

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

November 18, 2016

The Fiscal Committee of the General Court met on Friday, November 18, 2016 at 10:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Neal Kurk, Chairman  
Representative Ken Weyler  
Representative Karen Umberger (Alternate)  
Representative Mary Jane Wallner  
Representative Daniel Eaton  
Representative Richard Barry (Alternate)  
Senator Jeanie Forrester  
Senator David Boutin (Alternate)  
Senate President Chuck Morse  
Senator Lou D'Allesandro  
Senator Andy Sanborn

Chairman Kurk opened the meeting at 10:11 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the minutes of the October 14, 2016 meeting be accepted as written. MOTION ADOPTED.

OLD BUSINESS:

FIS 15-229 Department of Health and Human Services – authorization to implement the actions contained in the Cost Savings Plan to support the dual purposes within the Sununu Youth Services Center of providing both secure youth detention and psychiatric residential treatment. (FIS 15-229 Additional Information – Letter from Representative Kurk, dated November 18, 2015, containing two separate provisions relative to the funding of the Sununu Youth Services Center). Tabled 12/18/15. No Action Taken.

FIS 16-082 New Hampshire Liquor Commission – authorization to accept and expend \$249,270 in other funds through September 30, 2016. Tabled 05/20/16. No Action Taken.

FIS 16-087 Department of Health and Human Services, FIS 16-098 Replacement Department of Education, and FIS 16-099 Replacement New Hampshire Employment Security – On a motion by Senator D'Allesandro, seconded by Representative Eaton, that items FIS 16-087, FIS 16-098, and FIS 16-099 be removed from the table.

At the request of Representative Eaton, a roll call was taken and the results were as follows:

Representative Weyler – No  
Representative Umberger – No  
Representative Wallner – Yes  
Representative Eaton – Yes  
Senator Forrester – Yes  
Senator Boutin – No  
Senate President Morse – No  
Senator Sanborn – No  
Senator D’Allesandro – Yes  
Representative Kurk – No (4-Yes; 6-No)  
MOTION FAILED.

Requests FIS 16-087 Department of Health and Human Services – to accept and expend \$8,298,168 in federal funds effective July 1, 2016 through December 31, 2016 (Postponed May 20, 2016 and Tabled June 24, 2016), FIS 16-098 Replacement Department of Education - contingent upon Fiscal Committee approval of FIS 16-087, authorization to accept and expend \$612,500 in other funds for the period of September 1, 2016 through February 28, 2017, which replaces request FIS 16-098 Department of Education - contingent upon Fiscal Committee approval of FIS 16-087, to accept and expend \$612,500 in other funds for the period of July 1, 2016 through December 31, 2016 (Tabled 06/24/16), and FIS 16-099 Replacement New Hampshire Employment Security – contingent upon Fiscal Committee approval of FIS 16-087, authorization to 1) accept and expend \$477,930 in other funds for the period of September 1, 2016 through February 28, 2017, and 2) establish seven (7) full-time temporary positions consisting of; six (6) Employment Counselor Specialist (LG 19) and one (1) Program Specialist I (LG 19) for the period of September 1, 2016 through February 28, 2017, which replaces request FIS 16-099 New Hampshire Employment Security – contingent upon Fiscal Committee approval of FIS 16-087, to; 1) accept and expend \$477,930 in other funds through December 31, 2016, and 2) establish seven (7) full-time temporary positions consisting of; six (6) Employment Counselor Specialist (LG 19) and one (1) Program Specialist I (LG 19) for the period beginning July 1, 2016 through December 31, 2016 (Tabled 06/24/16) remained on the table. No Action Taken.

FIS 16-093 New Hampshire Liquor Commission – authorization to accept and expend \$109,692 in other funds through September 30, 2016. Tabled 06/24/16. No Action Taken.

The Chair announced that all items on the Consent Calendar would be taken up individually.

RSA 9:16-c TRANSFER OF FEDERAL GRANT FUNDS AND 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 16-171 Department of Safety – Kyra Leonard, Administrator, Department of Safety, presented the request and responded to questions of the Committee.

On a motion by Representative Eaton, seconded by Senator Forrester, that the Committee approve the request of the Department of Safety to; 1) transfer \$6,701 in federal funds through June 30, 2017, and 2) accept and expend \$326,994 in federal funds through June 30, 2017. 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:

CONSENT CALENDAR

FIS 16-163 Department of Environmental Services – On a motion by Senator D’Allesandro, seconded by Senator Forrester, that the Committee approve the request of the Department of Environmental Services to accept and expend \$1,496,886 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-166 Department of Health and Human Services – Jeffrey Meyers, Commissioner, Department of Health and Human Services, responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Senator Boutin, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$324,997 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-172 Department of Health and Human Services – Michael Dumond, Administrator, Division of Public Health, 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 accept and expend \$212,025 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-173 Department of Justice – Joseph Foster, Attorney General, and Kathleen Carr, Director of Administration, Department of Justice, responded to questions of the Committee.

On a motion by Representative Eaton, seconded by Senator Boutin, that the Committee approve the request of the Department of Justice to accept and expend \$6,966,979 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-174 Department of Resources and Economic Development – On a motion by Senator D’Allesandro, seconded by Representative Wallner, that Committee approve the request of the Department of Resource and Economic Development to accept and expend \$213,000 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-175 Department of Resources and Economic Development – Jeffrey Rose, Commissioner, and Philip Bryce, Director of Parks and Recreation, Department of Resources and Economic Development responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Senator Boutin, that the Committee approve the request of the Department of Resources and Economic Development to; 1) budget and expend \$575,000 in other funds through June 30, 2017, and 2) accept and expend \$578,395 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-176 Department of Transportation – Marie Mullen, Director of Finance, and Patrick Herlihy, Director of Aeronautics, Rail and Transit, Department of Transportation, responded to questions of the Committee.

On a motion by Senator Boutin, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Transportation to accept and expend \$3,096,000 in federal funds through June 30, 2017. MOTION ADOPTED. (9-Yes, 1-No)

FIS 16-177 Department of Transportation – On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Transportation to accept and expend \$6,000,000 in federal funds through June 30, 2017. MOTION ADOPTED.

FIS 16-184 Department of Labor – James Craig, Commissioner, and Kathryn Barger, Deputy Commissioner, Department of Labor, 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 Labor to budget and expend \$300,000 in other funds through June 30, 2017.

At the request of Senator Sanborn, a roll call was taken and the results were as follows:

Representative Weyler – Yes  
Representative Umberger – Yes  
Representative Wallner – Yes  
Representative Eaton – Yes  
Senator Forrester – No  
Senator Boutin – No  
Senate President Morse – No  
Senator Sanborn – No

Senator D'Allesandro – Yes  
Representative Kurk – Yes (6-Yes; 4-No)  
MOTION ADOPTED.

The Committee requested the Department provide over the course of the year how many hours each Attorney member of the board are working and being compensated.

FIS 16-185 Department of Education – Tammy Vaillancourt, Executive Project Manager, and Peter Durso, Education Consultant I, Department of Education, responded to questions of the Committee.

On a motion by Senator Forrester, seconded by Representative Eaton, that the Committee approve the request of the Department of Education to amend FIS 15-263, approved December 18, 2015, by reallocating \$25,000 in federal funds through June 30, 2017. MOTION ADOPTED.

The Committee requested the Department provide copies of the E<sup>3</sup> Teen Fathering Program studies and the criteria used to determine effectiveness of the program.

FIS 16-189 Department of Environmental Services – On a motion by Senator Boutin, seconded by Representative Umberger, that the Committee approve the request of the Department of Environmental Services to accept and expend \$1,000,000 in federal funds through April 30, 2017. MOTION ADOPTED.

RSA 124:15 POSITIONS AUTHORIZED:

CONSENT CALENDAR

FIS 16-186 Department of Safety – Kyra Leonard, Administrator, and Bill Joseph, Deputy Director, Division of Motor Vehicle, Department of Safety, 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; 1) retroactively extend the end date for one (1) temporary full-time Program Assistant II (LG 15) position and create one (1) temporary part-time Cash Terminal Operator I (LG 11) position for the period of October 1, 2016 through June 30, 2017. No Action Taken.

On a motion by Senator Sanborn, seconded by Senator Forrester, that the Committee table the request of the Department of Safety to; 1) retroactively extend the end date for one (1) temporary full-time Program Assistant II (LG 15) position and create one (1) temporary part-time Cash Terminal Operator I (LG 11) position for the period of October 1, 2016 through June 30, 2017.

At the request of Representative Eaton, a roll call was taken and the results were as follows:

Representative Weyler – No  
Representative Umberger – No  
Representative Wallner – No  
Representative Eaton – No  
Senator Forrester – Yes  
Senator Boutin – No  
Senate President Morse – Yes  
Senator Sanborn – Yes  
Senator D’Allesandro – No  
Representative Kurk – Yes (4-Yes; 6-No)  
MOTION FAILED.

On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Safety to; 1) retroactively extend the end date for one (1) temporary full-time Program Assistant II (LG 15) position and create one (1) temporary part-time Cash Terminal Operator I (LG 11) position for the period of October 1, 2016 through June 30, 2017.

At the request of Senator Boutin, a roll call was taken and the results were as follows:

Representative Weyler – Yes  
Representative Umberger – Yes  
Representative Wallner – Yes  
Representative Eaton – Yes  
Senator Forrester – No  
Senator Boutin – Yes  
Senate President Morse – No  
Senator Sanborn – No  
Senator D’Allesandro – Yes  
Representative Kurk – No (6-Yes; 4-No)  
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 AUTHORIZED:

CONSENT CALENDAR

FIS 16-178 Department of Health and Human Services – On a motion by Senator Sanborn, seconded by Senator Forrester, that the Committee table the request of the Department of Health and Human Services to; 1) accept and expend \$183,333 in federal funds through June 30, 2017, and contingent upon approval of #1, 2) establish a temporary full-time Public Health Nurse Coordinator (LG 23) position through June 30, 2017. MOTION FAILED.

On a motion by Senator D’Allesandro, seconded by Representative Wallner, that the Committee approve the request of the Department of Health and Human Services to; 1) accept

and expend \$183,333 in federal funds through June 30, 2017, and contingent upon approval of #1, 2) establish a temporary full-time Public Health Nurse Coordinator (LG 23) position through June 30, 2017. MOTION ADOPTED. (6-Yes, 2-No)

FIS 16-179 Department of Safety – On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Safety to; 1) retroactively accept and expend \$210,497 in other funds for the period of October 1, 2016 through June 30, 2017, and contingent upon approval of #1, 2) retroactively extend two (2) temporary full-time Hearings Examiner Prosecutor (LG 31) positions for the period of October 1, 2016 through June 30, 2017. MOTION ADOPTED.

FIS 16-180 Department of Safety – On a motion by Senator Sanborn, seconded by Representative Eaton, that the Committee approve the request of the Department of Safety to; 1) retroactively accept and expend \$123,000 in other funds for the period of October 1, 2016 through June 30, 2017, and 2) retroactively amend FIS 15-218, approved October 16, 2015, by extending the end date only from September 30, 2016 to June 30, 2017 for one (1) temporary full-time State Police Captain (LG 29) position. MOTION ADOPTED.

FIS 16-181 Department of Safety – On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Safety to; 1) accept and expend \$164,079 in other funds through June 30, 2017, and 2) establish class 046 consultant positions through June 30, 2017. MOTION ADOPTED.

FIS 16-187 Department of Safety – Kyra Leonard, Administrator, and Perry Plummer, Director, Division of Homeland Security and Emergency Management, Department of Safety, responded to questions of the Committee.

On a motion by Senator Sanborn, seconded by Senator Forrester, that the Committee table the request of the Department of Safety to; 1) accept and expend \$260,250 in other funds through June 30, 2017, and contingent upon approval of #1, 2) establish one (1) temporary part-time Informational Representative II (LG 21) position through June 30, 2017. MOTION FAILED. (4-Yes, 5-No)

On a motion by Representative Eaton, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Safety to; 1) accept and expend \$260,250 in other funds through June 30, 2017, and contingent upon approval of #1, 2) establish one (1) temporary part-time Informational Representative II (LG 21) position through June 30, 2017. MOTION ADOPTED.

RSA 106-H:9 FUNDING; FUND ESTABLISHED AND RSA 124:15 POSITIONS AUTHORIZED:

FIS 16-188 Department of Safety – Kyra Leonard, Administrator, and Robert Lussier, Assistant Director, Division of Emergency Services and Communication, Department of Safety, responded to questions of the Committee.

On a motion by Senator Sanborn, seconded by Senator Forrester, that the Committee **amend** the request of the Department of Safety to; 1) budget and expend \$153,985 in other funds from the Prior Year Carry Forward Balance of the enhanced E-911 System fund through June 30, 2017 **but eliminate the number on lines 059 and 060, but approve lines 044, Debt Service, and 018, Overtime**, and 2) establish one (1) temporary full-time Agency Staff Auditor (LG 22) position through June 30, 2017. MOTION FAILED. (3-Yes, 5-No)

On a motion by Representative Eaton, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Safety to; 1) budget and expend \$153,985 in other funds from the Prior Year Carry Forward Balance of the enhanced E-911 System fund through June 30, 2017, and 2) establish one (1) temporary full-time Agency Staff Auditor (LG 22) position through June 30, 2017. MOTION ADOPTED. (7-Yes, 1-No)

CHAPTER 276:29, LAWS OF 2015, DEPARTMENT OF TRANSPORTATION; TRANSFER OF FUNDS:

FIS 16-182 Department of Transportation – On a motion by Senator D'Allesandro, seconded by Representative Umberger, that the Committee approve the request of the Department of Transportation to establish a non-budgeted class in an accounting unit and to transfer \$805,100 between various accounts and classes through June 30, 2017. MOTION ADOPTED.

CHAPTER 276:143, LAWS OF 2015, DEPARTMENT OF HEALTH AND HUMAN SERVICES; TRANSFER AMONG ACCOUNTS AND RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE:

FIS 16-190 Department of Health and Human Services – requested to withdraw the request to transfer \$17,935,970 in general funds, increase related federal revenues in the amount of \$6,386,141, and increase related other revenues in the amount of \$201,526 through June 30, 2017. Withdrawn by the Agency.

MISCELLANEOUS:

Michael Kane, Legislative Budget Assistant, requested approval to fill one (1) vacant performance auditor position in the Office of Legislative Budget Assistant, Audit Division.

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



Michael Kane, Legislative Budget Assistant, requested authorization by the Committee to release publicly, as soon as they are available, the: FY 2016 Comprehensive Annual Financial Report for the State of New Hampshire; the FY 2016 Comprehensive Annual Financial Report for the Turnpike System; the FY 2016 Comprehensive Annual Financial Report for the Lottery System; and the FY 2016 Comprehensive Annual Financial Report for the New Hampshire Liquor Commission.

On a motion by Representative Weyler, seconded by Senator Boutin, that the Committee approve the request of the Office of Legislative Budget Assistant to release publicly, as soon as they are available, the: FY 2016 Comprehensive Annual Financial Report for the State of New Hampshire; the FY 2016 Comprehensive Annual Financial Report for the Turnpike System; the FY 2016 Comprehensive Annual Financial Report for the Lottery System; and the FY 2016 Comprehensive Annual Financial Report for the New Hampshire Liquor Commission. MOTION ADOPTED.

AUDITS:

On a motion by Representative Weyler, seconded by Representative Ober, that the Committee accept the audits as listed on the agenda, place on file, and release in the usual manner. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

FIS 16-194 Department of Administrative Services – Vicki Quiram, Commissioner, and Gerard Murphy, Comptroller, Department of Administrative Services, respond to questions of the Committee regarding the Quarterly status report of the State’s fund expenditures for fiscal year 2017 through September 30, 2016.

FIS 16-195 Department of Health and Human Services – Sheri Rockburn, Chief Financial Officer, Department of Health and Human Services responded to questions of the Committee regarding the October 31, 2016 Operating Statistics Dashboard report for the fiscal year ending June 30, 2017.

The informational items were accepted and placed on file.

AUDITS:

State of New Hampshire, Internal Control Over The Safeguarding, Accounting For, And Reporting The State’s Capital Assets, November 2016 – 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. Vicki Quiram, Commissioner, and Gerard Murphy, Comptroller, Department of Administrative Services, were present to respond to questions of the Committee.

State of New Hampshire, Department of Corrections, Sexual Offender Treatment Program, Performance Audit Report, November 2016 - Stephen Smith, Director of Audits, and Vilay Sihabouth, Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. Helen Hanks, Assistant Commissioner, and Heidi Guinen, Administrator, Division of Medical and Forensic Services, Department of Corrections, were present to respond to questions of the Committee.

DATE OF NEXT MEETING:

The next regular meeting of the Fiscal Committee will be at the Call of The Chair.  
(Whereupon the meeting adjourned at 1:25 p.m.)



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Representative Ken Weyler, Clerk