADOPTED. [FIS 14-203 Department of Safety – authorization to 1) accept and expend \$143,881 in other funds through June 30, 2015 and further authorization to 2) establish consultant positions through June 30, 2015, and FIS 15-002 Department of Health and Human Services – authorization to 1) accept and expend \$111,692 in federal funds through June 30, 2015 and subject to approval of #1, further authorization to 2) establish three full-time temporary positions consisting of: a Senior Management Analyst (LG26), a Program Planner III-Data Analyst (LG25), and a Program Planner III-Communication Specialist (LG25) through June 30, 2015]

FIS 15-001 Department of Health and Human Services – Nicholas Toumpas, Commissioner, Department of Health and Human Services presented the request and responded to questions of the Committee.

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee table the request of the Department of Health and Human Services to 1) accept and expend \$559,432 in federal funds through June 30, 2015 and subject to approval of #1, further authorization to 2) establish five full-time temporary positions consisting of; a Toxicologist IV (LG29), a Toxicologist II (LG23), a Public Health Program Manager (LG26), a Program Specialist IV (LG25), and a Toxicologist II (LG23-to be hired in SFY 16) through June 30, 2015. MOTION ADOPTED.

The Committee requested to know 1) if the program was voluntary and 2) for those who do not volunteer, can medical records be accessed without permission.

RSA 124:15 POSITIONS RESTRICTED:

CONSENT CALENDAR

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee approve the request under this section as submitted. MOTION ADOPTED. [FIS 15-006 Department of Justice – authorization to establish one (1) part-time temporary Program Specialist IV position (LG24) through June 30, 2015]

RSA 604-A:1-b ADDITIONAL FUNDING:

FIS 14-207 Judicial Council – On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Judicial Council to receive \$270,000 in additional general funds from funds not otherwise appropriated through June 30, 2015. MOTION ADOPTED.

CHAPTER 144:117, LAWS OF 2013, DEPARTMENT OF INFORMATION TECHNOLOGY;
TRANSFERS AMONG ACCOUNTS:

FIS 14-209 Department of Information Technology – Steven Kelleher, Acting Commissioner, Department of Information Technology presented the request and responded to questions of the Committee. Elizabeth Bielecki, Director of Administration, Department of Safety was also present to respond to questions of the Committee.

On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Information Technology to transfer \$312,103 in other funds through June 30, 2015. MOTION ADOPTED. (7-Yes, 3-No)

LATE ITEMS:

FIS 15-009 Department of Health and Human Services – Nicholas Toumpas, Commissioner, and Stephen Mosher, Department of Health and Human Services, presented the request and responded to questions of the Committee.

On a motion by Representative Ober, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Health and Human Services to 1) transfer \$44,233,213 in general funds and 2) accept and expend \$15,990,040 in federal funds and \$8,169,802 in other funds through June 30, 2015. MOTION ADOPTED.

FIS 15-010 Department of Health and Human Services – Nicholas Toumpas, Commissioner, and Stephen Mosher, Department of Health and Human Services presented the informational November 2014 Operating Statistics Dashboard report for the fiscal year ending June 30, 2015 and responded to questions of the Committee.

The Committee requested that the Attorney General attend the next meeting to speak to the Committee relative to the Department of Health and Human Services treatment of the FY 2014 and FY 2015 balance of funds in accounting unit 05-95-48-48510-5642 Nursing Services – County Participation and the applicable organization note as presented by the Department at the January 23, 2015 meeting.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE AND RSA 124:15 POSITIONS RESTRICTED:

CONSENT CALENDAR

FIS 15-001 Department of Health and Human Services – On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the item be removed from the table. MOTION ADOPTED.

Nicholas Toumpas, Commissioner, and Julianne Nassif, Toxicologist V, Division of Public Health Services, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative Eaton, that the Committee approve the request of the Department of Health and Human Services to 1) accept and expend \$559,432 in federal funds through June 30, 2015 and subject to approval of #1, further authorization to 2) establish five full-time temporary positions consisting of; a Toxicologist IV (LG 29), a Toxicologist II (LG 23), a Public Health Program Manager (LG 26), a Program Specialist IV (LG 25), and a Toxicologist II (LG 23-to be hired in SFY 16) through June 30, 2015. MOTION ADOPTED.

LATE ITEM:

FIS 15-011 Office of Consumer Advocate - Susan Chamberlin, Consumer Advocate, responded to questions of the Committee.

On a motion by Senator Sanborn, seconded by Senator Forrester, that the Committee table the request of the Office of Consumer Advocate to enter into a contract for professional services with Ben Johnson Associates, Inc. of 5600 Pimlico Drive, Tallahassee, FL to provide expert services to support Office of Consumer Advocate’s participation in the Liberty Utility rate case Docket No DG-14-180 before the Public Utilities Commission through December 31, 2015, in an amount not to exceed \$29,675. NO ACTION TAKEN.

The Committee recessed at 10:48 a.m. and reconvened at 10:55 a.m.

Senators Sanborn and Forrester respectively withdrew their motions to table the request of the Office of Consumer Advocate.

On a motion by Senator D’Allesandro, seconded by Representative Eaton, that the Committee approve the request of the Office of Consumer Advocate to enter into a contract for professional services with Ben Johnson Associates, Inc. of 5600 Pimlico Drive, Tallahassee, FL to provide expert services to support Office of Consumer Advocate’s participation in the Liberty Utility rate case Docket No DG-14-180 before the Public Utilities Commission through December 31, 2015, in an amount not to exceed \$29,675. MOTION ADOPTED. (8-Yes, 2-No)

MISCELLANEOUS:

Jeffrey Pattison, Legislative Budget Assistant, requested approval to fill two (2) vacant staff auditor positions in the Office of Legislative Budget Assistant, Audit Division.

On a motion by Representative Ober, seconded by Senator D'Allesandro, that the Committee approve the request of the Office of Legislative Budget Assistant to fill two (2) vacant staff auditor positions in the Office of Legislative Budget Assistant, Audit Division. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational items were accepted and placed on file.

10:00 a.m.

Audits:

State of New Hampshire, Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2014 – Stephen Smith, Director of Audits, Office of Legislative Budget Assistant, Greg Driscoll, KPMG Partner, and Steve Wallach, KPMG Senior Manager, presented the report and responded to questions of the Committee. Linda Hodgdon, Commissioner, and Karen Benincasa, State Comptroller, Department of Administrative Services were present to respond to questions of the Committee.

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

State of New Hampshire, Department of Transportation, Turnpike System, Annual Financial Report For the Fiscal Year Ended June 30, 2014 – Jayme Silva, KPMG Partner, and Karen Farrell, KPMG Senior Manager, presented the report and responded to questions of the Committee. Marie Mullen, Director of Finance, and Len Russell, Financial Reporting Administrator, Department of Transportation were present to respond to questions of the Committee.

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

New Hampshire Lottery Commission, A Department of The State of New Hampshire, Comprehensive Annual Financial Report For the Fiscal Year Ended June 30, 2014 – Stephen Smith, Director of Audits, and James LaRiviere, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. Charles McIntyre, Executive Director, and Kassie Strong, Chief Financial Officer, New Hampshire Lottery Commission, were present to respond to questions of the Committee.

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

State of New Hampshire, Department of Administrative Services, Annual Financial Report, Internal Service Fund, Fiscal Year 2014 – Stephen Smith, Director of Audits, and Pamela Veeder, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. Linda Hodgdon, Commissioner, Catherine Keane, Director of Risk Benefits, and Sarah Trask, Financial Analyst, Department of Administrative Services, were present to respond to questions of the Committee.

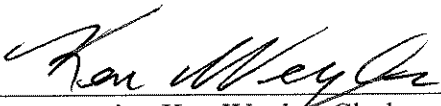
On a motion by Representative Weyler, seconded by Representative Ober, that the report be accepted, placed on file, and released in the usual manner. MOTION ADOPTED.

2014 Comprehensive Annual Financial Report, New Hampshire State Liquor Commission, A Department of The State of New Hampshire – Stephen Smith, Director of Audits, and Jean Mitchell, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. Joseph Mollica, Chairman, and Steven Kiander, Chief Financial Officer, New Hampshire State Liquor Commission, were present to respond to questions of the Committee.

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

DATE OF NEXT MEETING AND ADJOURNMENT

The next regular meeting of the Fiscal Committee was set for Thursday, February 19, 2015 at 3:00 p.m. (Whereupon the meeting adjourned at 12:25 p.m.)



Representative Ken Weyler, Clerk

Attachment

FISCAL COMMITTEE RULES AND PROCEDURES

Friday, January 23, 2015 at 9:30 a.m.

As it relates to items submitted to the Committee for action:

- 1) The Committee requires that any requested action made pursuant to RSA 124:15, establishing any new position or continuation of an existing position, either full-time or part-time, or the hiring of consultants be for the current biennium only.
- 2) The Committee requires that any requested action made pursuant to RSA 14:30-a,VI, the Acceptance and Expenditure of Funds Over \$100,000 from any Non-State Source be for the current biennium only.
- 3) That any request made to the Committee under the following statutes, either individually or a combination thereof will be placed on a consent calendar and voted on as a block.

*******Any member may request that any item be removed from the consent calendar for further discussion and/or clarification prior to or during the Fiscal Committee meeting.*******

- RSA 9:16-a - Transfers Authorized,
- RSA 9:16-c - Transfer of Federal Grant Funds,
- RSA 9:17-d - Transfer of Appropriations, Judicial Branch,
- RSA 14:30-a,VI - Acceptance and Expenditure of Funds Over \$100,000 from any Non-State Source and
- RSA 124:15 - Positions Restricted

- 4) Acceptance of a late item requires approval of the Chairman.

As it relates to the Office of Legislative Budget Assistant:

- 5) Authorize the Legislative Budget Assistant to;
 - Effective December 1, 2014, grant step increases for employees of the LBA Office on the employee's anniversary dates, and at such other times for exceptional service, as determined by the Legislative Budget Assistant. The Legislative Budget Assistant will inform the Fiscal Committee in writing, when these step increases have been granted.
 - Promote an LBA employee, with prior approval of the Chairman of the Fiscal Committee,
 - And fill a vacancy in the LBA Office with the prior approval of the full Fiscal Committee.