

FISCAL COMMITTEE OF THE GENERAL COURT
MINUTES

February 16, 2007

The Fiscal Committee of the General Court met on Friday, February 16, 2007 at 9:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Marjorie Smith, Chairman
Representative Neal Kurk
Representative Mary Jane Wallner
Representative Frederick King
Representative Peter Franklin
Representative Daniel Eaton, Alternate
Representative Kenneth Weyler, Alternate
Senator Lou D'Allesandro, Vice-Chairman
Senator President Sylvia Larsen
Senator Peter Burling, Alternate
Senator Theodore Gatsas
Senator John Gallus

Chairman Smith opened the meeting at 9:22 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Representative Franklin, seconded by Senator Larsen, that the minutes of the January 17, 2006 meeting be accepted as written. MOTION ADOPTED.

OLD BUSINESS:

FIS 07-009 Department of Administrative Services (Tabled 1/17/07). No action was taken on this request.

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:

Items FIS 07-020 Department of Safety – accept and expend \$1,085,951 and FIS 07-050 Department of Safety – accept and expend \$3,686,261.85 were removed from the Consent Calendar at the request of Representative Kurk.

On a motion by Senator Burling, seconded by Representative Franklin, that the remainder of the requests on the agenda under this section be approved as submitted. MOTION ADOPTED. (FIS 07-017 Department of Environmental Services – extend termination date of previously approved FIS 06-190 from December 31, 2006 to March 31, 2007, FIS 07-018 Department of

Education – accept and expend \$246,413.75, FIS 07-021 Department of Environmental Services – accept and expend \$59,423, FIS 07-022 Highway Safety Agency – accept and expend \$630,578, FIS 07-023 Department of Education – accept and expend \$263,372.05, FIS 07-035 Department of Justice – accept and expend \$350,000, FIS 07-036 Office of the Adjutant General – accept and expend \$700,700, FIS 07-037 Office of Energy and Planning – accept and expend \$625,709, FIS 07-051 Department of Health and Human Services – joint request with the Department of Environmental Services – accept and expend \$201,670)

FIS 07-020 from the Department of Safety - Wesley Colby, Director of Administration, and Colonel Frederick H. Booth, Director, Division of State Police, Department of Safety, responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative King, that the Committee approve the request of the Department of Safety to accept and expend \$1,085,951. MOTION ADOPTED.

FIS 07-050 from the Department of Safety - Wesley Colby, Director of Administration, Pam Urban-Morin, Administrator, Homeland Security, and Colonel Frederick H. Booth, Director, Division of State Police, Department of Safety, responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Senator Burling, that the Committee approve the request of the Department of Safety to accept and expend \$3,686,261.85. MOTION ADOPTED.

RSA 124:15 POSITIONS RESTRICTED - CONSENT CALENDAR:

On a motion by Senator Burling, seconded by Representative Franklin, that the Committee approve all the requests on the agenda under this section as submitted. MOTION ADOPTED. (FIS 07-027 Department of Safety – establish one full-time temporary paralegal I position through June 30, 2007, FIS 07-047 Department of Justice – establish one full-time temporary unclassified attorney position through June 30, 2007)

RSA 7:12, I ASSISTANTS:

FIS 07-044 Department of Justice – Orville B. Fitch, Deputy Attorney General and Valerie Hall, Director of Administration, Department of Justice presented the request and responded to questions of the Committee.

On a motion by Representative Kurk, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Justice to expend a sum not to exceed \$450,000 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. MOTION ADOPTED.

RSA 7:12, II ASSISTANTS:

FIS 07-045 Department of Justice – On a motion by Senator Larsen, seconded by Representative Kurk, that the Committee approve the request of the Department of Justice to expend a sum not to exceed \$360,000 from funds not otherwise appropriated for the purpose of covering projected shortfalls in the state witness fees paid pursuant to RSA 592-A:12. MOTION ADOPTED.

RSA 9:17-d SUPREME COURT; TRANSFER OF APPROPRIATIONS AND RSA 491-A:4, IV PROBATE JUDGES; SALARIES:

FIS 07-052 Administrative Office of the Courts – Donald D. Goodnow, Esq., Director, and Dale Trombley, Fiscal Manager, Administrative Office of the Courts, Judicial Branch presented the request and responded to questions of the Committee.

On a motion by Senator Burling, seconded by Senator Gallus, with Representative King abstaining from the vote, that the Committee approve the request of the Administrative Office of the Courts to transfer \$21,722. MOTION ADOPTED.

On a motion by Senator Burling, seconded by Senator Gallus, with Representative King abstaining from the vote, that the Committee approve the request of the Administrative Office of the Courts for an additional full-time probate judge. MOTION ADOPTED.

RSA 100-A:41-a, SUPPLEMENTAL ALLOWANCES:

FIS 07-039 New Hampshire Retirement System – On a motion by Senator D’Allesandro, seconded by Senator Burling, that this request be tabled. MOTION ADOPTED.

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

FIS 07-032 Fish and Game Department – On a motion by Senator Larsen, seconded by Senator D’Allesandro, that the Committee approve the request of the Fish and Game Department to transfer \$266,000. MOTION ADOPTED.

CHAPTER 176:1, LAWS OF 2005, JUDICIAL COUNCIL, PAU 02-18-01 INDIGENT DEFENSE FOOTNOTE:

FIS 07-046 Judicial Council – Nina C. Gardner, Executive Director, Judicial Council, and Chris Keating, Executive Director, Public Defender Program, presented the request and responded to questions of the Committee.

On a motion by Senator Burling, seconded by Representative Franklin, that the Committee approve the request of the Judicial Council to receive additional FY 2007 general

funds in the amount of \$1,101,619 to cover expenses associated with indigent defense representation. MOTION ADOPTED.

CHAPTER 177:4, II, LAWS OF 2005 DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES:

FIS 07-025 Department of Health and Human Services – John Stephen, Commissioner, Patrick C. Herlihy, Director, Homeless, Housing, Transportation Unit, and Kristina Riera from the Office of Homeless, Housing, Transportation Services, Department of Health and Human Services, presented the request and responded to questions of the Committee.

On a motion by Senator Burling, seconded by Representative Wallner, with Senator Larsen abstaining from the vote, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$250,000. MOTION ADOPTED.

FIS 07-026 Department of Health and Human Services – John Stephen, Commissioner, and James P. Fredyma, Controller, Department of Health and Human Services, presented the request and responded to questions of the Committee.

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 accept and expend \$754,477. MOTION ADOPTED.

CHAPTER 177:4, II AND III, LAWS OF 2005 DEPARTMENT OF HEALTH AND HUMAN SERVICES; PROGRAM ELIGIBILITY; ADDITIONAL REVENUES; TRANSFER AMONG ACCOUNTS:

FIS 07-015 Department of Health and Human Services – John Stephen, Commissioner, and James P. Fredyma, Controller, Department of Health and Human Services responded to questions of the Committee.

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 accept and expend \$8,297,268.48 and transfer \$12,724,466. MOTION ADOPTED.

FIS 07-028 Department of Health and Human Services – On a motion by Senator D'Allesandro, seconded by Representative Franklin, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$54,723 and transfer \$27,581. MOTION ADOPTED.

FIS 07-031 Department of Health and Human Services – On a motion by Senator Larsen, seconded by Representative Wallner, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$919,426 and transfer \$4,887,858. MOTION ADOPTED.

FIS 07-033 Department of Health and Human Services – 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 accept and expend \$1,351,723 and transfer \$3,350,737. MOTION ADOPTED.

FIS 07-048 Department of Health and Human Services – John Stephen, Commissioner, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Larsen, seconded by Representative Franklin, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$181,783.04 and transfer \$81,939.75. MOTION ADOPTED.

CHAPTER 568:11, LAWS OF 1981 USE OF STATE-OWNED PASSENGER AUTOMOBILES:

FIS 07-034 Department of Administrative Services - Wesley Colby, Director of Administration, Department of Safety, responded to questions of the Committee.

On a motion by Representative King, seconded by Senator D'Allesandro, that the Committee approve that Representative Weyler head a sub-committee, with an assistant of his choice, to study issues regarding the agency motor vehicles listed on this report.

On a motion by Senator Larsen, seconded by Representative Franklin, that this request be tabled until such time that the sub-committee has completed their study. MOTION ADOPTED

INFORMATIONAL MATERIALS:

FIS 07-053 Department of Health and Human Services – was withdrawn by John Stephen, Commissioner, Department of Health and Human Services.

FIS 07-054 Department of Transportation – Jeff Brillhart, Assistant Commissioner, Thomas Martin, Director of Finance, and James A. Marshall, Director of Administration, Department of Transportation, responded to questions of the Committee. Also responding was Donald Hill, Commissioner, Department of Administrative Services. A written progress report to the Committee is expected prior to the next meeting.

The informational items were accepted and placed on file.

AUDITS:

State of New Hampshire, Department of Education, No Child Left Behind Fund Distribution, Performance Audit Report, February 2007 – Richard Mahoney, Director of Audits and Stephen Fox, Audit Supervisor, Audit Division, Office of Legislative Budget Assistant presented the reports and responded to questions of the Committee. Lyonel Tracy,

Commissioner, and Mary Heath, Deputy Commissioner, Department of Education, were also present to respond to questions of the Committee.

On a motion by Representative Kurk, seconded by Senator Burling, 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, March 16, 2007.

On a motion by Representative Kurk, seconded by Senator Gatsas, that the meeting adjourn. MOTION ADOPTED. (Whereupon the meeting adjourned at 12:40 p.m.)

Representative Neal Kurk, Clerk