

FISCAL COMMITTEE OF THE GENERAL COURT
MINUTES
August 20, 2021

The Fiscal Committee of the General Court met on Friday, August 20, 2021, at 10:00 a.m. in Room 100 of the State House.

Members in attendance were as follows:

Representative Ken Weyler, Chairman
Representative Jess Edwards
Representative Tracy Emerick
Representative Peter Leishman
Representative Karen Umberger
Representative Keith Erf (Alternate)
Representative Joseph Pitre (Alternate)
Senator Gary Daniels
Senate President Chuck Morse
Senator Bob Giuda
Senator Donna Soucy (Alternate)
Senator Lou D'Allesandro

The Chair called the meeting to order at 10:00 a.m.

ACCEPTANCE OF MINUTES:

On a motion by Senator D'Allesandro, seconded by Senator Giuda, that the Committee approve the minutes of the June 8, 2021 meeting as written. MOTION ADOPTED (8-Yes; 2-Abstained)

On a motion by Senator D'Allesandro, seconded by Senator Daniels, that the Committee approve the minutes of the June 18, 2021 meeting as written. MOTION ADOPTED (8-Yes; 2-Abstained)

On a motion by Senator D'Allesandro, seconded by Senator Daniels, that the Committee approve the minutes of the August 3, 2021 meeting as written. MOTION ADOPTED (6-Yes; 4-Abstained)

OLD BUSINESS:

None

NEW BUSINESS:

RSA 14:30-a, III AUDIT TOPIC RECOMMENDATION BY LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE:

FIS 21-205 Letter from Senator John Reagan, Vice Chairman of the Legislative Performance Audit and Oversight Committee – On a motion by Senator D’Allesandro, seconded by Senator Soucy, that the Committee approve the request from Senator John Reagan, Vice Chairman of the Legislative Performance Audit and Oversight Committee relative to the recommendation of the following one (1) new performance audit topic: Department of Health and Human Services, Bureau of Elderly and Adult Services. MOTION ADOPTED.

RSA 9:16-c, I. TRANSFER OF FEDERAL GRANT FUNDS:
CONSENT CALENDAR

At the request of Representative Edwards, FIS 21-230 Department of Health and Human Services was removed from the Consent Calendar.

On a motion by Senator D’Allesandro, seconded by Senator Daniels, that the Committee approve the remaining requests under this section as submitted. MOTION ADOPTED. [FIS 21-223 Department of Justice – authorization to transfer \$282,000 in federal funds through June 30, 2023, and FIS 21-238 Department of Natural and Cultural Resources – authorization to transfer \$132,000 in federal funds through June 30, 2022]

FIS 21-230 Department of Health and Human Services – Katja Fox, Director, Division for Behavioral Health, and Mary Calise, Deputy Chief Financial Officer, Department of Health and Human Services responded to questions of the Committee and as requested will provide the Committee with the number of staff traveling, to where, and what the conferences are for.

On a motion by Representative Edwards, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Health and Human Services to create a new class line and reallocate federal funds in the amount of \$6,700 through June 30, 2022. MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE:
CONSENT CALENDAR

At the request of the Committee, items FIS 21-210 Department of Education; FIS 21-213, FIS 21-216 and FIS 21-232 Department of Health and Human Services; and FIS 21-221 Department of Natural and Cultural Resources were removed from the Consent Calendar.

On a motion by Representative Edwards, seconded by Senator Giuda, that the Committee approve the remaining requests under this section as submitted. MOTION ADOPTED. [FIS 21-174 Department of Business and Economic Affairs – authorization to retroactively amend FIS 21-007, approved January 15, 2021, by extending the end date from June 30, 2021 to June 30, 2022, with no increase in funding, FIS 21-175 Department of Business and Economic Affairs – authorization to retroactively amend FIS 21-040, approved February 19, 2021, by extending the end date from June 30, 2021 to June 30, 2023, with no increase in funding, FIS 21-192 Department of Military Affairs and

Veterans Services – authorization to accept and expend \$105,000 in other funds through June 30, 2022, FIS 21-193 Department of Transportation – authorization to accept and expend a federal grant in the amount of \$161,111 awarded under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and administered via the Federal Aviation Administration (FAA), to cover 10% of the FAA, Airport Improvement Program (AIP) project at the Dillant-Hopkins Airport, operated by the City of Keene through June 30, 2023, FIS 21-208 Department of Education – authorization to accept and expend \$3,318,290 in federal funds through September 30, 2021, FIS 21-209 Department of Education – authorization to accept and expend \$579,860 in federal funds through September 30, 2021, FIS 21-211 Department of Education – authorization to accept and expend \$1,725,000 in federal funds through June 30, 2023, FIS 21-220 Department of Natural and Cultural Resources – authorization to retroactively amend FIS 21-164, approved June 18, 2021, by extending the end date from June 30, 2021 to June 30, 2023, FIS 21-222 Department of Natural and Cultural Resources – authorization to retroactively amend FIS 21-154, approved June 18, 2021, by extending the end date from June 30, 2021 to June 30, 2023, FIS 21-226 Department of Administrative Services – authorization to retroactively accept and expend a grant in an amount not to exceed \$100,000 in other funds for the period of July 1, 2021 through June 30, 2022, FIS 21-227 Department of Environmental Services – authorization to accept and expend \$441,996 in federal funds through June 30, 2022, FIS 21-229 Department of Safety – authorization to accept and expend \$955,270 in federal funds through June 30, 2023, FIS 21-239 Department of Natural and Cultural Resources – authorization to accept and expend \$392,082 in other funds through June 30, 2023, and FIS 21-240 Department of Environmental Services – authorization to accept and expend \$880,452 in other funds through June 30, 2023]

FIS 21-210 Department of Education – Tammy Vaillancourt, Chief Financial Officer, and Amy Clark, Administrator, School Safety and Facility Management Program, Department of Education responded to questions of the Committee.

The Committee requested the Department provide a quarterly grant progress report, to include the expenditures used and the available grant balance.

On a motion by Representative Leishman, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Education to retroactively amend FIS 19-059, originally approved March 8, 2019, with subsequent action on July 25, 2019 (FIS 19-159) and January 15, 2021 (FIS 21-024), by extending the end date from June 30, 2021 to December 31, 2022. MOTION ADOPTED.

FIS 21-213 Department of Health and Human Services – Christine Santaniello, Associate Commissioner, and Mary Calise, Deputy Chief Financial Officer, Department of Health and Human Service responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative Edwards, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$841,483 in federal funds through June 30, 2023. MOTION ADOPTED.

Representative Edwards asked if the Department had available a consolidated view of all IT spending.

FIS 21-216 Department of Health and Human Services – Christine Santaniello, Associate Commissioner, Mary Calise, Deputy Chief Financial Officer, and David Wieters, Information Services Director, Department of Health and Human Service responded to questions of the Committee and explained that privacy impact assessments are in use.

On a motion by Representative Edwards, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$937,625 in other funds through June 30, 2023. MOTION ADOPTED.

FIS 21-221 Department of Natural and Cultural Resources – Christopher Marino, Chief of Administration, Department of Natural and Cultural Resources responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Senator Giuda, that the Committee approve the request of the Department of Natural and Cultural Resources to retroactively amend FIS 21-153, approved June 18, 2021, by extending the end date from June 30, 2021 to June 30, 2023. MOTION ADOPTED.

FIS 21-232 Department of Health and Human Services – Katja Fox, Director, Division for Behavioral Health, and Mary Calise, Deputy Chief Financial Officer, Department of Health and Human Services responded to questions of the Committee.

The Committee requested empirical data of the increase in different types of substance abuse disorders that can support and justify the grant the Department is seeking and also, what percentage of individuals under treatment relapse.

On a motion by Senator D’Allesandro, seconded by Senator Daniels, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$6,356,500 in federal funds through March 14, 2023. NO ACTION TAKEN.

On a motion by Representative Edwards, seconded by Senator Giuda, that the Committee table the request of the Department of Health and Human Services to accept and expend \$6,356,500 in federal funds through March 14, 2023. MOTION ADOPTED. [7-Yes; 3-No]

The Committee requested the Department explain in better detail that this accept and expend request is one-time money and what the money is to be spent on that is truly a one-time investment.

RSA 124:15, POSITIONS AUTHORIZED:

CONSENT CALENDAR

On a motion by Senator Soucy, seconded by Senator Giuda, that the Committee approve the request under this section as submitted. MOTION ADOPTED. [FIS 21-233 New Hampshire]

Council on Developmental Disabilities – authorization to; 2) establish Class 46-Consultants through September 30, 2022]

RSA 9:16-c, I, TRANSFER OF FEDERAL GRANT FUNDS, AND RSA 124:15, POSITIONS AUTHORIZED:

CONSENT CALENDAR

At the request of Senate President Morse, FIS 21-224 Department of Safety was removed from the Consent Calendar.

FIS 21-224 Department of Safety – Steven Lavoie, Director of Administration, Department of Safety responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator Soucy, that the Committee approve the request of the Department of Safety through June 30, 2023 to; 1) transfer \$374,000 in federal funds, and 2) contingent upon approval of request #1, authorization to create three (3) temporary full-time positions consisting of; a Program Planner II (LG 21), a Program Planner I (LG 19), and a Program Assistant II (LG 15). MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE, AND RSA 124:15, POSITIONS AUTHORIZED:

CONSENT CALENDAR

At the request of the Committee, FIS 21-228 Office of Professional Licensure and Certification, and items FIS 21-241 and FIS 21-242 Department of Health and Human Services were removed from the Consent Calendar.

On a motion by Representative Edwards, seconded by Senator Daniels, that the Committee approve the remaining request under this section as submitted. MOTION ADOPTED. [FIS 21-225 Department of Administrative Services – authorization through June 30, 2023 to; 1) retroactively accept and expend \$411,661 in other funds, and 2) contingent upon approval of request #1, authorization to establish a temporary full-time Administrator I (LG 27) position]

FIS 21-228 Office of Professional Licensure and Certification – Lindsey Courtney, Executive Director, and Jessica Kallipolites, Director, Division of Enforcement, Office of Professional Licensure and Certification were present to responded to questions of the Committee. No discussion was held.

On a motion by Senator Giuda, seconded by Senator Soucy, that the Committee approve the request of the Office of Professional Licensure and Certification to; 1) accept and expend \$1,745,321 in other funds and establish classes 059 and 102 through June 30, 2022, and 2) establish two (2) temporary full-time Business Systems Analyst I (LG 28) positions through June 30, 2023. MOTION ADOPTED.

FIS 21-241 Department of Health and Human Services – Katja Fox, Director, Division for Behavioral Health, Department of Health and Human Services responded to questions of the Committee.

Senator Giuda requested data on increasing mental health requirements, which the Department said they could provide.

On a motion by Senator D’Allesandro, seconded by Senator Soucy, that the Committee approve the request of the Department of Health and Human Services through August 19, 2022 to; 1) accept and expend \$2,853,251 in federal funds, and 2) contingent upon approval of request #1, authorization to extend one (1) temporary full-time Program Specialist IV (LG 25) position. MOTION ADOPTED.

Representative Pitre stepped in as an alternate for Representative Emerick.

FIS 21-242 Department of Health and Human Services – Patricia Tilley, Director, Division of Public Health Services, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative Edwards, that the Committee approve the request of the Department of Health and Human Services through June 30, 2023 to; 1) accept and expend \$22,651,483 in federal funds, and 2) contingent upon approval of request #1, authorization to create six (6) full-time temporary positions consisting of; an Administrator IV, a Program Planner III, and three (3) Program Specialist IV positions. MOTION ADOPTED.

RSA 14:30-a. VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE AND RSA 7:12. ASSISTANTS:

FIS 21-218 Department of Justice – On a motion by Senator D’Allesandro, seconded by Representative Umberger, that the Committee approve the request of the Department of Justice through June 30, 2022 to; 1) budget and expend Balance Carry Forwards Funds in the amount of \$107,296, for the purpose of covering projected shortfalls in general litigation expenses incurred in the defense of the State and the prosecution of criminal laws, and 2) upon approval of request #1, accept and expend a sum not to exceed \$2,658,748 in general litigation expenses incurred in the defense of the State and the prosecution of criminal laws. MOTION ADOPTED.

RSA 177:2. CLOSING OF STATE STORES:

FIS 21-194 New Hampshire Liquor Commission – Rosemary Wiant, Director of Administration, New Hampshire Liquor Commission responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Leishman, that the Committee approve the request of the New Hampshire Liquor Commission requesting approval of the Indirect Cost Allocation Plan for State Fiscal Year 2021 and informing the Committee of the closing of state liquor store #20 located at 35 Manchester Road, Derry Meadows Shoppes, Derry, NH. MOTION ADOPTED.

RSA 14:30-a. VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE:
AMERICAN RESCUE PLAN 2021
CONSENT CALENDAR

All items under this section with the exception of FIS 21-215 and FIS 21-219, were removed from the Consent Calendar.

On a motion by Senator Soucy, seconded by Senator D'Allesandro, that the Committee approve the remaining requests under this section as submitted. MOTION ADOPTED. [FIS 21-215 Department of Health and Human Services – authorization to accept and expend \$212,972 in federal funds through June 30, 2023, and FIS 21-219 Department of Natural and Cultural Resources – authorization to retroactively amend FIS 21-122, approved May 21, 2021, by extending the end date from June 30, 2021 to June 30, 2023]

FIS 21-212 Department of Health and Human Services – Christine Santaniello, Associate Commissioner, and Mary Calise, Deputy Chief Financial Officer, Department of Health and Human Service responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Representative Pitre, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$4,130,240 in federal Pandemic Emergency Assistance Funds (PEAF) through June 30, 2023. MOTION ADOPTED.

FIS 21-214 Department of Health and Human Services – Henry Lipman, Medicaid Director, Office of Medicaid and Business Policy, Department of Health and Human Services responded to questions of the Committee.

Representative Edwards requested the Department provide him with the names of the 13 critical access hospitals and a point of contact for each.

On a motion by Representative Edwards, seconded by Representative Pitre, that the Committee table the request of the Department of Health and Human Services to accept and expend \$3,069,814 in federal funds to fund the Rural Health and Primary Care Section to support Critical Access Hospitals in their effort to Test for and Mitigate the Effects of the 2019 Novel Coronavirus as mandated by the American Rescue Plan through June 30, 2023. MOTION FAILED. [3-Yes; 7-No]

On a motion by Senator D'Allesandro, seconded by Senator Giuda, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$3,069,814 in federal funds to fund the Rural Health and Primary Care Section to support Critical Access Hospitals in their effort to Test for and Mitigate the Effects of the 2019 Novel Coronavirus as mandated by the American Rescue Plan through June 30, 2023. MOTION ADOPTED. [7-Yes; 3-No]

FIS 21-217 Department of Health and Human Services – Christine Santaniello, Associate Commissioner, and Mary Calise, Deputy Chief Financial Officer, Department of Health and Human Service responded to questions of the Committee.

On motion by Senator Soucy, seconded by Senator D'Allesandro, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$810,304 in federal Supplemental Nutrition Assistance Program (SNAP) funds through June 30, 2023 as authorized as part of the Federal American Recovery Plan Act (ARPA). MOTION ADOPTED.

The Committee requested the Department provide an amalgamated report on all the IT expenses within each program, to get a better feel for the actual cost and the aggregated IT cost for the entire system.

FIS 21-244 Governor's Office for Emergency Relief And Recovery – Taylor Caswell, Commissioner, Department of Business and Economic Affairs responded to questions of the Committee.

On a motion by Senator Daniels, seconded by Senator D'Allesandro, that the Committee approve the request of the Governor's Office for Emergency Relief And Recovery to accept and expend an amount not to exceed \$40,042,503 in federal American Rescue Plan Act (ARPA) Emergency Rental Assistant (ERA2) financial assistant funds in a new accounting unit to fund the New Hampshire Emergency Rental Assistance Program (NHERAP) through June 30, 2023. MOTION ADOPTED.

FIS 21-245 Governor's Office for Emergency Relief and Recovery – Taylor Caswell, Commissioner, Department of Business and Economic Affairs responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator D'Allesandro, that the Committee approve the request of the Governor's Office for Emergency Relief And Recovery to budget and expend \$2,500,265 of federal Housing Stability Services funding under the Consolidated Appropriations Act, Section 501(a) Emergency Rental Assistance (ERA1) for three housing stability programs: 1) eviction diversion and landlord and tenant mediation program (not to exceed \$425,000); 2) housing stability services (not to exceed \$1,773,000); and 3) housing stability services and legal assistance (not to exceed \$250,000) effective through June 30, 2023. MOTION ADOPTED.

RSA 14:30-a, VI FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE AND RSA 124:15 POSITIONS AUTHORIZED:

AMERICAN RESCUE PLAN 2021
CONSENT CALENDAR

At the request of the Committee, FIS 21-243 Department of Health and Human Services was removed from the Consent Calendar.

On a motion by Senator Soucy, seconded by Representative Edwards, that the Committee approve the remaining request under this section as submitted. NO ACTION TAKEN. [FIS 21-207 Department of Administrative Services – authorization through June 30, 2023 to; 1) accept and expend \$1,227,396 in federal American Rescue Plan (ARP) State and Local Fiscal Recovery Funds (FRF) to add additional temporary capacity to the Division of Public Works to work on the significant increase in projects under the American Rescue Plan Act, and 2) contingent upon approval of request #1, authorization to establish five (5) full-time temporary positions consisting of; two (2) Administrator I positions and three (3) Project Manager IV positions]

FIS 21-207 Department of Administrative Services – At the request of Senator D’Allesandro, Charles Arlinghaus, Commissioner, Department of Administrative Services responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Senator Daniels, that the Committee approve the request of the Department of Administrative Services through June 30, 2023 to; 1) accept and expend \$1,227,396 in federal American Rescue Plan (ARP) State and Local Fiscal Recovery Funds (FRF) to add additional temporary capacity to the Division of Public Works to work on the significant increase in projects under the American Rescue Plan Act, and 2) contingent upon approval of request #1, authorization to establish five (5) full-time temporary positions consisting of; two (2) Administrator I positions and three (3) Project Manager IV positions. MOTION ADOPTED.

FIS 21-243 Department of Health and Human Services – Patricia Tilley, Director, Division of Public Health Services, Department of Health and Human Services responded to questions of the Committee.

On a motion by Representative Edwards, seconded by Senator Giuda, that the Committee approve the request of the Department of Health and Human Services through June 30, 2023 to; 1) accept and expend \$5,000,000 in federal American Rescue Plan Act (ARPA) funds to fund strengthening the healthcare workforce capacity for underserved populations, and 2) contingent upon approval of request #1, authorization to create one (1) full-time temporary Program Assistant I position. MOTION ADOPTED.

At the request of the Senate, the Committee recessed at 12:35 p.m., and reconvened at 12:45 p.m.

MISCELLANEOUS:

FIS 21-237 Office of Legislative Budget Assistant – Michael Kane, Legislative Budget Assistant, presented the request.

On a motion by Representative Umberger, seconded by Senator Daniels, that the Committee approve the request of the Office of Legislative Budget Assistant, pursuant to the budget organization note for the Office of Legislative Budget Assistant contained in Chapter 90, Laws of 2021, and the provisions of Chapter 91:342-343, Laws of 2021, to grant the following salary increases to the employees of the Office of Legislative Budget Assistant: 1.16% Effective July 2, 2021 and 1.16% Effective July 1, 2022, and Pursuant to RSA 94:4, as amended by Chapter 91:350, Laws of 2021, longevity pay has increased from \$300 to \$350, after 10 years of state service, and each additional five years of service thereafter. MOTION ADOPTED.

Michael Kane, Legislative Budget Assistant, requested Committee approval to fill a vacancy in the Office of Legislative Budget Assistant, Budget Division.

On a motion by Senator Soucy, seconded by Senator Giuda, that the Committee approve the request of the Office of Legislative Budget Assistant to fill a vacancy in the Office of Legislative Budget Assistant, Budget Division. MOTION ADOPTED.

INFORMATIONAL MATERIALS:

The informational items were accepted and placed on file.

AUDITS:

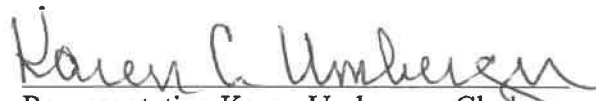
State of New Hampshire, Department of State, Financial Audit Report For The Fiscal Year Ended June 30, 2020 – Stephen Smith, Director of Audits, and Christine Young, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant presented the report and responded to questions of the Committee. William Gardner, Secretary of State, and David Scanlan, Deputy Secretary of State, Department of State were also present to address the Committee and respond to questions.

On a motion by Representative Umberger, seconded by Senator Giuda, that the report be accepted, placed on file, and released in the usual manner. MOTION ADOPTED.

DATE OF NEXT MEETING AND ADJOURNMENT:

The Chair scheduled the next regular meeting of the Fiscal Committee for Friday, September 17, 2021 at 10:00 a.m. to be held in Room 210-211 of the Legislative Office Building.

On a motion by Senator Giuda, seconded by Senator Soucy, that the meeting adjourn.
(Whereupon the meeting adjourned at approximately 1:04 p.m.)


Representative Karen Umberger, Clerk