

FISCAL COMMITTEE OF THE GENERAL COURT
MINUTES
January 27, 2023

The Fiscal Committee of the General Court met on Friday, January 27, 2023, at 1:00 p.m. in Room 210-211 of the Legislative Office Building.

Members in attendance were as follows:

Representative Ken Weyler, Chairman
Representative Keith Erf
Representative Jess Edwards
Representative Peter Leishman
Representative Mary Jane Wallner
Representative Gerald Griffin (Alternate)
Representative Maureen Mooney (Alternate)
Representative Mary Heath (Alternate)
Representative David Huot (Alternate)
Senator James Gray
Senate President Jeb Bradley
Senator Regina Birdsell
Senator Lou D'Allesandro
Senator Cindy Rosenwald

The Chair called the meeting to order at 1:00 p.m. and announced that the Acting Clerk would be Representative Erf.

ORGANIZATION OF COMMITTEE:

On a motion by Representative Weyler, seconded by Senator Bradley, that Senator Gray be nominated as Vice Chairman of the Fiscal Committee.

By unanimous vote Senator Gray was duly elected Vice Chairman of the Fiscal Committee. MOTION ADOPTED.

On a motion by Representative Wallner, seconded by Senator Bradley, that Representative Erf be nominated as Clerk of the Fiscal Committee.

By unanimous vote Representative Erf was duly elected Clerk of the Fiscal Committee. MOTION ADOPTED.

RSA 14:30 APPOINTMENT AND COMPENSATION OF LEGISLATIVE BUDGET ASSISTANT:

On a motion by Representative Weyler, seconded by Senator Bradley, that Michael Kane be appointed as the Legislative Budget Assistant, pursuant to the provisions of RSA 14:30, for a two-year term.

By unanimous vote Michael Kane was duly appointed Legislative Budget Assistant.
MOTION ADOPTED.

ADOPTION OF FISCAL COMMITTEE RULES AND PROCEDURES:

Chairman Weyler outlined the rules and procedures as they relate to Committee actions.

On a motion by Senator Gray, seconded by Senator Bradley, that the Committee adopt the Fiscal Committee rules and procedures consistent with past practices as outlined in Appendix A, which will be attached to the minutes as part of the official record. MOTION ADOPTED.

ACCEPTANCE OF MINUTES:

On a motion by Senator Gray, seconded by Representative Leishman, that the Committee approve the minutes of the November 18, 2022 as written. MOTION ADOPTED.

On a motion by Senator Gray, seconded by Representative Leishman, that the Committee approve the minutes of the December 2, 2022 as written. MOTION ADOPTED.

OLD BUSINESS:

None

AUDITS:

State of New Hampshire. Annual Comprehensive Financial Report. For Fiscal Year Ended June 30, 2022 – Stephen Smith, Director of Audits, Audit Division, Office of Legislative Budget Assistant, and Marie Zimmerman, Lead Audit Partner, KPMG, presented the report and responded to questions of the Committee. Charles Arlinghaus, Commissioner, Department of Administrative Services was also present.

This report was accepted, placed on file and released at the November 18, 2022 meeting of the Fiscal Committee.

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

FIS 22-428 Letter from Senator John Reagan, Vice Chair of the Legislative Performance Audit and Oversight Committee – On a motion by Senator D'Allesandro, seconded by Senator Rosenwald, that the Committee approve the request of the Legislative Performance Audit and Oversight Committee relative to the recommendation of the following performance audit topic: Is the Commission For Human Rights efficiently and effectively enforcing laws against discrimination when receiving, investigating, and making findings on complaints.

A roll call was taken, and the results were as follows:

Representative Edwards – Yes
Representative Erf – Yes
Representative Leishman – Yes
Representative Wallner – Yes
Senator Gray – Yes
Senate President Bradley – No
Senator Birdsell – No
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – Yes (8-Yes; 2-No)
MOTION ADOPTED.

CONSENT CALENDAR

As announced by the Chair, the following items were removed from the Consent Calendar to be acted on individually;

Tab 7 Pursuant to 14:30-a, VI.
FIS 23-001, 23-008, 23-025, 23-031, 23-032, 23-033
Tab 8 Pursuant to 14:30-a, VI. and RSA 124:15
FIS 23-036

The Department of Education withdrew request FIS 23-022 requesting to transfer \$132,000 in federal funds through June 30, 2023. WITHDRAWN BY AGENCY.

On a motion by Senator Gray, seconded by Senator D’Allesandro, that the Committee approve the remaining requests under the Consent Calendar, Tabs 5, 6, 7 and 9, as submitted. MOTION ADOPTED. [TAB 5 pursuant to RSA 9:16-a, I, FIS 23-020 Department of Military Affairs and Veterans Services – authorization to transfer \$114,604 in federal/general funds through June 30, 2023; TAB 6 pursuant to RSA 9:16-c, I, FIS 23-021 Department of Military Affairs and Veterans Services – authorization to transfer \$350,000 in federal funds through June 30, 2023; TAB 7 pursuant to RSA 14:30-a, VI., FIS 23-002 Department of Safety – authorization to accept and expend \$415,602 in other funds through June 30, 2023, FIS 23-003 Department Safety – authorization to accept and expend \$494,458 in federal funds through June 30, 2023, FIS 23-004 Department of Safety – authorization to accept and expend \$430,543 in federal funds through June 30, 2023, FIS 23-006 Department of Agriculture, Markets & Food – authorization to accept and expend \$558,989 in federal funds through June 30, 2023, FIS 23-007 Department of Business and Economic Affairs – authorization to accept and expend \$391,666 in federal funds through June 30, 2023, FIS 23-011 Department of Natural and Cultural Resources – authorization to amend FIS 21-298, approved October 22, 2021, to modify and reallocate the budget by transferring \$50,000 between classes through June 30, 2023, FIS 23-013 Department of Transportation – authorization to budget and expend \$553,156 in other funds through June 30, 2023, FIS 23-023 Department of Business and Economic Affairs – authorization to retroactively amend FIS 22-010, approved January 21, 2022, by extending the end date from June 30, 2022 to June 30, 2023, with no increase in funding, FIS 23-026 Department of Health and Human Services – authorization to accept and

expend \$350,458 in federal funds through June 30, 2023, and FIS 23-034 Department of Environmental Services – authorization to accept and expend \$149,000 in federal funds through June 30, 2023; and TAB 9 pursuant to RSA 124:15, FIS 23-037 Department of Environmental Services – authorization to amend FIS 22-232, approved June 17, 2022, to establish one additional full time temporary Accountant IV (LG 23) position through June 30, 2023]

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

FIS 23-001 Department of Education – Frank Edelblut, Commissioner, and Tammy Vaillancourt, Chief Financial Officer, Department of Education responded to questions of the Committee. Cynthia Klevens, Civil Engineer, Department of Environmental Services was also present to respond to Committee questions.

On a motion by Senator Rosenwald, seconded by Senator Birdsell, that the Committee approve the request of the Department of Education to retroactively amend an accept and expend item in the amount of \$1.6 million in other funds by extending the end date from December 31, 2022 to June 30, 2023 [Originally approved (FIS 19-059) on March 8, 2019, with subsequent approval on; (FIS 19-159) July 25, 2019, (FIS 21-024) January 15, 2021, and (FIS 21-210) August 20, 2021]]. MOTION ADOPTED.

FIS 23-008 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Ann Landry, Associate Commissioner, Department of Health and Human Services, responded to questions of the Committee.

On a motion by Representative Edwards, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$553,883 in federal funds through June 30, 2023. MOTION ADOPTED.

FIS 23-025 Department of Health and Human Services – Nathan White, Chief Financial Officer, and 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 Erf, seconded by Representative Edwards, that the Committee approve the request of the Department of Health and Human Services to amend FIS 21-353, approved November 19, 2021, by transferring \$748,311 in federal funds between class lines through June 30, 2023. MOTION ADOPTED.

FIS 23-031 Department of Health and Human Services – Nathan White, Chief Financial Officer, and 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 D'Allesandro, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$318,182 in federal funds through June 30, 2023. MOTION ADOPTED.

FIS 23-032 Department of Health and Human Services – Nathan White, Chief Financial Officer, and 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 Erf, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$366,727 in federal funds through June 30, 2023. MOTION ADOPTED.

FIS 23-033 Office of Professional Licensure and Certification – Lindsey Courtney, Executive Director, and Heather Kelley, Director of Operations, Office of Professional Licensure and Certification responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator Gray, that the Committee approve the request of the Office of Professional Licensure and Certification to budget and expend \$1,415,714 in other funds 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:

CONSENT CALENDAR

FIS 23-036 Department of Environmental Services – Susan Carlson, Chief Operations Officer, Department of Environmental Services responded to questions of the Committee.

On a motion by Representative Erf, seconded by Senator Birdsell, that the Committee approve the request of the Department of Environmental Services through June 30, 2023 to; 1) accept and expend \$1,334,717 in federal/other funds, and 2) establish one full time temporary Business Admin II (LG 24) position. MOTION ADOPTED.

AMERICAN RESCUE PLAN 2021
CONSENT CALENDAR

As announced by the Chair, the following items were removed from the Consent Calendar to be acted on individually;

Tab 10 Pursuant to ARPA RSA 14:30-a, VI.
FIS 23-009, 23-024, 23-030

On a motion by Senator D'Allesandro, seconded by Senator Gray, that the Committee approve the remaining requests under the ARPA Consent Calendar, Tabs 10, as submitted. MOTION ADOPTED. [TAB 10 pursuant to ARPA RSA 14:30-a, VI., FIS 23-010 Department of Labor – authorization to amend FIS 22-353, approved October 14, 2022, by reallocating \$492,005 in federal American Rescue Plan Act (ARPA) State Fiscal Recovery Funds (SFRF) between class lines through June 30, 2023, FIS 23-012 Department of Safety – authorization to accept and expend \$116,409,642 in federal funds from the Federal Emergency Management Agency (FEMA) for DR4516 COVID-19 through June 30, 2023, FIS 23-027 Department of Health and Human Services – authorization to amend FIS 21-251, approved September 17, 2021, to reallocate \$250,000 in federal funds through June 30, 2023, FIS 23-028 Department of Health and Human Services – authorization to amend FIS 21-354, approved November 19, 2021, to reallocate \$52,750 in federal funds through June 30, 2023, and FIS 23-029 Department of Health and Human Services – authorization to accept and expend \$2,251,560 in federal funds through June 30, 2023]

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

FIS 23-009 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Henry Lipman, Director, Division of Medicaid Services, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services through June 30, 2023 to; 1) accept and expend \$10,932,581 in other funds, and 2) contingent upon approval of Request #1, authorization to accept and expend \$10,943,514 in additional federal funds. MOTION ADOPTED.

FIS 23-024 Department of Health and Human Services – Nathan White, Chief Financial Officer, and 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 Erf, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services to amend FIS 22-252, approved July 22, 2022, by transferring \$370,000 in federal funds between class lines through June 30, 2023 [Originally approved (FIS 21-242) on August 20, 2021, with subsequent approval on (FIS 22-068) February 18, 2022]. MOTION ADOPTED.

FIS 23-030 Department of Health and Human Services – Nathan White, Chief Financial Officer, and Melissa Hardy, Director, Division of Long Term Supports and Services, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Rosenwald, seconded by Senator Gray, that the Committee approve the request of the Department of Health and Human Services to amend FIS 21-379, approved December 17, 2021, to reallocate \$7,408,750 in federal funds and to create expense classes 050-Personal Temp, 060-Benefits, and 102-Contracts for Program Services through June 30, 2023. MOTION ADOPTED.

REGULAR CALENDAR

RSA 9:16-a, I. TRANSFERS AUTHORIZED, RSA 9:16-c, TRANSFER OF FEDERAL GRANT FUNDS, RSA 14:30-a, VI, FISCAL COMMITTEE APPROVAL REQUIRED FOR ACCEPTANCE AND EXPENDITURE OF FUNDS OVER \$100,000 FROM ANY NON-STATE SOURCE, RSA 9:17-a, III. LIMITATIONS, AND CHAPTER 91:35, LAWS OF 2021 CHANGE IN FEDERAL MATCH REVENUE:

FIS 23-035 Department of Health and Human Services – Nathan White, Chief Financial Officer, Christine Santaniello, Associate Commissioner, and Katja Fox, Director, Division for Behavioral Health, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator Rosenwald, seconded by Senator D’Allesandro, that the Committee approve the request of the Department of Health and Human Services to transfer \$33,372,593 in general funds between various class lines, increase Federal revenues in the amount of \$8,203,966, increase related Other revenues in the amount of \$442,098, and create new expenditure class codes through June 30, 2023. MOTION ADOPTED.

The Department will provide Senator Rosenwald and the Committee the following in response to Committee questions; the statistics on pending Aid to the Totally and Permanently Disabled, and a breakdown of Residential Treatment and Supportive Housing beds.

RSA 206:33-b, TRANSFERS FROM FISH AND GAME FUND:

FIS 23-014 New Hampshire Fish and Game Department – Scott Mason, Executive Director, and Dianne Timmins, Chief, Inland Fisheries Management, New Hampshire Fish and Game Department responded to questions of the Committee.

On a motion by Representative Leishman, seconded by Senator Birdsell, that the Committee approve the request of the New Hampshire Fish and Game Department to transfer \$280,000 from the NH Fish and Game Fund Reserve to the Fish and Game FY 2023 Operating Budget through June 30, 2023. MOTION ADOPTED.

RSA 215-A:23, IX. AND RSA 215-C:39, X. REGISTRATION FEES:

FIS 23-015 New Hampshire Fish and Game Department – Scott Mason, Executive Director, and Captain Michael Eastman, Conservation Officer, Law Enforcement Program, New Hampshire Fish and Game Department responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Senator Birdsell, that the Committee approve the request of the New Hampshire Fish and Game Department to transfer \$2,133,400 of unexpended funds from Excess Registration Fees to the Fish and Game OHRV Fiscal Year 2023 Operating Budget through June 30, 2023. MOTION ADOPTED. (8-Yes; 2-No)

RSA 604-A:1-b ADDITIONAL FUNDING:

FIS 23-016 Judicial Council – On a motion by Representative Leishman, seconded by Senator Bradley, that the Committee approve the request of the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the total amount of \$1,500,000 in general funds through June 30, 2023. MOTION ADOPTED.

FIS 23-038 Judicial Council – On a motion by Senator D’Allesandro, seconded by Senator Birdsell, that the Committee approve the request of the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the total amount of \$1,600,000 in general funds through June 30, 2023. MOTION ADOPTED.

LATE ITEM:

FIS 23-041 Governor’s Office for Emergency Relief And Recovery – Taylor Caswell, Executive Director, and Chase Hagaman, Deputy Director, Governor’s Office for Emergency Relief And Recovery presented the request and responded to questions of the Committee.

On a motion by Senator Bradley, seconded by Senator Birdsell, that the Committee approve the request of the Governor’s Office for Emergency Relief And Recovery to accept and expend \$3,593,328 in federal American Rescue Plan Act (ARPA) Emergency Rental Assistance (ERA2) financial assistance funds through June 30, 2023. MOTION ADOPTED.

MISCELLANEOUS:

None

INFORMATIONAL MATERIALS:

Chairman Weyler requested item, FIS 22-429 Joint Legislative Performance Audit and Oversight Committee – National Conference of State Legislatures, National Legislative Program Evaluation Society, 2022 Certificate of Impact presented to the New Hampshire Office of the Legislative Budget Assistant, Audit Division for its 2019 performance audit on the Adult Parole

Board, remain on the agenda to allow for Audit staff to be present for the next meeting.

Nathan White, Chief Financial Officer, and Katja Fox, Director, Division for Behavioral Health, Department of Health and Human Services responded to question of the Committee pertaining to FIS 23-040 Department of Health and Human Services – Operating Statistics Dashboard SFY23 report through November 30, 2022.

The informational items were accepted and placed on file.

AUDITS (continued):

State of New Hampshire, Department of Transportation, Turnpike System, Annual Financial Report, For the Fiscal Year Ended June 30, 2022 – Stephen Smith, Director of Audits, Audit Division, Office of Legislative Budget Assistant, and Bob Mahoney, Audit Partner, KPMG, presented the report and responded to questions of the Committee. Andre Briere, Deputy Commissioner, and Danielle Chandonnet, Director of Finance, Department of Transportation were present to respond to questions of the Committee.

This report was accepted, placed on file and released at the November 18, 2022 meeting of the Fiscal Committee.

Annual Comprehensive Financial Report, For the Fiscal Year Ended June 30, 2022, New Hampshire Lottery Commission, A Department of the State of New Hampshire – Stephen Smith, Director of Audits, and Kimberly Bisson, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant, presented the report and responded to questions of the Committee. Charles McIntyre, Executive Director, and James Duris, Chief Financial Officer, New Hampshire Lottery Commission, were present to respond to questions of the Committee.

This report was accepted, placed on file and released at the November 18, 2022 meeting of the Fiscal Committee.

2022 Annual Comprehensive Financial Report, New Hampshire Liquor Commission, A Department of the State of New Hampshire – Stephen Smith, Director of Audits, and James LaRiviere, Senior Audit Manager, Audit Division, Office of Legislative Budget Assistant, presented the report and responded to questions of the Committee. Joseph Mollica, Chairman, and Christina Demers, Chief Financial Officer, New Hampshire Liquor Commission, were present to respond to questions of the Committee.

This report was accepted, placed on file and released at the November 18, 2022 meeting of the Fiscal Committee.

DATE OF NEXT MEETING AND ADJOURNMENT:

The next regular meeting of the Fiscal Committee was scheduled for Friday, March 10, 2022 at 10:00 a.m. (Whereupon the meeting adjourned at 3:02 p.m.)



Representative Keith Ert, Clerk