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THE STATE OF NEW HAMPSHIRE
 JUDICIAL COUNCIL
 www.nh.gov/judicialcouncil



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August 13, 2019

The Honorable Mary Jane Wallner, Chairman
 Fiscal Committee of the General Court
 State House
 Concord, N.H. 03301

His Excellency, Governor Christopher T. Sununu
 And the Honorable Executive Council
 State House
 Concord, N.H. 03301

REQUESTED ACTION

Pursuant to the provisions of Chapter 145, subparagraph I, (a), Laws of 2019, the Judicial Council, requests authorization to exceed the 3/12 limitation of said resolution for the accounts listed on the attached analysis, in the total amount of \$9,663, to the extent shown as projected deficits for the period of Fiscal Committee and Governor and Council approval through September 30, 2019. 100 % General funds.

PERSONAL SERVICES PERMANENT - 100% General Fund

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
01-07-07-070010-10970000	JUDICIAL COUNCIL	010	21,413	22,733	(1,320)
01-07-07-070010-10970000	JUDICIAL COUNCIL	011	25,100	29,689	(4,589)
	General Funding Source		46,513	52,422	(5,909)
Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
01-07-07-070010-10970000	JUDICIAL COUNCIL	060	26,227	29,981	(3,754)
	General Funding Source		26,227	29,981	(3,754)

EXPLANATION

The Judicial Council respectfully requests that above expenditure classes in specific accounting units be increased for the amounts noted, in excess of the 3/12 limitation established pursuant to Chapter 145, subparagraph I, (a), Laws of 2019.

The deficits projected through the end of the continuing resolution, September 30, 2019, are the result of anticipated payroll and benefit obligations, which will exceed the 25% level of funding for FY 2019, as reflected in the Judicial Council agency budget request for the FY 2020-2021 biennium.

The primary driver for the shortfalls expected in the payroll and benefit line, is the timing of the State's bi-weekly payroll processing schedule that places 7 pay periods in the 3 month span of the Continuing Resolution. (This seventh payroll is one of two extra monthly pay periods of our annual 26 pay period cycle, which places three FY 2020 payrolls in the months of August and January 2020.)

Additionally, the effect of an additional salary increment (step) available for employees associated with the most recent collective bargaining agreements, versus the original budgeted projections, contributes to this shortfall.

The list of shortfall contributors above, would normally be mitigated in part by the agency's ability to seek relief from the Salary Adjustment Fund (RSA 99:4) and or the Benefit Adjustment fund (RSA 9:17,c) for these unbudgeted but normal costs of conducting the State's business.

The two funds noted above would normally be populated by DAS, from a general sweep request and action, to collect salary and benefit excess appropriations from each department, normally done on a quarterly basis. Given the short term of the Continuing Resolution, and the seventh pay period due to be paid September 27, 2019, excess funds are not expected to be available to be brought into the adjustment funds.

Listed below are answers to standard questions required of all Fiscal Committee item requests, related to RSA 9:16-a, "Transfers authorized", RSA 14:30-a, VI "Expenditure of funds over \$100,000 from any Non State Source", or RSA 124:15,"Positions Authorized", or both, and all emergency requests pursuant to " Chapter 145, subparagraph I, (a), Laws of 2019, making temporary appropriations for the expenses and encumbrances of the State of New Hampshire":

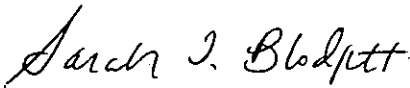
- 1. Is the action required of this request a result of the Continuing Resolution for FY 2020?* Yes, this request is a result of the Continuing Resolution. This action would not have been requested if the FY 2020-2021 Operating Budget proposal had been approved.
- 2. If this request is retroactive what is the significance and importance of the action being effective from an earlier date?* This request is not retroactive.
- 3. Is this a previously funded and ongoing program established through Fiscal Committee and Governor and Executive Council action? (If so, include as an attachment the original documents as approved and cite the specific dates of authorization and end dates for each action as part of your answer to this question.)*

This request is not related to prior Fiscal Committee and/or Governor and Council action.

4. ***Was funding for this program included in the FY 2018-2019 enacted Budget or requested and denied?*** Appropriate funding for salaries and benefits was requested and authorized in the FY 2018-2019 enacted budget.
5. ***Is this program in total or in part, included in the vetoed FY 2020-2021 Operating Budget proposal currently pending for your department, or was it requested and denied?*** The total funding needs to support the salaries and benefits for the Judicial Council were requested and included in the FY 2020-20201 Operating Budget proposal currently pending.
6. ***Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (Please provide details for each position and note whether consultant contracts have been awarded.)*** This request is the result of the need for additional funding to support filled position costs associated with the seven pay periods of the Continuing Resolution and other expected payroll anomalies, which occur annually.
7. ***What would be the effect should this program be discontinued or not initiated as a result of this request being denied?*** The State is obligated to make payment to individuals for the work that they perform on our behalf. The denial of the request would prevent the Judicial Council from paying its employees as there is insufficient funding available from transferrable lines to meet this deficit.

Thank you for your consideration.

Respectfully Submitted,



Sarah T. Blodgett
Executive Director