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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



JANE E. YOUNG  
DEPUTY ATTORNEY GENERAL

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 **\$201,492** to the extent shown as projected deficits through September 30, 2019. **61% General Funds, 39% Other Funds.**

**PERSONAL SERVICES PERMANENT-100% General Funds**

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200510-26160000	Victim Witness	010	\$43,049	\$48,049	(\$5,000)
02-20-20-200010-26010000	Attorney General	011	\$34,993	\$37,493	(\$2,500)
02-20-20-200010-26010000	Attorney General	012	\$33,442	\$35,442	(\$2,000)
02-20-20-200010-26010000	Attorney General	013	\$27,013	\$29,413	(\$2,400)
02-20-20-200510-26100000	Criminal Justice	013	\$370,759	\$382,959	(\$12,200)
02-20-20-201010-26200000	Civil Law	013	\$357,243	\$382,143	(\$24,900)
02-20-20-200510-26100000	Criminal Justice	014	\$61,939	\$84,539	(\$22,600)
02-20-20-200510-26160000	Victim Witness	014	\$25,438	\$27,038	(\$1,600)
02-20-20-201010-26200000	Civil Law	014	\$17,082	\$19,134	(\$2,052)
02-20-20-200010-26010000	Attorney General	015	\$27,600	\$29,200	(\$1,600)
02-20-20-200510-26140000	Chief Medical Examiner	015	\$75,184	\$102,384	(\$27,200)
<b>General Funding Source:</b>			<b>\$1,073,742</b>	<b>\$1,177,794</b>	<b>(\$104,052)</b>

**PERSONAL SERVICES PERMANENT-Mixed or Other Funding**

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council

August 8, 2019  
Page 2 of 5

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-201510-19830000	Grants Administration	010	\$77,368	\$83,368	(\$6,000)
02-20-20-200510-26110000	Consumer Protection	010	\$73,335	\$77,845	(\$4,510)
02-20-20-200510-26120000	Antitrust	010	\$9,116	\$9,516	(\$400)
02-20-20-200510-26130000	Environmental	010	\$29,034	\$29,934	(\$900)
02-20-20-200510-26140000	Chief Medical Examiner	010	\$18,788	\$21,388	(\$2,600)
02-20-20-200510-26150000	Medicaid Fraud	010	\$43,190	\$47,790	(\$4,600)
02-20-20-201510-26170000	Victim Services	010	\$35,428	\$38,428	(\$3,000)
02-20-20-200510-29040000	Drug Task Force	010	\$19,526	\$22,526	(\$3,000)
02-20-20-200510-33100000	Financial Fraud	010	\$30,523	\$36,053	(\$5,530)
02-20-20-200510-26110000	Consumer Protection	013	\$132,683	\$151,683	(\$19,000)
02-20-20-200510-26120000	Antitrust	013	\$21,102	\$23,102	(\$2,000)
02-20-20-201010-26210000	Charitable Trust	013	\$24,616	\$27,216	(\$2,600)
02-20-20-200510-33100000	Financial Fraud	013	\$19,750	\$19,950	(\$200)
02-20-20-201510-50650000	Traffic Safety Resource Pros.	013	\$18,000	\$18,400	(\$400)
02-20-20-200510-26110000	Consumer Protection	014	\$39,128	\$42,228	(\$3,100)
02-20-20-200510-26140000	Chief Medical Examiner	014	\$22,250	\$23,850	(\$1,600)
02-20-20-200510-26150000	Medicaid Fraud	014	\$39,537	\$41,237	(\$1,700)
02-20-20-200510-29040000	Drug Task Force	014	\$59,573	\$60,773	(\$1,200)
02-20-20-200510-33100000	Financial Fraud	014	\$20,186	\$21,686	(\$1,500)
	<b>Other Funding Source:</b>		<b>\$670,840</b>	<b>\$729,991</b>	<b>(\$59,151)</b>
	<b>General Funding Source:</b>		<b>\$62,293</b>	<b>\$66,982</b>	<b>(\$4,689)</b>

**BENEFITS-100% General Funds**

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-200510-26100000	Criminal Justice	060	\$232,999	\$243,999	(\$11,000)
	<b>General Funding Source:</b>		<b>\$232,999</b>	<b>\$243,999</b>	<b>(\$11,000)</b>

**BENEFITS-100% Mixed or Other Funding**

Account	Bureau/Division	Class	Cont. Res. Budget	Estimated Expenditures	Projected Deficit
02-20-20-201510-19830000	Grants Administration	060	\$59,843	\$59,943	(\$100)
02-20-20-200510-26110000	Consumer Protection	060	\$126,849	\$136,849	(\$10,000)
02-20-20-200510-26160000	Victim Witness	060	\$42,007	\$48,707	(\$6,700)
02-20-20-201510-26170000	Victim Services	060	\$23,922	\$25,122	(\$1,200)
02-20-20-200510-26310000	Medico Legal Investigation	060	\$5,430	\$7,030	(\$1,600)
02-20-20-201510-50650000	Traffic Safety Resource Pros.	060	\$8,246	\$11,246	(\$3,000)
	<b>Other Funding Source:</b>		<b>\$239,309</b>	<b>\$258,549</b>	<b>(\$19,240)</b>
	<b>General Funding Source:</b>		<b>\$26,988</b>	<b>\$30,348</b>	<b>(\$3,360)</b>
	<b>Total General Funding Source:</b>		<b>\$1,396,022</b>	<b>\$1,519,123</b>	<b>(\$123,101)</b>

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council

August 8, 2019  
Page 3 of 5

Total Other Funding Source:	<u>\$910,149</u>	<u>\$988,540</u>	<u>(\$78,391)</u>
Total Funding:	<u>\$2,306,171</u>	<u>\$2,507,663</u>	<u>(\$201,492)</u>

### 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 payroll and benefit obligations, 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 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.)

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 FY 2018-2019 budget process.

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

Longevity and benefit payments as the result of employee retirements or their decision to leave State service.

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 the Department of Administrative Services, from a general sweep request and action, to collect salary and benefit

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court

His Excellency, Governor Christopher T. Sununu  
and the Honorable Council

August 8, 2019  
Page 4 of 5

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 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 funding needs to support the salaries and benefits 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 position costs associated with the seven pay periods of the Continuing Resolution and other expected payroll anomalies, which occur annually.

The Honorable Mary Jane Wallner, Chairman  
Fiscal Committee of the General Court

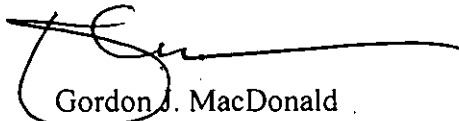
His Excellency, Governor Christopher T. Sununu  
and the Honorable Council

August 8, 2019  
Page 5 of 5

**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 class line with identical funding to mitigate the anticipated shortfalls in the salary and benefit lines.

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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