

FISCAL COMMITTEE OF THE GENERAL COURT
MINUTES

February 23, 2005

The Fiscal Committee of the General Court met on Wednesday, February 23, 2005 at 9:30 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 Peter Franklin
Senator Thomas Eaton
Senator Robert Clegg
Senator Robert Odell
Senator Lou D'Allesandro
Senator Robert Boyce

Chairman King opened the meeting at 9:43 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator D'Allesandro, seconded by Representative Hager, that the minutes of the January 19, 2005 meeting be accepted as written. MOTION ADOPTED.

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

Representative Stone requested that FIS 05-041 from the Office of Information Technology be removed from the Consent Calendar.

FIS 05-041 Office of Informational Technology - Rick Bailey, Director presented the request and responded to questions of the Committee.

Representative Stone requested additional information from Mr. Bailey on the exact amount of the transfer since there were 2 conflicting numbers in the request. This item was tabled until further information is available.

On a motion by Senator Morse, seconded by Senator D'Allesandro, that the remainder of the Consent Calendar be approved as submitted. MOTION ADOPTED. (FIS 04-021 Office of the Adjutant General and FIS 04-039 Fish and Game Department)

RSA 124:15 POSITIONS RESTRICTED - CONSENT CALENDAR:

Senator Eaton requested that Paul Ezen from the Department of Education respond to the recent press release regarding the \$1.2 million in mistaken numbers relative to education aid to cities and towns, and wondered why House and Senate Leadership were not notified of the error before a press release was sent out yesterday morning.

Acting Commissioner Ezen reconstructed a timeline for the Committee regarding the press release and what led up to those discussions. Commissioner Ezen stated the Governor's Office told him that they would be responsible for speaking with House and Senate Leadership.

The Committee requested that someone from the Attorney General's Office appear before the Committee to discuss what their role was in the discussions with the Governor, as well as who is going to pay the cities and towns who did not receive the correct amounts for education aid.

On a motion by Representative Stone, seconded by Senator Morse, that the Committee approve all the requests as submitted under this item on the agenda. (**FIS 05-030, FIS 05-032 and FIS 05-036 from the Department of Safety were amended and approved through June 30, 2005 only, not October 5, 2006, January 22, 2006 and June 30, 2006, as requested.**) MOTION ADOPTED.

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

FIS 05-016 Department of Health and Human Services, Office of Business Operations - John Stephen, Commissioner and Frank Danielli, Department of Health and Human Services responded to questions of the Committee.

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, Office of Business Operations to accept and expend \$1,010,681.85 in federal funds. MOTION ADOPTED.

FIS 05-042 Department of Health and Human Services, Division of Public Health Services - On a motion by Senator D'Allesandro, seconded by Representative Wallner, that the Committee approve the request from the Department of Health and Human Services, Division of Public Health Services to accept and expend \$15,000 in federal funds. MOTION ADOPTED.

RSA 21-P:23 HIGHWAY FUND SURPLUS:

FIS 05-029 Department of Safety - Wes Colby, Director of Administration presented the request and responded to questions of the Committee

On a motion by Representative Stone, seconded by Senator Clegg, that the Committee approve the request from the Department of Safety for authorization to transfer \$1,776,887 from the highway fund surplus to fund a shortfall in the Department's retiree health insurance. MOTION ADOPTED.

RSA 106-H:9 FUNDING; FUNDING ESTABLISHED:

FIS 05-033 Department of Safety, Division of Emergency Services, Bureau of Emergency Communications - Wes Colby, Director of

Administration presented the request and responded to questions of the Committee

On a motion by Senator Clegg, seconded by Representative Stone, that the Committee approve the request from the Department of Safety, Division of Emergency Services, Bureau of Emergency Communications for authorization to transfer \$934,159 from the Enhanced 911 System Fund to benefits (class 60) and network and database management (class 94). MOTION ADOPTED.

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

FIS 05-022 Department of Transportation, Bureau of Rail and Transit - Brian Lombard presented the request and responded to questions of the Committee.

On a motion by Representative Stone, seconded by Senator Morse, that the Committee approve the request from the Department of Transportation, Bureau of Rail and Transit for authorization to expend \$59,000 from the Special Railroad Fund to reimburse the Plymouth & Lincoln Railroad, Conway Scenic Railroad, New Hampshire Central Railroad, Milford-Bennington Railroad, and New England Southern Railroad for weed and brush control on various portions of the state-owned railroad lines. MOTION ADOPTED.

RSA 9:16-a TRANSFER AUTHORIZED (continued):

FIS 05-041 Office of Informational Technology - On a motion by Senator Clegg, seconded by Representative Franklin, that this request be removed from the tabled. MOTION ADOPTED.

Rick Bailey responded to questions of the Committee and noted that there was an incorrect number on this request and stated the number he wishes to be transferred is \$38,989.

On a motion by Representative Stone, seconded by Senator Morse, that the Committee approve the request from the Office of Information Technology to transfer \$38,989. MOTION ADOPTED.

AUDITS:

The Unique College Investing Plan Annual Report September 30, 2004 and The Fidelity Advisor 529 Plan Annual Report September 30, 2004 - Laura Woodward, Senior Manager, PriceWaterhouseCoopers presented the audits and responded to questions of the Committee. Michael Ablowich, State Treasurer was also present to respond to questions.

MISCELLANEOUS:

Kelly Ayotte, Attorney General, Department of Justice addressed the Committee and responded to questions regarding the role her office played in the press release and discussions with the Governor regarding the Department of Education's \$1.2 million education funding error.

Attorney General Ayotte stated that Anne Edwards was not available this morning and she would be able to answer more specifics in terms of the timing issues on the press release.

With respect to the issue of the \$1.2 million, Ms. Ayotte stated she has had no interaction with the Department of Education on this issue. It is her understanding that the Governor's Office would communicate with the Speaker of the House and the Senate President with a proposal to get their thoughts on how to move forward with the \$1.2 million error. Ms. Ayotte stated her Office gave legal advice to a course of action but never authorized an expenditure of \$1.2 million.

Office of Legislative Budget Assistant - Michael Buckley, Legislative Budget Assistant requested authorization to hire a Court Reporter.

On a motion by Senator D'Allesandro, seconded by Senator Clegg, that the Committee approve the request of the Legislative Budget Assistant to hire a Court Reporter. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational materials were accepted and placed on file.

DATE OF NEXT MEETING AND ADJOURNMENT:

On a motion by Senator D'Allesandro, seconded by Representative Hager, that the Committee adjourn. MOTION ADOPTED.

(No future meeting date was set.)

Representative Joseph Stone, Clerk