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STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
DIVISION OF ADMINISTRATION

William L. Wrenn
Commissioner

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April 15, 2015

The Honorable Neal M. Kurk, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

Bob Mullen
Approved by Fiscal Committee 5/15/15 Date

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Executive Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a, VI, authorize the NH Department of Corrections to budget and expend prior year balance forward funds in the amount of \$373,350.00 in the State Criminal Alien Assistance Program (SCAAP) for expenses related to the care and custody of criminal offenders in the NH Corrections system effective upon Fiscal Committee and Governor and Executive Council approval, through June 30, 2015. 100% Federal Funds.

2. Pursuant to Chapter 144:56, Laws of 2013, authorize the NH Department of Corrections to transfer funds in the amount of \$26,650.00 within a budgeted federal grant entitled State Criminal Alien Assistance Program (SCAAP). This request for transfer of funds will realign appropriated funds that will be utilized by the NH Department of Corrections for correctional purposes, effective upon Fiscal Committee and Governor and Executive Council approval through June 30, 2015. 100% Federal Funds.

Funds are to be budgeted in an account entitled, SCAAP, Account Heading: 02-46-46-460510-8344 Department of Corrections, Corrections Grants, SCAAP, as follows:

ACCOUNT	DESCRIPTION	SFY 2015 CURRENT ADJUSTED AUTHORIZED	REQUESTED ACTION #1 BUDGET	REQUESTED ACTION #2 TRANSFER	SFY 2015 REVISED ADJUSTED AUTHORIZED
018-500106	Overtime	\$0.00	\$373,350.00	\$26,650.00	\$400,000.00
020-500200	Current Expense	\$10,000.00	\$0.00	\$0.00	\$10,000.00
030-500311	Equipment	\$129,850.00	\$0.00	(\$26,650.00)	\$103,200.00
041-500801	Audit Fund Set Aside	\$150.00	\$0.00	\$0.00	\$150.00
048-500226	Maint. Bldg/Grounds	\$10,000.00	\$0.00	\$0.00	\$10,000.00
103-502664	Contracts for Op Serv	\$30,000.00	\$0.00	\$0.00	\$30,000.00
	Total	\$180,000.00	\$373,350.00	\$0.00	\$553,350.00
Source of Funds:					
000-404814	Federal Funds	(\$180,000.00)	(\$373,350.00)	\$0.00	(\$553,350.00)

EXPLANATION

The United States Department of Justice (USDOJ), Bureau of Justice Assistance (BJA), under the State Criminal Alien Assistance Program (SCAAP) provides assistance to State and local governments that incur costs due to the incarceration of undocumented criminal aliens.

The NH Department of Corrections (NHDOC) applies for and receives funds from this reimbursement program when Federal Funding is made available to the State of New Hampshire, Department of Corrections. Based on the Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, Title XI) beginning with the FFY 2007 SCAAP awards, SCAAP funds must be used only for correctional purposes.

The NHDOC requests to budget and expend a total of \$373,350.00 of prior year balance forward. Additionally, NHDOC requests the transfer of \$26,650.00 of budgeted SCAAP appropriations, for a total of \$400,000.00 of requested appropriations to be placed in class 018, Overtime, to address the NH Department of Corrections overtime deficit.

The following information is provided in accordance with the Budget Officer's instructional memorandum dated April 17, 1985 to support the above requested actions.

Justification:

- a. Does transfer involve continuing programs or one-time projects? Continuing programs
- b. Is this transfer required to maintain existing program level or will it increase the program level? Maintain
- c. Cite any requirements which make this program mandatory. SCAAP program overview as cited from the Bureau of Justice SCAAP application instructions. "The Bureau of Justice Assistance administers SCAAP, in conjunction with the Bureau of Immigration and Customs Enforcement and Citizenship and Immigration Services, Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and incarcerated for at least 4 consecutive days during the reporting period."
- d. Identify the source of the funds on all accounts listed on this transfer. 100% Federal Funds
- e. Will there be any effect on revenue if this transfer is approved or disapproved? No, there is no effect on state revenue if this transfer is not approved.
- f. Are funds expected to lapse if this transfer is not approved? No. These funds are non-lapsing. If the transfer is not approved, the Department will not be able to maximize the utilization of the approved funding and accordingly approved Federal Funds may go unspent.
- g. Are personnel services involved? No. However, funds will be used for overtime to address deficit.

Although SCAAP is a reimbursement of costs and not a federal grant, the application process is managed through the Internet using the automated Grants Management System (GMS).


Funds are to be budgeted as follows:

Class 018 -- Overtime - \$400,000.00

- Provision for overtime expenses attributable to correctional operations

Source of funds: 100% Federal Funds

Respectfully Submitted,


William L. Wrenn
Commissioner

CHAPTER 144
HB 2-FN-A-LOCAL - FINAL VERSION
- Page 18 -

1 provider assessments.

2 (b) Evaluating state provider assessment programs in other states to obtain knowledge
3 of various approaches utilized in other states.

4 (c) Increasing the predictability of future annual Medicaid enhancement tax revenues,
5 taking into consideration the Medicaid enhancement tax revenue trends of recent years.

6 (d) Simplifying the Medicaid enhancement tax liability calculation.

7 (e) Obtaining input on how the Medicaid enhancement tax statute should be amended to
8 ensure accurate and consistent application of state and federal requirements.

9 V. The members of the commission shall elect a chairperson from among the legislative
10 members. The first meeting of the commission shall be called by the first-named house member.
11 The first meeting of the commission shall be held within 45 days of the effective date of this section.
12 Six members of the commission shall constitute a quorum.

13 VI. The commission shall report its findings and any recommendations for proposed
14 legislation to the speaker of the house of representatives, the president of the senate, the house
15 clerk, the senate clerk, the governor, and the state library on or before November 1, 2013.

16 144:54 Repeal. RSA 84-A:13, relative to the Medicaid enhancement tax study commission, is
17 repealed.

18 144:55 Department of Corrections; Authority to Fill Unfunded Positions. Notwithstanding any
19 provision of law to the contrary, the commissioner of corrections may fill unfunded positions during
20 the biennium ending June 30, 2015, provided that the total expenditure for such positions shall not
21 exceed the amount appropriated for personal services, permanent, and personal services,
22 unclassified.

23 144:56 Department of Corrections; Transfers. Notwithstanding any provision of law to the
24 contrary, and subject to approval of the fiscal committee of the general court and governor and
25 council, for the biennium ending June 30, 2015, the commissioner of the department of corrections is
26 authorized to transfer funds within and among all accounting units within the department and to
27 create accounting units and expenditure classes as required and as the commissioner deems
28 necessary and appropriate to address present or projected budget deficits, or to respond to changes in
29 federal law, regulations, or programs, and otherwise as necessary for the efficient management of
30 the department.

31 144:57 Child Protection Act; Liability of Expenses. Amend RSA 169-C:27, I(f) to read as follows:

32 (f) ~~Neither~~ *Notwithstanding any provision of law to the contrary*, the department
33 ~~[nor the judicial council]~~ shall have ~~[authority]~~ *no responsibility* for the payment of the cost of
34 assigned counsel for any party under this chapter.

35 144:58 Adequate Representation Costs. Amend RSA 604-A:1-a to read as follows:

36 604-A:1-a Neglected or Abused Children. In cases involving a neglected or abused child, when a