

Committee Report

CONSENT CALENDAR

May 18, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred SB 104-FN-A,

AN ACT (New Title) adopting omnibus legislation

relative to the classification of state employee positions

and reverse auctions. Having considered the same,

report the same with the following amendment, and the

recommendation that the bill OUGHT TO PASS WITH

AMENDMENT.

Rep. Stephen Pearson

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	SB 104-FN-A
Title:	(New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions.
Date:	May 18, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2021-1514h

STATEMENT OF INTENT

This bill, as amended, is an omnibus bill containing 3 parts. Part 1 establishes an unclassified salary grade for 16 management-level positions in the executive branch. Some of these positions were formerly classified and others were at a different pay level in the unclassified system. All of these changes were adopted by the Joint Committee on Employee Classification and now need to be codified. Part 2 establishes a procedure for the use of reverse auctions to price state contracts. Part 3 was added by the committee amendment and makes certain administrative functions in the department uniform such as the authority of the Commissioner to appoint certain positions rather than the Governor. It also cleans up some language.

Vote 18-0.

Rep. Stephen Pearson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

SB 104-FN-A, (New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Stephen Pearson for Executive Departments and Administration. This bill, as amended, is an omnibus bill containing 3 parts. Part 1 establishes an unclassified salary grade for 16 management-level positions in the executive branch. Some of these positions were formerly classified and others were at a different pay level in the unclassified system. All of these changes were adopted by the Joint Committee on Employee Classification and now need to be codified. Part 2 establishes a procedure for the use of reverse auctions to price state contracts. Part 3 was added by the committee amendment and makes certain administrative functions in the department uniform such as the authority of the Commissioner to appoint certain positions rather than the Governor. It also cleans up some language. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

Amendment to SB 104-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT adopting omnibus legislation relative to the classification of state employee positions,
4 reverse auctions, and the organization of the department of administrative services.

5

6 Amend section 1 of the bill, Sponsorship, by inserting after Part II the following new Part:

7

8 Part III, relative to the organization of the department of administrative services.

9

10 Amend Part I of the bill by replacing sections 1 and 2 with the following:

11

12 1 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in
13 RSA 94:1-a, I(b) by deleting:

14	BB	department of health and human services	program manager
15	EE	department of health and human services	director of communications
16	FF	department of health and human services	director, project management
17	FF	department of health and human services	substance abuse senior policy analyst
18	FF	department of health and human services	LEAN Coordinator
19	FF	department of corrections	director, professional standards
20	FF	department of health and human services	information security officer
21	GG	department of health and human services	substance abuse manager

22 2 Compensation of Certain State Officers; Salaries Established. Amend the salary grades in
23 RSA 94:1-a, I(b) by inserting:

24	DD	department of justice	victim/witness specialist
25	EE	department of health and human services	process improvement manager
26	EE	department of health and human services	substance use disorder planning and 27 evaluation manager
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30	FF	department of justice	director of communications
31	GG	department of administrative services	deputy director, risk and benefits
32	GG	department of corrections	director, professional standards

Amendment to SB 104-FN
- Page 2 -

1	GG	department of health and human services	information security officer
2	GG	department of health and human services	deputy director, division of economic and
3			housing stability
4	GG	department of safety	deputy director, division of administration
5	HH	department of health and human services	director, intergovernmental affairs
6	HH	department of administrative services	director (administrator), division of plant and
7			property management
8	HH	department of health and human services	director, employee assistance program
9	KK	department of corrections	pharmacist
10	NN	department of corrections	chief pharmacist

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12 Amend Part I of the bill by inserting after section 2 the following and renumbering the original
13 sections 3-5 to read as sections 4-6, respectively:

14

15 3 New Subparagraph; Salary Adjustment for Recruitment or Retention; Department of
16 Corrections; Director of Nursing. Amend RSA 94:3-b, II by inserting after subparagraph (e) the
17 following new subparagraph:

18 (f) Director of nursing, department of corrections, \$110,000 - \$155,000

19

20 Amend RSA 21-I:11-e as inserted by section 1 of Part II of the bill by inserting after paragraph III
21 the following new paragraphs:

22

23 IV. Notwithstanding RSA 91-A:4 and RSA 21-G:37, no information shall be available to the
24 public or to the members of the general court or its staff concerning specific reverse auction RFB
25 from the release of the reverse auction RFB until the contract is approved by the governor and
26 executive council, or, if the contract does not require approval from the governor and executive
27 council, until the contract has been actually awarded as determined by the issuing agency, except:

28 (a) In the case of an RFB that requires approval from the governor and executive
29 council, the issuing agency shall, at least 5 business days prior to submitting the contract to the
30 department of administrative services, post the vendors' names and respective final prices for each
31 qualified bidder on its website.

32 (b) In the case of an RFB that does not require approval from the governor and executive
33 council, the issuing agency shall, at minimum, post the vendors' names and respective final prices
34 for each qualified bidder on its website at the time that the RFB is awarded.

35 V. Notwithstanding paragraph IV, the department of administrative services shall share
36 such pricing information as is necessary to conduct the reverse auction. During the reverse auction,
37 such pricing information shall be shared only with the bidders and other parties participating in the

Amendment to SB 104-FN
- Page 3 -

1 reverse auction as specified in subparagraph III(c). Such information shall include only prices
2 proposed and not names of bidders.

3 VI. Reverse auction RFBs shall be subject to RSA 21-G:37, IV-VI.

4
5 Amend the bill by inserting after Part II the following:

6
7 style="text-align:center">Part III

8 style="text-align:center">Relative to the organization of the department of administrative services.

9 1 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2 to read
10 as follows:

11 21-I:2 Commissioner; Directors.

12 I. The commissioner of the department shall be appointed by the governor, with the consent
13 of the council, and shall serve for a term of 4 years.

14 II. The commissioner shall nominate for appointment by the governor, with the consent of
15 the council, each unclassified division director, the assistant commissioner, **and** the deputy
16 commissioner~~], the internal auditor, the director of financial data management, the director of risk
17 and benefits, and the senior operational analyst. The unclassified division directors, the assistant
18 commissioner, the deputy commissioner, the internal auditor, the director of financial data
19 management, the director of risk and benefits, and the senior operational analyst shall each serve
20 for a term of 4 years].~~

21 ***III. The commissioner shall appoint each unclassified deputy division director, a
22 state budget officer, a chief financial officer, a deputy state comptroller, the internal
23 auditor, the senior operational analyst, 2 superintendents of buildings and grounds, a
24 superintendent of court facilities, an education and training officer, and the manager of
25 employee relations, each of whom shall serve at the pleasure of the commissioner.***

26 ***IV. The commissioner may appoint such other unclassified deputy division
27 directors as he or she determines are necessary to carry out the functions of the divisions of
28 the department. Deputy directors shall serve at the pleasure of the commissioner.***

29 2 New Paragraph; Duties of Commissioner; Authority to Establish Divisions, Units, and
30 Officers. Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

31 XVIII. Establish within the department such divisions, units, and officers, not expressly
32 provided for or prohibited by law, as the commissioner deems advisable for the discharge of his or
33 her duties. The commissioner may appoint such deputy division directors and other officers as he or
34 she believes are necessary to carry out the functions of the divisions of the department.

35 3 Department of Administrative Services; State Budget Office. Amend the introductory
36 paragraph of RSA 21-I:6 to read as follows:

Amendment to SB 104-FN
- Page 4 -

1 21-I:6 Budget [~~Unit~~] **Office**. There is hereby established within the office of the commissioner of
2 administrative services a state budget [~~unit~~] **office** under the supervision of an unclassified budget
3 director who shall:

4 4 Assistant Commissioner. Amend RSA 21-I:3-a, II to read as follows:

5 II. The assistant commissioner shall [~~serve as budget director~~] **oversee the state budget**
6 **office** and shall perform such duties as are assigned by the commissioner. The assistant
7 commissioner shall assume the duties of the commissioner in the event that the commissioner is
8 unable for any reason to perform such duties.

9 5 Manager of Employee Relations. Amend the introductory paragraph o f RSA 21-I:44, II to
10 read as follows:

11 II. There is established within the division a bureau of employee relations, under the
12 direction of an unclassified manager of employee relations[~~, who shall serve a 4-year term~~]. The
13 bureau of employee relations shall be responsible for the following functions, in accordance with
14 applicable laws:

15 6 Manager of Employee Relations and Education and Training Officer. Amend RSA 21-I:44, IV
16 to read as follows:

17 IV. The commissioner, after consultation with the director of personnel, shall [~~nominate~~]
18 **appoint** the manager of employee relations and the education and training officer [~~who shall be~~
19 ~~appointed by the governor, with the consent of the council~~]. The manager of employee relations and
20 the education and training officer shall be qualified by reason of education and experience [~~and shall~~
21 ~~each serve a 4-year term~~]. The salary of the manager of employee relations and the education and
22 training officer shall be as specified in RSA 94:1-a.

23 7 Director of the Division of Public Works Design and Construction. Amend RSA 21-I:11, I(b) to
24 read as follows:

25 (b) The division of public works design and construction[~~, which shall be under the~~
26 ~~supervision of a classified public works manager VII, who~~] shall be responsible for the functions [~~of~~
27 ~~the division under~~] **set forth in** RSA 21-I:12, III.

28 8 Internal Audit. Amend RSA 21-I:7, I to read as follows:

29 I. Assist the commissioner by supplying analytical reports of examinations conducted of the
30 department's various divisions, bureaus, units, programs and functions. Examinations will be
31 conducted and reports prepared in accordance with standards of governmental auditing and program
32 evaluation specified by authoritative national standard setting bodies. Reports shall contain
33 analyses, appraisals, comments and recommendations relating to the accuracy and competence of
34 accounting, financial, and management procedures in use. Organizational and operational practices
35 may also be reviewed by the [~~budget director~~] **state budget officer**.

36 9 Reference Change. Department of Information Technology. Amend RSA 21-R:4, XI to read as
37 follows:

Amendment to SB 104-FN
- Page 5 -

1 XI. Developing, in concert with the commissioner of administrative services and the ~~budget~~
2 ~~director as defined in RSA 21-I:1-a]~~ **state budget office established in RSA 21-I:6**, the capital and
3 operating budget requests for implementing each agency's information technology plan, including,
4 but not limited to, appropriate standards for the uniform presentation of the general budget
5 requests.

6 10 Division of Plant and Property. Amend RSA 21-I:11, I(c)(4)-(6) to read as follows:

7 (4) Supervising the ~~[activities and functions of the bureau of]~~ planning and
8 management **functions of the department** under RSA 21-I:12, II(a).

9 (5) Supervising the ~~[activities and functions of the bureau of]~~ general services
10 **functions of the department** under RSA 21-I:12, II(b).

11 (6) Supervising the ~~[activities and functions of the bureau of]~~ **functions of the**
12 **department related to** court facilities under RSA 21-I:12, II(c).

13 11 Division of Plant and Property. Amend RSA 21-I:12, II to read as follows:

14 II. The division of plant and property shall ~~[include the following internal organizational~~
15 ~~units and functions]~~:

16 (a) ~~[A bureau of planning and management under the supervision of a classified~~
17 ~~administrator of planning and management who shall]~~ be responsible for the following functions
18 **relative to planning and management**, in accordance with applicable laws:

19 (1) Recommending assignment of office and office-related space, including rented
20 space, or space under consideration for rental, to the director, who shall report such
21 recommendations to the commissioner.

22 (2) Preparing and maintaining an inventory of all physical space in real property
23 rented or leased for use by the state. This inventory shall be made available to the comptroller in
24 order to assist the comptroller to comply with accounting principles.

25 (3) Planning for any additional office space needs of the state in consultation with
26 the division of public works design and construction.

27 (4) Planning for any major renovation to state office buildings in consultation with
28 the division of public works design and construction.

29 (5) Centrally managing all space rented by, or all proposed rentals of space by, state
30 agencies, and providing central administration and management of the processes by which space is
31 rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law,
32 agencies seeking to rent space shall do so only in consultation with the ~~[bureau of planning and~~
33 ~~management]~~ **division of plant and property**. The central management and administration
34 provided by the ~~[bureau]~~ **division** shall include assisting agencies in their selection of property, in
35 the formulation of rental documents, in the preparation of notices, in agencies' solicitation of bids or
36 proposals and selection of lessors, in space planning, in office layout, and in such other matters as

Amendment to SB 104-FN
- Page 6 -

1 are necessary for effective central planning and management relative to rented space but shall not
2 include the power to enter into rental agreements on behalf of an agency.

3 (b) ~~[A bureau of general services under the supervision of a classified administrator of~~
4 ~~general services who shall]~~ Be responsible for the following **general service** functions, in accordance
5 with applicable laws:

6 (1) Providing support services, including but not limited to, mailing and messenger
7 services to state government.

8 (2) Providing for the general maintenance of state-owned buildings and grounds,
9 except as otherwise provided by law.

10 (c) ~~[A bureau of court facilities under the supervision of a classified administrator who~~
11 ~~shall]~~ Be responsible for the following **court facility** functions, in accordance with applicable laws:

12 (1) Providing suitable court facilities for the conduct of all court sessions held within
13 each judicial district and county, subject to the availability of appropriated funds, in accordance with
14 RSA 490-B.

15 (2) Providing for the general maintenance of state-owned court buildings and
16 grounds, except as otherwise provided by law.

17 (d) **Be responsible for** the department's functions relating to energy management,
18 managed by such personnel as may be assigned by the commissioner.

19 (e) **Be responsible for** the department's support of facilities of the department of health
20 and human services managed by such personnel as may be assigned by the commissioner.

21 12 Positions and Transfers.

22 I. The salaries of the state budget officer, the chief financial officer, the deputy state
23 comptroller, the deputy director of financial data management, the deputy director of plant and
24 property management, the deputy director of personnel, the deputy director of procurement and
25 support services, the director of public works design and construction, the deputy director of public
26 works design and construction, the internal auditor, the 2 superintendents of buildings and grounds,
27 and the superintendent of court facilities shall be determined after assessment and review of the
28 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position, which shall be
29 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

30 II. Upon completion of the actions described in paragraph I, and the appointment of each
31 unclassified position there noted, the applicable classified position shall be abolished and its
32 available funding shall be utilized to create an unclassified expenditure class within the applicable
33 accounting unit.

34 III. For any unclassified position converting from a term of appointment to an appointment
35 at the pleasure of the commissioner, the commissioner shall make such appointment when the term
36 expires or when the position becomes vacant, whichever is earlier. For each such position, the

Amendment to SB 104-FN
- Page 7 -

1 commissioner shall certify to the secretary of state and the director of legislative services that the
2 term has expired and the position is subject to the commissioner's appointment.

3 IV. The incumbent in any classified or unclassified position converted to a position subject to
4 appointment by the commissioner pursuant to this act, shall be offered the opportunity to seek such
5 appointment.

6 13 Repeal. The following are repealed:

7 I. RSA 21-I:7-d, relative to the position of deputy director of risk and benefits.

8 II. RSA 21-I:1-a, I-a, relative to the definition of budget director.

9 14 Effective Date. Part III of this act shall take effect July 1, 2021.

2021-1514h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The classification of certain state employee positions, as requested by the joint committee on employee classification, established in RSA 14:14-c.

II. Reverse auctions, as requested by the department of administrative services.

III. The organization of the department of administrative services and the transition of certain classified positions within the department to unclassified positions subject to appointment by the commissioner.

Archived: Tuesday, May 25, 2021 11:34:33 AM
From: [Miriam Simmons](#)
Sent: Tuesday, May 25, 2021 11:06:47 AM
To: [Miriam Simmons](#)
Subject: SB 104 Committee Report RepPearson
Response requested: No
Importance: Normal

From: Carol McGuire <mcguire4house@gmail.com>
Sent: Friday, May 21, 2021 9:56 AM
To: [Miriam Simmons](mailto:miriam.simmons@leg.state.nh.us) <miriam.simmons@leg.state.nh.us>; [Pam Smarling](mailto:Pam.Smarling@leg.state.nh.us) <Pam.Smarling@leg.state.nh.us>
Subject: Fwd: Tuesday

----- Forwarded message -----

From: **Carol McGuire** <mcguire4house@gmail.com>
Date: Wed, May 19, 2021 at 12:56 PM
Subject: Re: Tuesday
To: Stephen Pearson <pearsonforderry@gmail.com>

I added "as amended" to each - since you've got a 50 page amendment, you need to acknowledge it!

Carol

SB 104 blurb

SB 104, as amended, is an omnibus bill containing 3 parts. Part 1 covers the Pay Classifications of certain State job titles. It eliminates 8 job classifications, establishes 16 and adjusts 1. These position classifications are determined by the JCEC and codified into statute by the Legislature. Part 2 establishes a procedure for the use of reverse auctions to price state contracts. Part 3 establishes authority of the department of admin services to appoint certain positions instead of them being appointed by the Governor. It also cleans up some language. The committee voted 18-0 to adopt this legislation.

On Wed, May 19, 2021 at 10:34 AM Stephen Pearson <pearsonforderry@gmail.com> wrote:

Here is what I put together for SB 58 and 104.

Representative Steve Pearson
Assistant Majority Leader
Rockingham District 6
Derry, 603-548-8523
Pearsonforderry@gmail.com

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 104-FN-A

BILL TITLE: (New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions.

DATE: May 18, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. S. Pearson Seconded by Rep. Schuett AM Vote: 18-0

Amendment # 2021-1514h

Moved by Rep. S. Pearson Seconded by Rep. McGuire Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON ED+A

EXECUTIVE SESSION ON ~~HB~~ SB 104

BILL TITLE: (NEW TITLE) ADOPTING OMNIBUS LEGISLATION RELATIVE TO THE CLASSIFICATION OF STATE EMPLOYEE POSITIONS AND REVERSE ACTIONS

DATE: 5-18-21

LOB ROOM: 306-308

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # 1514H (if offered)

Moved by Rep. PEARSON Seconded by Rep. SCHVETT Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # 1 (if offered)

Moved by Rep. PEARSON Seconded by Rep. M^CGUIRE Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # _____ (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

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- ITL
- Retain (1st year)
- Interim Study (2nd year)
- Adoption of Amendment # _____ (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? 8 Yes _____ No

Minority Report? _____ Yes _____ No If yes, author, Rep.: _____ Motion: _____

Respectfully submitted, Rep. [Signature], Clerk



1/22/2021 9:57:48 AM
Roll Call Committee Registers
Report

P- M=6
2021 SESSION

Executive Departments and Administration

Bill #: SB 104 Motion: OTP/A AM #: 1514H Exec Session Date: 5-18-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeudy, Jean L.			
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy Jr. PIMENTEL	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			



PEAR/SCHUETT
2021 SESSION

Executive Departments and Administration

Bill #: SB 104 Motion: ADOPT AMEND AM #: 1514H Exec Session Date: 5-18-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeudy, Jean L.			
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Pontneau, Timothy J. PIMENTEL	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

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Amendment to SB 104-FN
- Page 2 -

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Amendment to SB 104-FN
- Page 3 -

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20 for a term of 4 years].~~

21 ***III. The commissioner shall appoint each unclassified deputy division director, a
22 state budget officer, a chief financial officer, a deputy state comptroller, the internal
23 auditor, the senior operational analyst, 2 superintendents of buildings and grounds, a
24 superintendent of court facilities, an education and training officer, and the manager of
25 employee relations, each of whom shall serve at the pleasure of the commissioner.***

26 ***IV. The commissioner may appoint such other unclassified deputy division
27 directors as he or she determines are necessary to carry out the functions of the divisions of
28 the department. Deputy directors shall serve at the pleasure of the commissioner.***

29 2 New Paragraph; Duties of Commissioner; Authority to Establish Divisions, Units, and
30 Officers. Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

31 XVIII. Establish within the department such divisions, units, and officers, not expressly
32 provided for or prohibited by law, as the commissioner deems advisable for the discharge of his or
33 her duties. The commissioner may appoint such deputy division directors and other officers as he or
34 she believes are necessary to carry out the functions of the divisions of the department.

35 3 Department of Administrative Services; State Budget Office. Amend the introductory
36 paragraph of RSA 21-I:6 to read as follows:

Amendment to SB 104-FN
- Page 4 -

1 21-I:6 Budget [~~Unit~~] **Office**. There is hereby established within the office of the commissioner of
2 administrative services a state budget [~~unit~~] **office** under the supervision of an unclassified budget
3 director who shall:

4 4 Assistant Commissioner. Amend RSA 21-I:3-a, II to read as follows:

5 II. The assistant commissioner shall [~~serve as budget director~~] **oversee the state budget**
6 **office** and shall perform such duties as are assigned by the commissioner. The assistant
7 commissioner shall assume the duties of the commissioner in the event that the commissioner is
8 unable for any reason to perform such duties.

9 5 Manager of Employee Relations. Amend the introductory paragraph o f RSA 21-I:44, II to
10 read as follows:

11 II. There is established within the division a bureau of employee relations, under the
12 direction of an unclassified manager of employee relations[~~, who shall serve a 4-year term~~]. The
13 bureau of employee relations shall be responsible for the following functions, in accordance with
14 applicable laws:

15 6 Manager of Employee Relations and Education and Training Officer. Amend RSA 21-I:44, IV
16 to read as follows:

17 IV. The commissioner, after consultation with the director of personnel, shall [~~nominate~~]
18 **appoint** the manager of employee relations and the education and training officer [~~who shall be~~
19 ~~appointed by the governor, with the consent of the council~~]. The manager of employee relations and
20 the education and training officer shall be qualified by reason of education and experience [~~and shall~~
21 ~~each serve a 4-year term~~]. The salary of the manager of employee relations and the education and
22 training officer shall be as specified in RSA 94:1-a.

23 7 Director of the Division of Public Works Design and Construction. Amend RSA 21-I:11, I(b) to
24 read as follows:

25 (b) The division of public works design and construction[~~, which shall be under the~~
26 ~~supervision of a classified public works manager VII, who~~] shall be responsible for the functions [~~of~~
27 ~~the division under~~] **set forth in** RSA 21-I:12, III.

28 8 Internal Audit. Amend RSA 21-I:7, I to read as follows:

29 I. Assist the commissioner by supplying analytical reports of examinations conducted of the
30 department's various divisions, bureaus, units, programs and functions. Examinations will be
31 conducted and reports prepared in accordance with standards of governmental auditing and program
32 evaluation specified by authoritative national standard setting bodies. Reports shall contain
33 analyses, appraisals, comments and recommendations relating to the accuracy and competence of
34 accounting, financial, and management procedures in use. Organizational and operational practices
35 may also be reviewed by the [~~budget director~~] **state budget officer**.

36 9 Reference Change. Department of Information Technology. Amend RSA 21-R:4, XI to read as
37 follows:

1 XI. Developing, in concert with the commissioner of administrative services and the ~~budget~~
2 ~~director as defined in RSA 21-I:1-a]~~ **state budget office established in RSA 21-I:6**, the capital and
3 operating budget requests for implementing each agency's information technology plan, including,
4 but not limited to, appropriate standards for the uniform presentation of the general budget
5 requests.

6 10 Division of Plant and Property. Amend RSA 21-I:11, I(c)(4)-(6) to read as follows:

7 (4) Supervising the ~~[activities and functions of the bureau of]~~ planning and
8 management **functions of the department** under RSA 21-I:12, II(a).

9 (5) Supervising the ~~[activities and functions of the bureau of]~~ general services
10 **functions of the department** under RSA 21-I:12, II(b).

11 (6) Supervising the ~~[activities and functions of the bureau of]~~ **functions of the**
12 **department related to** court facilities under RSA 21-I:12, II(c).

13 11 Division of Plant and Property. Amend RSA 21-I:12, II to read as follows:

14 II. The division of plant and property shall ~~[include the following internal organizational~~
15 ~~units and functions]~~:

16 (a) ~~[A bureau of planning and management under the supervision of a classified~~
17 ~~administrator of planning and management who shall]~~ be responsible for the following functions
18 **relative to planning and management**, in accordance with applicable laws:

19 (1) Recommending assignment of office and office-related space, including rented
20 space, or space under consideration for rental, to the director, who shall report such
21 recommendations to the commissioner.

22 (2) Preparing and maintaining an inventory of all physical space in real property
23 rented or leased for use by the state. This inventory shall be made available to the comptroller in
24 order to assist the comptroller to comply with accounting principles.

25 (3) Planning for any additional office space needs of the state in consultation with
26 the division of public works design and construction.

27 (4) Planning for any major renovation to state office buildings in consultation with
28 the division of public works design and construction.

29 (5) Centrally managing all space rented by, or all proposed rentals of space by, state
30 agencies, and providing central administration and management of the processes by which space is
31 rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law,
32 agencies seeking to rent space shall do so only in consultation with the ~~[bureau of planning and~~
33 ~~management]~~ **division of plant and property**. The central management and administration
34 provided by the ~~[bureau]~~ **division** shall include assisting agencies in their selection of property, in
35 the formulation of rental documents, in the preparation of notices, in agencies' solicitation of bids or
36 proposals and selection of lessors, in space planning, in office layout, and in such other matters as

Amendment to SB 104-FN
- Page 6 -

1 are necessary for effective central planning and management relative to rented space but shall not
2 include the power to enter into rental agreements on behalf of an agency.

3 (b) ~~[A bureau of general services under the supervision of a classified administrator of~~
4 ~~general services who shall]~~ Be responsible for the following **general service** functions, in accordance
5 with applicable laws:

6 (1) Providing support services, including but not limited to, mailing and messenger
7 services to state government.

8 (2) Providing for the general maintenance of state-owned buildings and grounds,
9 except as otherwise provided by law.

10 (c) ~~[A bureau of court facilities under the supervision of a classified administrator who~~
11 ~~shall]~~ Be responsible for the following **court facility** functions, in accordance with applicable laws:

12 (1) Providing suitable court facilities for the conduct of all court sessions held within
13 each judicial district and county, subject to the availability of appropriated funds, in accordance with
14 RSA 490-B.

15 (2) Providing for the general maintenance of state-owned court buildings and
16 grounds, except as otherwise provided by law.

17 (d) **Be responsible for** the department's functions relating to energy management,
18 managed by such personnel as may be assigned by the commissioner.

19 (e) **Be responsible for** the department's support of facilities of the department of health
20 and human services managed by such personnel as may be assigned by the commissioner.

21 12 Positions and Transfers.

22 I. The salaries of the state budget officer, the chief financial officer, the deputy state
23 comptroller, the deputy director of financial data management, the deputy director of plant and
24 property management, the deputy director of personnel, the deputy director of procurement and
25 support services, the director of public works design and construction, the deputy director of public
26 works design and construction, the internal auditor, the 2 superintendents of buildings and grounds,
27 and the superintendent of court facilities shall be determined after assessment and review of the
28 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position, which shall be
29 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

30 II. Upon completion of the actions described in paragraph I, and the appointment of each
31 unclassified position there noted, the applicable classified position shall be abolished and its
32 available funding shall be utilized to create an unclassified expenditure class within the applicable
33 accounting unit.

34 III. For any unclassified position converting from a term of appointment to an appointment
35 at the pleasure of the commissioner, the commissioner shall make such appointment when the term
36 expires or when the position becomes vacant, whichever is earlier. For each such position, the

Amendment to SB 104-FN
- Page 7 -

1 commissioner shall certify to the secretary of state and the director of legislative services that the
2 term has expired and the position is subject to the commissioner's appointment.

3 IV. The incumbent in any classified or unclassified position converted to a position subject to
4 appointment by the commissioner pursuant to this act, shall be offered the opportunity to seek such
5 appointment.

6 13 Repeal. The following are repealed:

7 I. RSA 21-I:7-d, relative to the position of deputy director of risk and benefits.

8 II. RSA 21-I:1-a, I-a, relative to the definition of budget director.

9 14 Effective Date. Part III of this act shall take effect July 1, 2021.

UNAPPROVED

2021-1514h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The classification of certain state employee positions, as requested by the joint committee on employee classification, established in RSA 14:14-c.

II. Reverse auctions, as requested by the department of administrative services.

III. The organization of the department of administrative services and the transition of certain classified positions within the department to unclassified positions subject to appointment by the commissioner.

UNAPPROVED

Sub-Committee Minutes

SUBCOMMITTEE WORK SESSION on SB ~~58~~ 104

BILL TITLE: relative to the administration of occupational regulation by the office of professional licensure and certification.

DATE:

Subcommittee Members: Reps. Alliegro, Santonastaso, P. Schmidt, ~~O'Brien~~, S. Pearson and Schuett

Comments and Recommendations:

Combine Both Amendments into 1. Smartley will draft Adding recent JCEC Classifications into the Amendment.

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

[Handwritten Signature]
Rep. _____
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON

SUBCOMMITTEE WORK SESSION on

BILL TITLE:

DATE: May 18

Subcommittee Members: Pearson, Alliegro, Santastasio, Schmidt, Schweft

Comments and Recommendations:

Final adoption of 2021-1514h on SB104
Final adoption of 2021-1531h on SB58

SB 58

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Pearson Seconded by Rep. Alliegro AM Vote: _____

Adoption of Amendment # 2021-1531h

Moved by Rep. Pearson Seconded by Rep. Alliegro Vote: _____

X Amendment Adopted 5-0 Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Pearson Seconded by Rep. Alliegro AM Vote: _____

Adoption of Amendment # 2021-1514h

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

X Amendment Adopted 5-0 Amendment Failed

SB 104

Respectfully submitted,

Rep. [Signature]
Subcommittee Chairman/Clerk

Amendment to SB 104-FN-A

1 Amend RSA 21-I:11-e as inserted by section 1 of Part II of the bill by inserting after paragraph III
2 the following new paragraphs:

3

4 IV. Notwithstanding RSA 91-A:4 and RSA 21-G:37, no information shall be available to the
5 public or to the members of the general court or its staff concerning specific reverse auction RFB
6 from the release of the reverse auction RFB until the contract is approved by the governor and
7 executive council, or, if the contract does not require approval from the governor and executive
8 council, until the contract has been actually awarded as determined by the issuing agency, except:

9 (a) In the case of an RFB that requires approval from the governor and executive
10 council, the issuing agency shall, at least 5 business days prior to submitting the contract to the
11 department of administrative services, post the vendors' names and respective final prices for each
12 qualified bidder on its website.

13 (b) In the case of an RFB that does not require approval from the governor and executive
14 council, the issuing agency shall, at minimum, post the vendors' names and respective final prices
15 for each qualified bidder on its website at the time that the RFB is awarded.

16 V. Notwithstanding paragraph IV, the department of administrative services shall share
17 such pricing information as is necessary to conduct the reverse auction. During the reverse auction,
18 such pricing information shall be shared only with the bidders and other parties participating in the
19 reverse auction as specified in subparagraph III(c). Such information shall include only prices
20 proposed and not names of bidders.

21 VI. Reverse auction RFBs shall be subject to RSA 21-G:37, IV-VI.

Amendment to SB 104-FN-A

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT adopting omnibus legislation relative to the classification of state employee positions,
4 reverse auctions, and the organization of the department of administrative services.

5

6 Amend the bill by inserting after Part II the following:

7

Part III

8

relative to the organization of the department of administrative services.

9 1 Department of Administrative Services; Commissioner; Directors. Amend RSA 21-I:2 to read
10 as follows:

11 21-I:2 Commissioner; Directors.

12 I. The commissioner of the department shall be appointed by the governor, with the consent
13 of the council, and shall serve for a term of 4 years.

14 II. The commissioner shall nominate for appointment by the governor, with the consent of
15 the council, each unclassified division director, the assistant commissioner, *and* the deputy
16 commissioner~~], the internal auditor, the director of financial data management, the director of risk
17 and benefits, and the senior operational analyst. The unclassified division directors, the assistant
18 commissioner, the deputy commissioner, the internal auditor, the director of financial data
19 management, the director of risk and benefits, and the senior operational analyst shall each serve
20 for a term of 4 years].~~

21 ***III. The commissioner shall appoint each unclassified deputy division director, a
22 state budget officer, a chief financial officer, a deputy state comptroller, the internal
23 auditor, the senior operational analyst, 2 superintendents of buildings and grounds, a
24 superintendent of court facilities, an education and training officer, and the manager of
25 employee relations, each of whom shall serve at the pleasure of the commissioner.***

26 ***IV. The commissioner may appoint such other unclassified deputy division
27 directors as he or she determines are necessary to carry out the functions of the divisions of
28 the department. Deputy directors shall serve at the pleasure of the commissioner.***

29 2 New Paragraph; Duties of Commissioner; Authority to Establish Divisions, Units, and
30 Officers. Amend RSA 21-I:13 by inserting after paragraph XVII the following new paragraph:

31 XVIII. Establish within the department such divisions, units, and officers, not expressly
32 provided for or prohibited by law, as the commissioner deems advisable for the discharge of his or

Amendment to SB 104-FN-A
- Page 2 -

1 her duties. The commissioner may appoint such deputy division directors and other officers as he or
2 she believes are necessary to carry out the functions of the divisions of the department.

3 3 Department of Administrative Services; State Budget Office. Amend the introductory
4 paragraph of RSA 21-I:6 to read as follows:

5 21-I:6 Budget ~~[Unit]~~ **Office**. There is hereby established within the office of the commissioner of
6 administrative services a state budget ~~[unit]~~ **office** under the supervision of an unclassified budget
7 director who shall:

8 4 Assistant Commissioner. Amend RSA 21-I:3-a, II to read as follows:

9 II. The assistant commissioner shall ~~[serve as budget director]~~ **oversee the state budget**
10 **office** and shall perform such duties as are assigned by the commissioner. The assistant
11 commissioner shall assume the duties of the commissioner in the event that the commissioner is
12 unable for any reason to perform such duties.

13 5 Manager of Employee Relations. Amend the introductory paragraph of RSA 21-I:44, II to
14 read as follows:

15 II. There is established within the division a bureau of employee relations, under the
16 direction of an unclassified manager of employee relations~~[- who shall serve a 4-year term]~~. The
17 bureau of employee relations shall be responsible for the following functions, in accordance with
18 applicable laws:

19 6 Manager of Employee Relations and Education and Training Officer. Amend RSA 21-I:44, IV
20 to read as follows:

21 IV. The commissioner, after consultation with the director of personnel, shall ~~[nominate]~~
22 **appoint** the manager of employee relations and the education and training officer ~~[who shall be~~
23 ~~appointed by the governor, with the consent of the council]~~. The manager of employee relations and
24 the education and training officer shall be qualified by reason of education and experience ~~[and shall~~
25 ~~each serve a 4-year term]~~. The salary of the manager of employee relations and the education and
26 training officer shall be as specified in RSA 94:1-a.

27 7 Director of the Division of Public Works Design and Construction. Amend RSA 21-I:11, I(b) to
28 read as follows:

29 (b) The division of public works design and construction~~[- which shall be under the~~
30 ~~supervision of a classified public works manager VII, who]~~ shall be responsible for the functions ~~[of~~
31 ~~the division under]~~ **set forth in** RSA 21-I:12, III.

32 8 Internal Audit. Amend RSA 21-I:7, I to read as follows:

33 I. Assist the commissioner by supplying analytical reports of examinations conducted of the
34 department's various divisions, bureaus, units, programs and functions. Examinations will be
35 conducted and reports prepared in accordance with standards of governmental auditing and program
36 evaluation specified by authoritative national standard setting bodies. Reports shall contain
37 analyses, appraisals, comments and recommendations relating to the accuracy and competence of

Amendment to SB 104-FN-A
- Page 3 -

1 accounting, financial, and management procedures in use. Organizational and operational practices
2 may also be reviewed by the ~~[budget director]~~ **state budget officer**.

3 9 Reference Change. Department of Information Technology. Amend RSA 21-R:4, XI to read as
4 follows:

5 XI. Developing, in concert with the commissioner of administrative services and the ~~[budget~~
6 ~~director as defined in RSA 21-I:1-a]~~ **state budget office established in RSA 21-I:6**, the capital and
7 operating budget requests for implementing each agency's information technology plan, including,
8 but not limited to, appropriate standards for the uniform presentation of the general budget
9 requests.

10 10 Division of Plant and Property. Amend RSA 21-I:11, I(c)(4)-(6) to read as follows:

11 (4) Supervising the ~~[activities and functions of the bureau of]~~ planning and
12 management **functions of the department** under RSA 21-I:12, II(a).

13 (5) Supervising the ~~[activities and functions of the bureau of]~~ general services
14 **functions of the department** under RSA 21-I:12, II(b).

15 (6) Supervising the ~~[activities and functions of the bureau of]~~ **functions of the**
16 **department related to** court facilities under RSA 21-I:12, II(c).

17 11 Division of Plant and Property. Amend RSA 21-I:12, II to read as follows:

18 II. The division of plant and property shall ~~[include the following internal organizational~~
19 ~~units and functions]~~:

20 (a) ~~[A bureau of planning and management under the supervision of a classified~~
21 ~~administrator of planning and management who shall]~~ Be responsible for the following functions
22 **relative to planning and management**, in accordance with applicable laws:

23 (1) Recommending assignment of office and office-related space, including rented
24 space, or space under consideration for rental, to the director, who shall report such
25 recommendations to the commissioner.

26 (2) Preparing and maintaining an inventory of all physical space in real property
27 rented or leased for use by the state. This inventory shall be made available to the comptroller in
28 order to assist the comptroller to comply with accounting principles.

29 (3) Planning for any additional office space needs of the state in consultation with
30 the division of public works design and construction.

31 (4) Planning for any major renovation to state office buildings in consultation with
32 the division of public works design and construction.

33 (5) Centrally managing all space rented by, or all proposed rentals of space by, state
34 agencies, and providing central administration and management of the processes by which space is
35 rented by state agencies, except as is otherwise provided by law. Unless otherwise allowed by law,
36 agencies seeking to rent space shall do so only in consultation with the ~~[bureau of planning and~~
37 ~~management]~~ **division of plant and property**. The central management and administration

1 provided by the ~~[bureau]~~ **division** shall include assisting agencies in their selection of property, in
2 the formulation of rental documents, in the preparation of notices, in agencies' solicitation of bids or
3 proposals and selection of lessors, in space planning, in office layout, and in such other matters as
4 are necessary for effective central planning and management relative to rented space but shall not
5 include the power to enter into rental agreements on behalf of an agency.

6 (b) ~~[A bureau of general services under the supervision of a classified administrator of~~
7 ~~general services who shall]~~ Be responsible for the following **general service** functions, in accordance
8 with applicable laws:

9 (1) Providing support services, including but not limited to, mailing and messenger
10 services to state government.

11 (2) Providing for the general maintenance of state-owned buildings and grounds,
12 except as otherwise provided by law.

13 (c) ~~[A bureau of court facilities under the supervision of a classified administrator who~~
14 ~~shall]~~ Be responsible for the following **court facility** functions, in accordance with applicable laws:

15 (1) Providing suitable court facilities for the conduct of all court sessions held within
16 each judicial district and county, subject to the availability of appropriated funds, in accordance with
17 RSA 490-B.

18 (2) Providing for the general maintenance of state-owned court buildings and
19 grounds, except as otherwise provided by law.

20 (d) **Be responsible for** the department's functions relating to energy management,
21 managed by such personnel as may be assigned by the commissioner.

22 (e) **Be responsible for** the department's support of facilities of the department of health
23 and human services managed by such personnel as may be assigned by the commissioner.

24 12 Positions and Transfers.

25 I. The salaries of the state budget officer, the chief financial officer, the deputy state
26 comptroller, the deputy director of financial data management, the deputy director of plant and
27 property management, the deputy director of personnel, the deputy director of procurement and
28 support services, the director of public works design and construction, the deputy director of public
29 works design and construction, the internal auditor, the 2 superintendents of buildings and grounds,
30 and the superintendent of court facilities shall be determined after assessment and review of the
31 appropriate temporary letter grade allocation in RSA 94:1-a, I(b) for the position, which shall be
32 conducted pursuant to RSA 94:1-d and RSA 14:14-c.

33 II. Upon completion of the actions described in paragraph I, and the appointment of each
34 unclassified position there noted, the applicable classified position shall be abolished and its
35 available funding shall be utilized to create an unclassified expenditure class within the applicable
36 accounting unit.

1 III. For any unclassified position converting from a term of appointment to an appointment
2 at the pleasure of the commissioner, the commissioner shall make such appointment when the term
3 expires or when the position becomes vacant, whichever is earlier. For each such position, the
4 commissioner shall certify to the secretary of state and the director of legislative services that the
5 term has expired and the position is subject to the commissioner's appointment.

6 IV. The incumbent in any classified or unclassified position converted to a position subject to
7 appointment by the commissioner pursuant to this act, shall be offered the opportunity to seek such
8 appointment.

9 13 Repeal. The following are repealed:

10 I. RSA 21-I:7-d, relative to the position of deputy director of risk and benefits.

11 II. RSA 21-I:1-a, I-a, relative to the definition of budget director.

12 14 Effective Date. Part III of this act shall take effect July 1, 2021.

UNAPPROVED

2021-1202h

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The classification of certain state employee positions, as requested by the joint committee on employee classification, established in RSA 14:14-c.

II. Reverse auctions, as requested by the department of administrative services.

III. The organization of the department of administrative services and the transition of certain classified positions within the department to unclassified positions subject to appointment by the commissioner.

UNAPPROVED

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 104-FN-A

BILL TITLE: (New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions.

DATE: April 27, 2021

LOB ROOM: 306 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:55 a.m.

Committee Members: Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, T. Lekas, Alliegro, Bailey, Lanzara, Santonastaso, Goley, Schuett, Jeudy, P. Schmidt, Schultz, Fellows, Grote and O'Brien Rep. Grassie attended as replacement for Rep Fontneau

Bill Sponsors:
Sen. Reagan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

April 27, 2021

The entire ED&A Committee was present for all hearings except for Rep. Fontneau, who was absent and replaced by Rep. Grassie.

SB 104 (New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions. (10:00 AM/10:55 AM)

Sen. Reagan introduced Part I of the bill and spoke in support. He explained the function of the Joint Committee on Employee Classification and said that its actions needed to be codified into statute. It is tradition that the chairman of the JCEC introduces this legislation. The positions enumerated in the bill were all part of the continuing process of reorganizing the HHS department.

Senator Carson introduced Part II of the bill, a request of the Department of Administrative Services, and spoke in support. She explained that a reverse auction was a live, public, virtual event in which bidders providing goods and services to the state bid against each other with lower prices to achieve savings for the state. She said that reverse auctions have been used in neighboring states with greater success than traditional procurement procedures. This legislation would streamline the reverse bidding process and result in lower prices for the state.

- She said that an amendment was being drafted in response to a comment regarding RSA 91-A privacy of financial data considerations.

Gary Lunetta, DAS, spoke in support. He described a successful joint venture with Vermont and added details about the reverse auction process. He said that there would still be RFPs and a question session for bidders. No financial data would be released until the end of the reverse auction. He answered detailed questions about how the process would actually work (qualified vendors, necessity of taking lowest bid, cost overruns).

Rep. McGuire introduced Amendment 1202h, a request of DAS. Rep. McGuire recognized Commissioner Arlinghaus. He explained that DAS has been internally examining and then restructuring its higher-level positions. He noted that having senior level directors as classified (hourly) workers showed how anachronistic the system was. This would convert 11 positions from classified to unclassified (salaried). It would also separate appointed staff with terms with those who serve “at the pleasure of.” This bill would make for a consistent system.

Hearing closed at 10:55 a.m.

Respectfully submitted by
Rep John Sytek
Committee Clerk

April 27, 2021

The entire ED&A Committee was present for all hearings except for Rep. Fontneau, who was absent and replaced by Rep. Grassie.

SB 104 (New Title) adopting omnibus legislation relative to the classification of state employee positions and reverse auctions. (10:00 AM/10:55 AM)

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Respectfully submitted by
Rep John Sytek
Committee Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB104 on 2

Support: 2 Oppose: 0 Neutral: 0 Total to Testify: 2

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<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>§</u>
Carson, Sharon	Londonderry, NH deborah.chroniak@leg.state.nh.us	An Elected Official	SD 14, PART II PRIME	Support	Yes (5m)	No	4
Reagan, Senator John	Deerfield, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 17	Support	Yes (0m)	No	4

Testimony

Bill as
Introduced

SB 104-FN-A - AS AMENDED BY THE SENATE

02/11/2021 0217s
03/11/2021 0597s

2021 SESSION

21-0403
05/10

SENATE BILL ***104-FN-A***

AN ACT adopting omnibus legislation relative to the classification of state employee positions and reverse auctions.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The classification of certain state employee positions, as requested by the joint committee on employee classification, established in RSA 14:14-c.

II. Reverse auctions, as requested by the department of administrative services.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

1 property management

2 3 Joint Committee on Employee Classification; Chairmanship. Amend RSA 14:14-c, II to read
3 as follow:

4 II. The committee shall consist of 3 members of the senate, appointed by the senate
5 president, one of whom shall be a member of the senate finance committee, and 3 members of the
6 house of representatives, appointed by the speaker of the house of representatives, one of whom
7 shall be a member of the house finance committee and 2 of whom shall be members of the house
8 committee on executive departments and administration. Members shall be appointed for their term
9 of office. All members shall be eligible for reappointment so long as they are qualified under this
10 section. Members shall be appointed no later than December 30 of the year of their election to the
11 general court, except that vacancies shall be filled for an unexpired term within 30 days of the
12 creation of such vacancy. The chairperson shall be elected by the committee members and shall
13 ~~[rotate annually]~~ **alternate every 2 years** between the house and senate members~~[-, provided that a~~
14 ~~house member shall serve as the first chairperson].~~

15 4 Compensation of Certain State Officers; Health and Human Services Review; Certain
16 Unclassified Employees. Amend RSA 94:1-f, VI to read as follows:

17 VI. All reviews and recommendations shall be completed no later than [4] 7 years from the
18 effective date of this section. The commissioner of the department of health and human services
19 shall issue a progress report every 6 months from the effective date of this section to the fiscal
20 committee of the general court until the process is completed.

21 5 Effective Date. Part I of this act shall take effect 60 days after its passage.

22

23

PART II

24

Relative to reverse auctions.

25

1 New Section; Department of Administrative Services; Electronic Reverse Auctions. Amend
26 RSA 21-I by inserting after section 11-d the following new section:

27

21-I:11-e Electronic Reverse Auctions.

28

29 I. An electronic reverse auction may be conducted at the direction of the director of
30 procurement and support services when it is determined by the commissioner of department of
31 administrative services or designee that it is in the best interests of the state. Such reverse auction
32 shall be conducted with bidders who have prequalified through a request for bids (RFB) process.
33 Factors to be considered in determining whether the state will utilize an electronic reverse auction
34 request for bids shall include:

35

(a) Whether specifications of requested commodities or services can be prepared that
permit electronic posting of bids;

1 (b) Whether financial opportunity exists associated with cost savings, cost avoidance, or
2 administrative offset, including the indirect or direct cost for preparing and executing the reverse
3 auction; and

4 (c) Whether the commodities or services to be purchased can be purchased in a
5 competitive marketplace.

6 II. The director may contract with qualified, industry-recognized third-party vendors to
7 conduct reverse auctions on behalf of the department of administrative services.

8 III. All reverse auctions shall be conducted electronically using real-time, on-line bidding
9 procedures. These procedures shall include the following:

10 (a) Participation as a bidder shall be subject to a prequalification process conducted in
11 accordance with requirements and specifications of the reverse auction request for bids.
12 Qualifications summary responses shall be opened so as to avoid disclosure of contents to competing
13 bidders.

14 (b) The solicitation shall designate both an opening date and time and a closing date and
15 time for bids during the reverse auction. At the opening date and time, the auctioneer shall begin
16 accepting real-time, on-line bids. The solicitation shall remain open until the closing date and time.

17 (c) At any time before the closing date and time, a bidder may offer a lower bid than the
18 lowest bid of any bidder, including the bidder's own bid. A bidder's lowest bid shall supersede any
19 prior higher bid offered by that bidder. Bid prices may not be increased at any time after the
20 opening date and time.

21 2 Effective Date. Part II of this act shall take effect 60 days after its passage.

Fiscal Note

SB 104-FN-A- FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDMENT #2021-0217s)

AN ACT adopting omnibus legislation relative to the classification of state employee positions, reverse auctions, and community health workers.

PART I Relative to the classification of certain state employee positions.

This part has no fiscal impact.

PART II Relative to reverse auctions.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill states the Department of Administrative Services, Division of Procurement and Support Services may conduct an electronic "reverse auction" when the Department determines it is in the best interest of the state. The process allows vendors to electronically compete against each other to provide items to the state at the lowest price. The Department states this process has been used in the past and may be utilized even without this legislation. The legislation specifies factors to be considered to determine whether a reverse auction is needed and if a third party may conduct the auction for the state and what procedures should be utilized for conducting the auction. The Department is unable to determine the fiscal impact of these provisions due to unknown costs compared to the standard bidding process for future transactions. Counties and

municipalities that obtain items under a state contract may also be impacted by these provisions but such impacts are indeterminable.

It is assumed this bill will be effective July 1, 2021.

AGENCIES CONTACTED:

Department of Administrative Services

PART III establishing the position of community health worker in each of the state's regional public health networks.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$600,000	\$600,000	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$600,000	\$600,000	\$0
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This section appropriates \$600,000 in each of FY 2022 and FY 2023 to the Department of Health and Human Services for establishing community health workers in each of the 13 public health networks.

AGENCIES CONTACTED:

None