

for  
45

# The State of New Hampshire

## ADMINISTRATIVE OFFICE OF THE COURTS

Christopher Keating  
Director

One Granite Place, Suite N400  
Concord, NH 03301  
(603) 271-2521  
Fax: (603) 513-5454  
eMail: aoc@courts.state.nh.us  
TTY/TDD Relay: (800) 735-2964

August 12, 2019

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, New Hampshire 03301

His Excellency, Governor Christopher T. Sununu  
and the Executive Council  
State House  
Concord NH 03301

### REQUESTED ACTION

Pursuant to the provisions of Chapter 145, subparagraph I (a) of the Laws of 2019, the judicial branch requests authorization to exceed the 3/12 limitation of said resolution for the accounts listed below, in the total amount of \$579,115, to the extent shown as projected deficits for the period of Fiscal Committee 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
02-10-10-100010-18800000	SUPREME COURT	010	3,135,847	3,270,625	(134,778)
02-10-10-100010-86700000	SUPREME COURT	010	3,527,165	3,733,233	(206,068)
02-10-10-101010-20340000	COURT SECURITY	010	55,934	66,726	(10,792)
02-10-10-100010-18800000	SUPREME COURT	011	1,054,355	1,132,228	(77,873)
02-10-10-100010-86700000	SUPREME COURT	011	1,678,944	1,784,396	(105,452)
02-10-10-100010-86700000	SUPREME COURT	016	65,367	84,368	(19,001)
	<b>General Funding</b>		<b>9,517,612</b>	<b>10,071,576</b>	<b>(553,964)</b>
BENEFITS - 100% General Fund					
Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-10-10-101010-20340000	COURT SECURITY	060	137,580	162,731	(25,151)
	<b>General Funding</b>		<b>137,580</b>	<b>162,731</b>	<b>(25,151)</b>

## EXPLANATION

The judicial branch respectfully requests that the above-listed 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 FY2019, as reflected in the judicial branch request for the FY2020-2021 biennium.

The primary driver of the shortfalls expected in the payroll and benefits lines 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 FY2020 payrolls in the months of August, 2019 and January, 2020).

Additional contributors to the shortfalls, unique to the personnel makeup of each accounting unit, may include one or more of the following:

- The effect of the hiring of any individual(s) at a higher level of pay or benefit plan than originally planned for in the FY2018-2019 budget process.
- Longevity and benefit payments as a result of employee retirements or their decision to leave State service.

The list of shortfall contributors noted above would normally be mitigated in part by the branch's ability to seek relief from projected surplus in its salary and/or benefit appropriations (Chapter 156:13 of the Laws of 2017, Judicial Branch; Transfer Among Accounts and Classes). Given the short term of the Continuing Resolution, and the seventh pay period due to be paid September 27, 2019, surplus funds are not expected to have accrued to adequately cover these shortfalls.

**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?***

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 branch were requested and included in the FY 2020-2021 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?**

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 necessitate that the judicial branch return to Fiscal Committee with a transfer request compiled from any allowable expenditure class line with identical funding to mitigate the anticipated shortfalls in these salary and benefit lines.

Respectfully submitted,



Christopher M. Keating  
Director

cc: Michael Hoffman, LBA