

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

November 10, 2014

The Fiscal Committee of the General Court met on Monday, November 10, 2014 at 10:00 a.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Mary Jane Wallner, Chair  
Representative Ken Weyler, Clerk  
Representative Bernard Benn (Alternate)  
Representative Peter Leishman  
Representative Daniel Eaton  
Senator Jeanie Forrester, Vice Chair  
Senator James Rausch (Alternate)  
Senator David Boutin (Alternate)  
Senator Sylvia Larsen

Chairman Wallner opened the meeting at 10:17 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Representative Eaton, seconded by Senator Forrester, that the minutes of the September 26, 2014 meeting be accepted as written. MOTION ADOPTED

OLD BUSINESS:

FIS 13-081 Additional Information – request from the Members of the Joint Legislative Performance Audit and Oversight Committee, dated December 6, 2013, requesting that the proposed Police Standards and Training Council audit be removed from the table and voted on. (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 14-120 Department of Education – authorization to establish one (1) full-time temporary Program Assistant II position for the period of August 8, 2014 through June 30, 2015, Held Over by Special Order July 25, 2014 and Tabled 09/26/14. No Action Taken.

FIS 14-130 Additional Information – letter of intent, dated September 10, 2014, to withdraw the pending hearing aid item as requested in FIS 14-130 Department of Health and Human Services - Pursuant to Chapter 3:2 (SB 413), Laws of 2014, request Committee approval of various state plan amendments for the NH Health Protection program; 1) submitting a further state plan amendment to remove non-emergency services from coverage under the Alternative Benefit Plan for the new adult group, and 2) request to add coverage for hearing aids for the new

adult group for those over age 21, as specified in the request dated July 22, 2014. Tabled 07/25/14. No Action Taken.

FIS 14-151 Additional Information – letter of intent, dated October 2, 2014, to withdraw request FIS 14-151 Department of Corrections – to 1) budget and expend \$308,923 in prior year balance forward federal funds through June 30, 2015, and 2) authorization to establish one (1) part-time temporary Administrator IV positions through June 30, 2015, which was Held Over by Special Order September 26, 2014. WITHDRAWN BY AGENCY.

FIS 14-153 Department of Education – Virginia Barry, Commissioner, Department of Education, spoke to the request, held over by special order September 26, 2014, 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 Education to reclassify vacant Position #13164 from Administrator III, labor grade 31, to Executive Project Manager, labor grade 35. MOTION ADOPTED (8-Yes, 1-No)

NEW BUSINESS:

RSA 9:16-c, I, TRANSFER OF FEDERAL GRANT FUNDS:  
CONSENT CALENDAR

On a motion by Representative Eaton, seconded by Senator Forrester, that the Committee approve the request under this section as submitted. MOTION ADOPTED. [FIS 14-167 Department of Safety – transfer \$7,333]

RSA 9:16-c, I, 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

On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request under this section as submitted. MOTION ADOPTED. [FIS 14-173 Department of Safety – authorization to 1) transfer \$9,841 in federal funds through June 30, 2015 and 2) accept and expend \$114,682 in federal funds through June 30, 2015]

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

On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the requests under this section as submitted. MOTION ADOPTED. [FIS 14-166 Board of Pharmacy – authorization to amend FIS 14-015, approved February 14, 2014, by reallocating

\$107,894.88 in other funds through March 31, 2015, FIS 14-176 Department of Justice – accept and expend \$370,000, FIS 14-177 Department of Justice – authorization to retroactively accept and expend \$449,443 in federal funds from the period of October 1, 2014 through June 30, 2015, FIS 14-178 Department of Safety – authorization to 1) accept and expend \$334,341 in federal funds through June 30, 2015, and 2) accept and expend \$959, 266 in federal funds through June 30, 2015, FIS 14-184 New Hampshire Fish and Game Department – accept and expend \$354,025, FIS 14-185 Department of Health and Human Services – accept and expend \$333,801, and FIS 14-186 Department of Justice – accept and expend \$866,833]

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

On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the requests under this section as submitted. MOTION ADOPTED. [FIS 14-174 Insurance Department – authorization to 1) accept and expend \$398,777 in federal funds through June 30, 2015, and 2) establish consultant positions (Class 046) through June 30, 2015, and FIS 14-175 Department of Justice – authorization to 1) accept and expend \$106,177 in federal funds through June 30, 2015 and 2) establish consultant positions (Class 046) through June 30, 2015]

RSA 228:12, TRANSFERS FROM HIGHWAY SURPLUS ACCOUNT:

FIS 14-187 Department of Transportation – On a motion by Senator Forrester, seconded by Senator Boutin, that the Committee table the request of the Department of Transportation to transfer \$1,231,000 from Highway Surplus to fund the acquisition and outfitting of equipment through June 30, 2015.

A Roll Call was taken and the results were as follows:

Representative Eaton – No  
Representative Leishman – No  
Representative Weyler – Yes  
Representative Benn – No  
Senator Forrester – Yes  
Senator Rausch – Yes  
Senator Boutin – Yes  
Senator Larsen – No  
Representative Wallner – No

(4-Yes, 5-No) MOTION FAILED.

On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request of the Department of Transportation to transfer \$1,231,000 from Highway Surplus to fund the acquisition and outfitting of equipment through June 30, 2015.

Patrick McKenna, Deputy Commissioner, and Marie Mullen, Director of Finance, Department of Transportation, responded to questions of the Committee.

A Roll Call was taken to approve the request and the results were as follows:

Representative Eaton – Yes  
Representative Leishman – No  
Representative Weyler – No  
Representative Benn – Yes  
Senator Forrester – No  
Senator Rausch – Yes  
Senator Boutin – No  
Senator Larsen – Yes  
Representative Wallner – Yes

(5-Yes, 4-No) MOTION ADOPTED.

CHAPTER 3:7, IL, LAWS OF 2014, DEPARTMENT OF HEALTH AND HUMAN SERVICES;  
CONTRACTING; TRANSFER AMONG ACCOUNTS:

FIS 14-188 Department of Health and Human Services – On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request of the Department of Health and Human Services to transfer \$663,356 in general funds between accounting units and class codes through June 30, 2015. MOTION ADOPTED.

FIS 14-189 Department of Health and Human Services – On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request of the Department of Health and Human Services to transfer \$32,700,000 in general funds through June 30, 2015. MOTION ADOPTED.

CHAPTER 144:95, LAWS OF 2013, DEPARTMENT OF TRANSPORTATION; TRANSFER  
OF FUNDS:

FIS 14-168 Department of Transportation – On a motion by Representative Eaton, seconded by Senator Forrester, that the Committee approve the request of the Department of Transportation to transfer and expend \$1,000 through June 30, 2015. MOTION ADOPTED.

FIS 14-179 Department of Transportation – On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request of the Department of Transportation to establish various non-budgeted classes in various accounting units and to transfer \$326,000 between various accounts and classes through June 30, 2015. MOTION ADOPTED.

FIS 14-180 Department of Transportation – On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request of the Department of Transportation to transfer \$66,000 within Turnpike Fund accounting units and classes through June 30, 2015. MOTION ADOPTED.

LATE ITEM:

FIS 14-195 Department of Health and Human Services – Jeffery Meyers, Assistant Commissioner, and Director of Intergovernmental Affairs, and Nicholas Toumpas, Commissioner, Department of Health and Human Services, presented the request and responded to questions of the Committee. Also present was Roger Sevigny, Commissioner, Department of Insurance.

The Committee recessed at 11:14 a.m. and reconvened at 11:30 a.m.

On a motion by Representative Leishman, seconded by Representative Eaton, that the Committee **amend as codified at RSA 126-A:5, XXIII-XXVI** and approve the request of the Department of Health and Human Services for approval of the waiver application for the implementation of the Premium Assistance Program under the NH Health Protection Program, as specified in the request dated November 7, 2014 . MOTION ADOPTED.

On a motion by Representative Eaton, seconded by Senator Larsen, that the Committee approve the request as amend of the Department of Health and Human Services

A Roll Call was taken and the results were as follows:

Representative Eaton – Yes  
Representative Leishman – Yes  
Representative Weyler – No  
Representative Benn – Yes  
Senator Forrester – No  
Senator Rausch – Yes  
Senator Boutin – Yes  
Senator Larsen – Yes  
Representative Wallner – Yes

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

On a further motion by Representative Leishman, seconded by Representative Eaton, that the Committee authorizes the Department of Health and Human Services to make technical and administrative changes which are necessary to reflect the intent of this item as approved, reporting back to the Fiscal Committee all changes made under this approval. MOTION ADOPTED.

MISCELLANEOUS:

Jeffrey Pattison, Legislative Budget Assistant, requested authorization to release publicly the FY 2014 Comprehensive Annual Financial Report for the State of New Hampshire and the Lottery Commission; the FY 2014 Financial Statements for the Turnpike System, the Liquor Commission and the Employee Benefit Risk Management Fund; and the FY 2014 Annual Reports of the Unique College Investing Plan and The Fidelity Advisor 529 Plan, as they are available.

On a motion by Representative Eaton, seconded by Senator Forrester, that the Office of Legislative Budget Assistant release publicly the FY 2014 Comprehensive Annual Financial Report for the State of New Hampshire and the Lottery Commission; the FY 2014 Financial Statements for the Turnpike System, the Liquor Commission and the Employee Benefit Risk Management Fund; and the FY 2014 Annual Reports of the Unique College Investing Plan and The Fidelity Advisor 529 Plan, as they are available. MOTION ADOPTED.

Jeffry Pattison, Legislative Budget Assistant, further requested approval to fill one (1) staff auditor position in the Office of Legislative Budget Assistant, Audit Division, and one (1) assistant budget analyst position in the Office of Legislative Budget Assistant, Budget Office.

On a motion by Representative Eaton, seconded by Representative Benn, that the Committee approve the request of the Office of Legislative Budget Assistant to fill one (1) staff auditor position in the Office of Legislative Budget Assistant, Audit Division, and one (1) assistant budget analyst position in the Office of Legislative Budget Assistant, Budget Office. MOTION ADOPTED.

#### INFORMATIONAL MATERIALS:

FIS 14-193 National State Auditors Association – Stephen Smith, Director, Audit Division Office of Legislative Budget Assistant spoke to the review of the system of quality control of the State of New Hampshire, Office of Legislative Budget Assistant in effect for the period July 1, 2013 through June 30, 2014 and responded to questions of the Committee.

The informational items were accepted and placed on file.

#### 10:30 A.M. AUDITS:

State of New Hampshire, Department of Justice, Financial Audit Report For The Nine Months Ended March 31, 2014 – Stephen Smith, 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. Joseph Foster, Attorney General, Ann Rice, Deputy Attorney General, and Rosemary Faretra, Director of Finance, Department of Justice were present to respond to questions of the Committee.

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

State of New Hampshire, Department of Transportation, Fleet Management, Performance Audit Report, November 2014 – Stephen Fox, Performance Audit Supervisor, and Vilay Sihabouth, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. Patrick McKenna, Deputy Commissioner, and William Janelle, Director of Operations, Department of Transportation were present to respond to questions of the Committee.

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

State of New Hampshire, Department of Safety, Statewide Radio Interoperability, Performance Audit Report, November 2014 – Stephen Smith, Director of Audits, and Steven Grady, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. John Barthelmes, Commissioner, and Colonel Robert Quinn, Director, Division of State Police, Department of Safety were present to respond to questions of the Committee.

On a motion by Representative Weyler, seconded by Representative Eaton, 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 will be at the Call of The Chair.  
(Whereupon the meeting adjourned at 1:04 p.m.)

  
Representative Ken Weyler, Clerk