

FISCAL COMMITTEE OF THE GENERAL COURT
MINUTES
June 7, 2013

The Fiscal Committee of the General Court met on Friday, June 7, 2013 at 10:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Mary Jane Wallner, Chairman
Representative Cindy Rosenwald
Representative Peter Leishman
Representative Dan McGuire (Alternate)
Representative Bernard Benn (Alternate)
Senator Chuck Morse
Senate President Peter Bragdon (Alternate)
Senator Sharon Carson (Alternate)
Senator Sylvia Larsen
Senator Andy Sanborn

Chairman Wallner opened the meeting at 10:05 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator Morse, seconded by Representative Leishman, that the minutes of the April 19, 2013 meeting be accepted as written. MOTION ADOPTED. (8-Yes, 1-Abstain)

OLD BUSINESS:

FIS 12-359 McAuliffe-Shepard Discovery Center – request for approval of the business plan for the operation of the McAuliffe-Shepard Discovery Center. Tabled 12/21/12. No Action Taken.

FIS 13-040 Public Utilities Commission – accept and expend \$2,663,089. Tabled 02/01/13. No Action Taken.

FIS 13-081 Letter from Representative Lucy McVitty Weber, Chairman of the Legislative Performance Audit and Oversight Committee relative to the recommendation of the performance audit topics for 5) Police Standards and Training Council, The Council in Performance of its Charter. Tabled 03/08/13. No Action Taken.

FIS 13-091 Department of Justice – On a motion by Representative Leishman, seconded by Senator Sanborn, that the item be removed from the table. MOTION ADOPTED.

The Department of Justice submitted a letter (FIS 13-091 Additional Information), dated June 4, 2013, to notify the Committee that Attorney General Joseph Foster had reviewed and concurred with the request.

Ann Rice, Deputy Attorney General, Department of Justice, responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Representative Benn, that the Committee approve the request of the Department of Justice to retain outside counsel from an out-of-state law firm, the National Online Travel Litigation Group, to investigate and recover unpaid meals and rooms taxes from online travel companies. Tabled 04/19/13

A roll call was taken and the results were as follows:

Representative Wallner – Yes
Representative Rosenwald – Yes
Representative Leishman – Yes
Representative McGuire - No
Representative Benn – Yes
Senator Morse – Yes
Senator Bragdon – Yes
Senator Carson – Yes
Senator Larsen – Yes
Senator Sanborn – No

(8-Yes, 2-No) MOTION ADOPTED.

FIS 13-117 Insurance Department – On a motion by Representative Rosenwald, seconded by Representative Leishman, that the item be removed from the table. MOTION ADOPTED. (9-Yes, 1-No)

Jeffry Pattison, Legislative Budget Assistant, spoke to the Insurance Department request, dated June 6, 2013 (FIS 13-117 Additional Information), to withdraw the request to 1) accept and expend \$339,153 in federal funds through June 30, 2013, and further authorization to 2) establish consultant positions through June 30, 2013 which was tabled April 19, 2013. WITHDRAWN BY AGENCY.

NEW BUSINESS:

CONSENT CALENDAR

At the request of Representative McGuire, the following items were removed from various sections of the Consent Calendar; (RSA 9:16-c) FIS 13-124 Department of Safety, and (RSA 14:30-a, VI) FIS 13-095 Department of Transportation, FIS 13-131 Department of Environmental Services, and FIS 13-154 Department of Justice. At the request of Senator Morse, (RSA 14:30-a, VI) FIS 13-142 Department of Justice was also removed.

On a motion by Senator Larsen, seconded by Representative McGuire, that the Committee approve the remaining requests under sections RSA 9:16-a, RSA 9:17-d, and RSA 14:30-a, VI, of the Consent Calendar as submitted. MOTION ADOPTED. [(RSA 9:16-a) FIS 13-130 Department of Transportation – transfer \$16,500, (RSA 9:17-d) FIS 13-153 Administrative Office of

the Courts – authorization to transfer \$256,100 general funds in FY 2013, (RSA 14:30-a, VI) FIS 13-125 State Treasury – accept and expend up to \$500,000, FIS 13-129 Department of Education – authorization to amend FIS 10-237, originally approved July 20, 2010, and subsequently amended on September 14, 2012 (FIS 12-283), by reallocating \$79,977 in federal ARRA funds and authorization to extend the end date from June 30, 2013 to January 31, 2014, FIS 13-133 Department of Safety – accept and expend \$1,885,772, FIS 13-141 Office of Energy and Planning – authorization to retroactively amend FIS 12-254, approved July 23, 2012, by reallocating \$41,885 in federal ARRA funds and extend the end date from September 30, 2012 to September 30, 2013, and FIS 13-144 Department of Transportation – accept and expend \$50,000]

RSA 9:16-a TRANSFERS AUTHORIZED:

CONSENT CALENDAR

FIS 13-124 Department of Safety – Steven Kiander, Administrator, and Lisa Lienhart, Financial Analyst, Division of Administration, Department of Safety, presented the request and responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator Larsen, that the Committee approve the request of the Department of Safety to transfer \$27,150. MOTION ADOPTED. (9-Yes, 1-No)

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

FIS 13-095 Department of Transportation – Jeff Brillhart, Assistant Commissioner, and Patrick McKenna, Director of Finance, Department of Transportation, presented the request and responded to questions of the Committee.

On a motion by Senator Bragdon, seconded by Representative Rosenwald, that the Committee approve the request of the Department of Transportation to accept and expend \$289,207. MOTION ADOPTED.

FIS 13-131 Department of Environmental Services – Susan Carlson, Chief Operations Officer, Department of Environmental Services presented the request and responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator Larsen, that the Committee approve the request of the Department of Environmental Services to accept and expend \$140,000. MOTION ADOPTED.

FIS 13-142 Department of Justice – Ann Rice, Deputy Attorney General, and Rosemary Faretra, Director of Administration, Department of Justice, presented the request and responded to questions of the Committee.

On a motion by Senator Bragdon, seconded by Representative Benn, that the Committee approve the request of the Department of Justice to amend FIS 12-295, approved September 14, 2012, by reallocating \$2,467 in federal funds through June 30, 2013. MOTION ADOPTED.

FIS 13-154 Department of Justice – Ann Rice, Deputy Attorney General, and Rosemary Faretra, Director of Administration, Department of Justice, presented the request and responded to questions of the Committee.

On a motion by Representative Rosenwald, seconded by Senator Bragdon, that the Committee approve the request of the Department of Justice to amend FIS 09-227, originally approved June 12, 2009, and subsequently amended on June 18, 2012 (FIS 12-215), by reallocating \$280,000 in federal ARRA funds through June 30, 2013. MOTION ADOPTED.

RSA 124:15 POSITIONS RESTRICTED:

CONSENT CALENDAR

FIS 13-155 Department of Transportation – On a motion by Representative Leishman, seconded by Senator Bragdon, that the Committee approve the request of the Department of Transportation to establish consultants for services to be performed on projects reimbursed by the Oil Disbursement Fund through June 30, 2013. MOTION ADOPTED.

RSA 7:12, I, ASSISTANTS:

FIS 13-146 Department of Justice – Ann Rice, Deputy Attorney General, and Rosemary Faretra, Director of Administration, Department of Justice presented the request and responded to questions of the Committee. Representative Rosenwald questioned the Department of Justice on a possible error regarding the approval date of 2014 found on Page 1, line 4 of the last paragraph, to which the Department clarified that the correct date should be 2012.

On a motion by Senator Bragdon, seconded by Representative Rosenwald, that the Committee approve the request of the Department of Justice to accept and expend a sum not to exceed \$500,000 from funds not otherwise appropriated for the purpose of covering projected shortfalls in the general litigation expenses incurred in the defense of the State and the prosecution of criminal law through June 30, 2013. MOTION ADOPTED.

RSA 216-A:3-g, FEES FOR PARK SYSTEM:

FIS 13-147 Department of Resources and Economic Development – On a motion by Senator Bragdon, seconded by Senator Larsen, that the Committee approve the request of the Department of Resources and Economic Development for approval of rate changes for the primary winter 2013/2014 products at Cannon Mountain Aerial Tramway and Ski Area and the Flume Gorge and further requests approval of the 2013/2014 Cannon Mountain Winter Special Use Policy. MOTION ADOPTED.

RSA 228:12 TRANSFERS FROM HIGHWAY SURPLUS ACCOUNT:

FIS 13-118 Department of Transportation – On a motion by Senator Bragdon, seconded by Representative Benn, that the Committee approve the request of the Department of Transportation to transfer \$1,400,000 from Highway Surplus to fund increases in the Highway Maintenance Bureau through June 30, 2013. MOTION ADOPTED

CHAPTER 155:1, LAWS OF 2012, DEPARTMENT OF CORRECTIONS; TRANSFERS:

FIS 13-148 Department of Corrections – On a motion by Representative Leishman, seconded by Senator Larsen, that the Committee approve the request of the Department of Corrections to transfer \$203,988 in general funds to cover projected shortfalls for the remainder of SFY 2013. MOTION ADOPED.

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

FIS 13-136 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 Senator Larsen, seconded by Representative McGuire, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$17,870,850 in federal funds and \$17,850,000 in other funds for a total of \$35,720,850 through June 30, 2013. MOTION ADOPTED.

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

FIS 13-137 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 Rosenwald, seconded by Representative Benn, that the Committee approve the request of the Department of Health and Human Services to transfer \$952,703 in general funds and decrease related revenue adjustments of (\$199,876) in federal funds and decrease revenue adjustments of (\$9,152) in other funds through June 30, 2013. MOTION ADOPED.

FIS 13-138 Department of Health and Human Services – On a motion by Representative McGuire, seconded by Senator Larsen, that the Committee approve the request of the Department of Health and Human Services to transfer \$140,252 in general funds and increase related revenue adjustments of \$117,649 in federal funds and increase revenue adjustments of \$1,000 in other funds through June 30, 2013. MOTION ADOPTED.

FIS 13-139 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 Senator Larsen, seconded by Representative Rosenwald, that the Committee approve the request of the Department of Health and Human Services to transfer \$16,157,257 in general funds and decrease related revenue adjustments of (\$16,439,294) in federal funds and increase revenue adjustments of \$2,148,230 in other funds through June 30, 2013. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational items were accepted and placed on file.

AUDITS:

State of New Hampshire, New Hampshire Veterans' Home, Financial Audit Report For the Fiscal Year Ended June 30, 2012 – Richard Mahoney, 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. Margaret Labreque, Commandant, New Hampshire Veterans' Home was also present to respond to questions of the Committee.

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

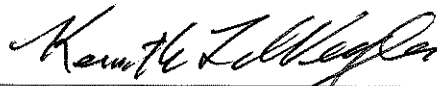
State of New Hampshire, Department of Resources and Economic Development, Communications Program, Internal Control Over Revenue, Rental Of Space For Antenna Facilities, June 2013 – Richard Mahoney, Director of Audits, and Christine Young, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant, presented the report and responded to questions of the Committee. Brad Simpkins, Interim Director, Division of Forests and Lands, Department of Resources and Economic Development, was present to respond to questions of the Committee.

On a motion by Representative Rosenwald, seconded by Senator Morse, 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 will be Wednesday, July 10, 2013 at 10:00 a.m.

Representative Rosenwald made a motion to adjourn. (Whereupon the meeting adjourned at 11:24 a.m.)



Representative Ken Weyler, Clerk