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**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

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August 8, 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 Honorable Council
State House
Concord NH 03301

REQUESTED ACTION

Pursuant to the provisions of Chapter 145, sub-paragraph I, (a), Laws of 2019, the Department of Justice (DOJ) requests authorization to exceed the 3/12 limitation of said resolution, for the accounts listed below, in the total amount of **\$51,280** to the extent shown as projected deficits through September 30, 2019. **12% General Funds, 88% Other Funds.**

SALARIES FULL TIME TEMPORARY-100% General Funds

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200510-26100000	Criminal Justice	059	\$16,650	\$20,050	(\$3,400)
	General Funding Source:		\$16,650	\$20,050	(\$3,400)

SALARIES FULL TIME TEMPORARY-Mixed or Other Funding

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200510-26160000	Victim Witness	059	\$29,382	\$35,882	(\$6,500)
02-20-20-201010-26210000	Charitable Trust	059	\$13,050	\$13,150	(\$100)
02-20-20-201510-59390000	National Violent Death Rept.	059	\$13,475	\$14,975	(\$1,500)
	Other Funding Source:		\$55,907	\$64,007	(\$8,100)

SALARIES PART TIME-100% General Funds

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200010-18740000	Cold Case Unit	050	\$14,643	\$15,743	(\$1,100)
	General Funding Source:		\$14,643	\$15,743	(\$1,100)

SALARIES PART TIME-Mixed or Other Funding

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Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200510-26140000	Chief Medical Examiner	050	\$9,247	\$10,247	(\$1,000)
02-20-20-201010-26210000	Charitable Trust	050	\$7,227	\$35,327	(\$28,100)
02-20-20-201510-29060000	Sexual Assault Reg.Trng.	050	\$15,834	\$20,334	(\$4,500)
02-20-20-200510-33100000	Financial Fraud	050	\$6,510	\$7,810	(\$1,300)
Other Funding Source:			\$38,818	\$73,718	(\$34,900)

BENEFITS-100% General Funds

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200010-18740000	Cold Case Unit	060	\$1,121	\$1,221	(\$100)
02-20-20-200510-26100000	Criminal Justice	060	\$9,780	\$11,410	(\$1,630)
General Funding Source:			\$10,901	\$12,631	(\$1,730)

BENEFITS-Mixed or Other Funding

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200510-26160000	Victim Witness	060	\$9,880	\$11,530	(\$1,650)
02-20-20-201510-59390000	National Violent Death Rept.	060	\$7,424	\$7,724	(\$300)
02-20-20-200510-33100000	Financial Fraud	060	\$510	\$610	(\$100)
Other Funding Source:			\$17,814	\$19,864	(\$2,050)

Total General Funding Source:	\$42,194	\$48,424	(\$6,230)
Total Other Funding Source:	\$112,539	\$157,589	(\$45,050)
Total Funding:	\$154,733	\$206,013	(\$51,280)

EXPLANATION

The Department of Justice (DOJ) 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 full time temporary and part time salary payroll, which will exceed the 25% level of funding for FY 2019, as reflected in the DOJ agency budget request for the FY 2020-2021 biennium.

The primary driver, for the shortfalls expected in the temporary and part time class payroll 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

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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.)

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 than originally planned for in the FY 2018-2019 budget process.

The effect of an additional salary increment (step) available for employees versus the original budgeted projections.

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? Budget and expend for two part time positions in Charitable Trust were approved by the Governor and Executive Council on April 11, 2018, item #101. The remaining positions had appropriate funding for temporary full time and part time salaries and were 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

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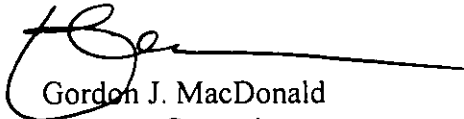
funding needs to support the temporary full time and part time salaries for DOJ were requested and included in the FY 2020-2021 Operating Budget proposal currently pending.

6. Does this program include, either positions or consultants, and if so are the positions filled, vacant, or have offers pending? (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 temporary full time and part time salaries 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 payments to individual employees for the work that they perform. The denial of the request would necessitate that DOJ return to the Fiscal Committee with a transfer request compiled from any allowable expenditure and/or revenue class line to mitigate the anticipated shortfalls in full time temporary or part time salaries.

Please let me know if you have any questions concerning this request. Your consideration is greatly appreciated.

Respectfully submitted,


Gordon J. MacDonald
Attorney General

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