

FISCAL COMMITTEE OF THE GENERAL COURT
MINUTES
April 19, 2005

The Fiscal Committee of the General Court met on Tuesday, April 19, 2005 at 9:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Frederick King, Chairman
Senator Charles Morse, Vice Chairman
Representative Joseph Stone, Clerk
Representative Elizabeth Hager
Representative Mary Jane Wallner
Representative Daniel Eaton
Representative Peter Franklin
Senator Thomas Eaton
Senator Robert Clegg
Senator Robert Odell
Senator Lou D'Allesandro

Chairman King opened the meeting at 10:56 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Representative Eaton, seconded by Senator Morse, that the minutes of the March 23, 2005 meeting be accepted as written. MOTION ADOPTED.

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

FIS 05-082 Letter from Representative Kenneth Weyler, Chairman of the Legislative Performance Audit and Oversight Committee relative to the recommendation of the following audit topic: Financial Impact on the State and Local School Districts from the Federal No Child Left Behind Act Requirements - Chairman Weyler was in attendance to present the audit topic and respond to questions of the Committee.

On a motion by Senator Eaton, seconded by Senator Morse, that this request be tabled. MOTION ADOPTED.

RSA 9:16-a TRANSFER AUTHORIZED - CONSENT CALENDAR:

On a motion by Senator Eaton, seconded by Representative Eaton, that all the requests listed on the agenda under this item be approved as submitted. MOTION ADOPTED. (FIS 05-063, FIS 05-065, FIS 05-071 and FIS 05-074)

CHAPTER 318:1, LAWS OF 2003 FOOTNOTE PAU 05-01-01-01-04, CHAPTER 319:1, LAWS OF 2003 ADDITIONAL REVENUES AND CHAPTER 319:1, IV, LAWS OF 2003 TRANSFERS:

FIS 05-061 Department of Health and Human Services - John Stephen Commissioner, Steve Norton, Medicaid Director and Steve Mosher, Bureau of Improvement and Integrity presented the request and responded to questions of the Committee.

On a motion by Senator Clegg, seconded by Senator Morse, that the Committee approve the request from the Department of Health and Human Services to transfer \$12,280,919.68 in general funds, accept and expend \$12,774,506.42 in federal funds and \$480,825 in other funds, accept \$12,761,744.68 in unrestricted revenue and transfer this amount as general funds to match additional Medicaid revenue of \$12,774,506.42 to increase the appropriation for provider payments by \$25,523,489.36.

On a motion by Representative Stone, seconded by Representative Eaton, that this request be tabled.

Senator Clegg requested a roll call on the tabling motion, which was as follows:

Representative King - Yes
Representative Eaton - Yes
Representative Stone - Yes
Representative Wallner - Yes
Representative Franklin - Yes
Senator Eaton - No
Senator Clegg - No
Senator Morse - No
Senator Odell - No
Senator D'Allesandro - No

5-Yes 5-No MOTION FAILED.

Senator Clegg requested a roll call on the previous ought to pass motion, which was as follows:

Representative King - No
Representative Eaton - No
Representative Stone - No
Representative Wallner - No
Representative Franklin - No
Senator Eaton - Yes
Senator Clegg - Yes
Senator Morse - Yes
Senator Odell - Yes
Senator D'Allesandro - Yes

5-Yes 5-No MOTION FAILED.

Chairman King stated that he plans to have a meeting of the Fiscal Committee on Friday, April 22, 2005 to resolve this issue.

CHAPTER 319:1, II, LAWS OF 2003 ADDITIONAL REVENUES:

FIS 05-072 Department of Health and Human Services, Division of Public Health Services - On a motion by Senator D'Allesandro, seconded by Senator Morse, that the Committee approve the request from the Department of Health and Human Services, Division of Public Health Services to accept and expend \$57,546 in federal funds. MOTION ADOPTED.

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FIS 05-073 Department of Health and Human Services - On a motion by Senator D'Allesandro, seconded by Representative Stone, that the Committee approve the request from the Department of Health and Human Services to accept and expend \$2,800,000 in federal funds. MOTION ADOPTED.

FIS 05-079 Department of Health and Human Services, Division of Juvenile Justice Services - On a motion by Senator D'Allesandro, seconded by Senator Morse, that the Committee approve the request from the Department of Health and Human Services, Division of Juvenile Justice Services to accept and expend \$21,218.48 from the NH Department of Justice. MOTION ADOPTED.

FIS 05-080 Department of Health and Human Services, Division for Juvenile Justice Services - On a motion by Senator D'Allesandro, seconded by Representative Stone, that the Committee approve the request from the Department of Health and Human Services, Division for Juvenile Justice Services to accept and expend \$424,844 in federal funds. MOTION ADOPTED.

CHAPTER 319:1, II, LAWS OF 2003 ADDITIONAL REVENUES AND CHAPTER 319:1, IV TRANSFERS AMONG ACCOUNTS:

FIS 05-060 Department of Health and Human Services - On a motion by Senator Clegg, seconded by Senator D'Allesandro, that the Committee approve the request from the Department of Health and Human Services to accept and expend \$9,776,340 in federal funds and \$1,614,939 in other funds and transfer \$13,487,745. MOTION ADOPTED.

FIS 05-083 Department of Health and Human Services - On a motion by Senator Morse, seconded by Senator Eaton, that the Committee approve the request from the Department of Health and Human Services to accept and expend \$382,870 in federal funds and \$237,181 in other funds, and transfer \$3,759,908. MOTION ADOPTED.

FIS 05-084 Department of Health and Human Services - Commissioner Stephen presented the request and responded to questions of the Committee.

On a motion by Senator Clegg, seconded by Senator Morse, that the Committee approve the request from the Department of Health and Human Services to accept and expend \$5,430,425 in federal funds and \$2,712,500 in county funds, and transfer \$2,712,500.

(Chairman King left the room at this point in the meeting. Vice Chairman Morse in the Chair.)

On a motion by Representative Eaton, seconded by Representative Wallner, that this request be tabled.

Senator Clegg requested a roll call on the tabling motion, which was as follows:

Representative Hager - Yes

Representative Eaton - Yes

Representative Stone - Yes
Representative Wallner - Yes
Representative Franklin - Yes
Senator Eaton - No
Senator Clegg - No
Senator Morse - No
Senator Odell - No
Senator D'Allesandro - No

5-Yes 5-No MOTION FAILED.

Senator Clegg requested a roll call on the previous ought to pass motion, which was as follows:

Representative Hager - No
Representative Eaton - No
Representative Stone - No
Representative Wallner - No
Representative Franklin - No
Senator Eaton - Yes
Senator Clegg - Yes
Senator Morse - Yes
Senator Odell - Yes
Senator D'Allesandro - Yes

5-Yes 5-No MOTION FAILED.

There was a question whether Representative Hager could vote since she was replaced by an alternate for the meeting, Representative Eaton.

Chairman King came back to the meeting at this point and a roll call was again called for with Chairman King in the Chair.

Senator Clegg requested a roll call on the previous ought to pass motion, which was as follows:

Representative King - No
Representative Eaton - No
Representative Stone - No
Representative Wallner - No
Representative Franklin - No
Senator Eaton - Yes
Senator Clegg - Yes
Senator Morse - Yes
Senator Odell - Yes
Senator D'Allesandro - Yes

5-Yes 5-No MOTION FAILED.

CHAPTER 319:1, II, LAWS OF 2003 ADDITIONAL REVENUES AND RSA 9:16-a
TRANSFER AUTHORIZED:

FIS 05-067 Department of Health and Human Services, Division for
Children, Youth and Families - On a motion by Representative Eaton,
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seconded by Senator Clegg, that the Committee approve the request from the Department of Health and Human Services, Division for Children, Youth and Families to accept and expend \$61,488 from the New Hampshire Department of Education and transfer \$61,488. MOTION ADOPTED.

CHAPTER 319:1, II, LAWS OF 2003 ADDITIONAL REVENUES AND RSA 124:15 POSITIONS RESTRICTED:

FIS 05-068 Department of Health and Human Services, Office of Program Support - On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee approve the request from the Department of Health and Human Services, Office of Program Support to accept and expend \$136,713 in federal funds and establish a Program Planning and Review Specialist position through June 30, 2005. MOTION ADOPTED.

RSA 9:17-d TRANSFER OF APPROPRIATIONS, SUPREME COURT:

FIS 05-069 Administrative Office of the Courts - Donald Goodnow, Director 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 from the Administrative Office of the Courts to transfer \$74,000. MOTION ADOPTED.

RSA 7:12 ASSISTANTS AND RSA 9:16-a TRANSFER AUTHORIZED:

FIS 05-075 Department of Justice - Michael Delaney, Deputy Attorney General and Linda Hodgdon, Director of Administration presented the request and responded to questions of the Committee.

On a motion by Representative Stone, seconded by Representative Eaton, that the Committee approve the request from the Department of Justice for authorization to expend \$55,000 from general funds not otherwise appropriated to cover a shortfall in the Medical Examiner PAU, autopsy expense class line and transfer \$10,000. MOTION ADOPTED.

RSA 21-P:12-d FIRE STANDARDS AND TRAINING AND EMERGENCY MEDICAL SERVICES FUND:

FIS 05-086 Department of Safety, Division of Fire Standards and Training and Emergency Medical Services - Wesley Colby, Director Administration presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Franklin, that the Committee approve the request from the Department of Safety, Division of Fire Standards and Training and Emergency Medical Services to transfer \$228,100 from the Fire Standards and Training and Emergency Medical Services Fund to cover a shortfall in FY 2005 employee benefits. MOTION ADOPTED.

RSA 188-F:32-b TRANSFERS OF UNAPPROPRIATED FUNDS:

FIS 05-077 Police Standards & Training Council - Keith Lohmann, Director presented the request and responded to questions of the Committee.

On a motion by Representative Stone, seconded by Representative Franklin, that the Committee approve the request from the Police Standards & Training Council for authorization to expend \$136,812.50 from the Police Standards and Training Council training fund to cover the cost of unanticipated repairs to the administrative wing at the Concord facility. MOTION ADOPTED.

RSA 193-E:5, III UNIQUE PUPIL IDENTIFICATION:

FIS 05-064 Department of Education - Lorraine Patusky, Administrator, Office of Accountability presented the request and responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Eaton, that the Committee approve the request from the Department of Education for authorization to enter into a contract with Community and School Partners, LLC, Rye, NH. MOTION ADOPTED.

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

FIS 05-076 Fish and Game Department - On a motion by Senator Eaton, seconded by Representative Stone, that the Committee approve the request from the Fish and Game Department for authorization to transfer \$270,000 from the Fish and Game Operating Reserve Account. MOTION ADOPTED.

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

FIS 05-066 Department of Transportation, Bureau of Rail and Transit - On a motion by Representative Eaton, seconded by Representative Franklin, that the Committee approve the request from the Department of Transportation, Bureau of Rail and Transit for authorization to expend an amount not to exceed \$225,000 from the Special Railroad Fund to purchase new railroad crossties and other track materials for the continued maintenance of active state-owned railroad lines. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational materials were accepted and placed on file.

DATE OF NEXT MEETING AND ADJOURNMENT:

On a motion by Representative Eaton, seconded by Representative Franklin, that the meeting be recessed until Friday, April 22 at 9:00 a.m., at which time the Committee will take up the two items from the Department of Health and Human Services (FIS 05-061 and FIS 05-084). Senator Clegg requested a roll call on the recessing motion, which was as follows:

Representative King - Yes
Representative Eaton - Yes
Representative Stone - Yes
Representative Wallner - Yes
Representative Franklin - Yes
Senator Eaton - No
Senator Clegg - No
Senator Morse - No
Senator Odell - No
Senator D'Allesandro - No

5-Yes 5-No MOTION FAILED.

On a motion by Senator Morse, seconded by Representative King, that the Fiscal Committee meet on Wednesday, May 4, 2005 at 9:00 a.m. to discuss items number FIS 061 and FIS 05-084 from the Department of Health and Human Services. (At this point a vote on this motion was never formally called for.)

On a motion by Representative Eaton, seconded by Representative King, that the meeting adjourn. (Whereupon the meeting adjourned at 11:59 a.m.) (Senators Clegg, Eaton and Odell wished to be recorded as voting "no".)

Future meeting dates have been set for Wednesday, May 18, 2005 and Wednesday, June 15, 2005.

Representative Joseph Stone, Clerk