

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

April 10, 2020

The Fiscal Committee of the General Court met on Friday, April 10, 2020 at 10:00 a.m. via audio conference.

Members in attendance were as follows:

Representative Mary Jane Wallner, Chairman
Representative Susan Ford
Representative Lynne Ober
Representative Peter Leishman
Representative Erin Hennessey (Alternate)
Representative David Huot (Alternate)
Senator Lou D'Allesandro
Senate President Donna Soucy
Senator Jay Kahn
Senator Cindy Rosenwald
Senator Chuck Morse

The audio conference convened at 10:07 a.m., with the assistance of Fallon Reed at the Department of Safety and Michael Kane, Legislative Budget Assistant.

OFFICIAL AUDIO CONFERENCE MEETING PROCEDURES:

The Chair opened the meeting with the following official statement;

“Due to the state of emergency declared by the Governor as a result of the Covid-19 pandemic, and in accordance with the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, as extended pursuant to Executive Order 2020-05, a public body is authorized to meet electronically. Please note that there is no physical location to observe and listen contemporaneously to this meeting which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are providing the public access to the meeting by telephone, with additional access possible by video or other electronic means. We are utilizing VAST Conference for this electronic meeting.”

“All Members of the Committee and the staff of State Agencies with agenda items have the ability to communicate contemporaneously during this meeting through platform and the public has access contemporaneously to listen and, if necessary, participate in this meeting by dialing the following number: 1-800-356-8278 and the six digit conference code 125563 followed by the pound (#) sign. Providing public notice of the necessary information of the meeting, we previously gave notice to the public of the necessary information for accessing the meeting telephonically. Instructions have also been provided in the House and Senate calendar, the Fiscal Committee agenda, and the website of the Office of the Legislative Budget Assistant at <http://www.gencourt.state.nh.us/LBA/budget/fiscalcommittee.aspx>.”

“Providing the mechanism for the public to alert the public body during the meeting if there are problems with access. If anyone has a problem, please e-mail NHeoc@dos.nh.gov, and adjourning the meeting if the public is unable to access the meeting.”

ATTENDANCE ROLL CALL:

The Chair announced the meeting would start by taking the roll of attendance and that Members state their presence, and state whether there was anyone in the room with them during the meeting as required under the Right-To-Know Law.

Representative Ford, sitting in for Representative Weyler as clerk, called the Roll of voting members.

Representative Wallner – Present/Also present Nicholas Wallner
Representative Leishman – Present/Alone
Representative Ford – Present/Alone
Representative Hennessey (Alternate for Representative Weyler) – Present/Alone
Representative Ober – Present/Alone
Senator D’Allesandro – Present/Alone
Senate President Soucy – Present/Alone
Senator Kahn – Present/Alone
Senator Rosenwald – Present/Alone
Senator Morse – Present/Alone

DUTIES OF THE JOINT FISCAL COMMITTEE:

The Chair outlined the roll and responsibilities of the Joint Fiscal Committee with the following statement;

“State Agencies regularly come to Fiscal Committee under RSA 14:30-a. RSA 14:30-a state: Any non-state funds in excess of \$100,000, whether public or private, including refunds of expenditures, federal aid, local funds, gifts, bequests, grants, and funds from any other non-state source, which under State Law require the approval of Governor and Council for acceptance and expenditure, may be accepted and expended by the proper persons or agencies in the State Government only with the prior approval of the Fiscal Committee of the General Court.”

“And under civil emergency statute, RSA 9:13-d, it expressly requires that Fiscal Committee approve any expenditures during an emergency. The statute says: To be determined by the Governor that a civil emergency exists, the Governor may, with the advice and consent of the Fiscal Committee, authorize such expenditures by any department or agency, as may be necessary to effectively deal with said civil emergency.”

“The Joint Fiscal Committee is meeting today and can continue to meet at any time while this -- though we have scheduled monthly meetings, regular monthly meetings, the Joint Fiscal Committee meets at the call of the chair and to meet as often as necessary. All of us on this Committee understand that Granite Staters need relief now. This Committee does not and will not serve as a delay of any funds that will serve as a place for the Granite Staters will know that these funds are being spent wisely and judicially. While this Committee does not hold public hearings like other legislative committees, we do receive information and feedback from our constituents to help make our decision.”

“To that end, the House and Senate have set up a special e-mail account, NHCovid19Stimulus@leg.state.nh.us that will allow Granite Staters input on where they believe federal recovery money would be disbursed wisely. The Fiscal Committee stands ready to work with the Governor as our statute directs to accept and expend federal funds that come to our state for the Covid-19 crisis and to do what is best for all Granite Staters.”

ACCEPTANCE OF MINUTES:

On a motion by Representative Leishman, seconded by Senator D’Allesandro, that the minutes of the March 13, 2020 meeting be accepted as written.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Abstained
Senator Kahn – Abstained
Senator Rosenwald – Abstained
Senator Morse – Yes
Representative Wallner – Yes (7-Yes; 3-Abstained)
MOTION ADOPTED.

OLD BUSINESS:

FIS 20-029 Department of Education – authorization through June 30, 2021 to; 1) accept and expend \$10,114,548 in federal funds and 2) establish two (2) full time temporary positions consisting of; a Program Specialist III (LG 23) and an Administrator I (LG 27). **Tabled 2/14/2020.** No Action Taken.

RSA 9:16-a, II, TRANSFERS AUTHORIZED:

CONSENT CALENDAR

On a motion by Senator D’Allesandro, seconded by Representative Leishman, that the Committee approve the request under this section as submitted. [FIS 20-051 Department of Safety – authorization to transfer \$339,000 in general/ highway/turnpike funds among accounts through June 30, 2020]

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

Representative Leishman – Yes

Representative Ford – Yes

Representative Hennessey (Alternate) – Yes

Representative Ober – Yes

Senator D’Allesandro – Yes

Senate President Soucy – Yes

Senator Kahn – Yes

Senator Rosenwald – Yes

Senator Morse – Yes

Representative Wallner – Yes

(10-Yes; 0-No)

MOTION ADOPTED.

RSA 9:16-a, II, TRANSFERS AUTHORIZED, AND 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 9:16-c, TRANSFER OF FEDERAL GRANT FUNDS:

CONSENT CALENDAR

Prior to the meeting the Department of Health and Human Services submitted a replacement for FIS 20-062 as originally submitted.

At the request of Representative Ober, FIS 20-062 Replacement Department of Health and Human Services was removed from the consent calendar.

FIS 20-062 Replacement Department of Health and Human Services – Kerrin Rounds, Chief Financial Officer, Department of Health and Human Services, presented the request and responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative Hennessey, that the Committee approve the replacement request of the Department of Health and Human Services through June 30, 2020 to; 1) transfer \$5,000,000 in general funds, and 2) contingent upon approval of Request #1, accept and expend \$4,000,000 in additional federal funds, and 3) contingent upon approval of Requests #1 and #2, transfer \$1,000,000 in federal funds.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
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 Senator Kahn, FIS 20-058 Office of Professional Licensure and Certification was removed from the consent calendar, and Department of Health and Human Services requests FIS 20-063 and FIS 20-066 were removed at the request of Senator Rosenwald.

On a motion by Senator D’Allesandro, seconded by Representative Ober, that the Committee approve the remaining requests under this section as submitted. [FIS 20-052 Department of Health and Human Services – authorization to budget and expend \$110,000 in prior year carry forward other funds through June 30, 2021, FIS 20-060 Department of Safety – authorization to budget and expend \$167,300 in prior year carry forward other funds through June 30, 2020, and FIS 20-064 Department of Health and Human Services – authorization to budget and expend \$1,200,000 in other funds through June 30, 2020]

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

FIS 20-058 Office of Professional Licensure and Certification – Lindsey Courtney, Interim Executive Director, Office of Professional Licensure and Certification presented the request and 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 Office of Professional Licensure and Certification to accept and expend \$184,680 in other funds through June 30, 2020.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – No
Senator Morse – Yes
Representative Wallner – Yes (9-Yes; 1-No)
MOTION ADOPTED.

FIS 20-063 Department of Health and Human Services – Lori Shibinette, Commissioner, and Kerrin Rounds, Chief Financial Officer, Department of Health and Human Services, responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Senator Kahn, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$352,278 in federal funds through June 30, 2020.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – No
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – No
Senator Morse – Yes
Representative Wallner – Yes (8-Yes; 2-No)
MOTION ADOPTED.

FIS 20-066 Department of Health and Human Services – Lori Shibinette, Commissioner, and Kerrin Rounds, Chief Financial Officer, Department of Health and Human Services, responded to questions of the Committee.

On a motion by Senator D’Allesandro, seconded by Representative Hennessey, that the Committee approve the request of the Department of Health and Human Services to accept and expend \$1,200,000 in federal funds through June 30, 2020.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 106-H:9, I.(e) FUNDING; FUND ESTABLISHED:

FIS 20-055 Department of Safety – On a motion by Senator D’Allesandro, seconded by Senator Soucy, that the Committee approve the request of the Department of Safety to budget and expend \$164,714 in prior year carry forward other funds through June 30, 2020.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 363:28, III, OFFICE OF THE CONSUMER ADVOCATE:

FIS 20-059 Office of Consumer Advocate – On a motion by Representative Hennessey, seconded by Senator D’Allesandro, that the Committee approve the request of the Office of Consumer Advocate to enter into a contract for an amount not to exceed \$30,000 for professional services with Exeter Associates, Inc. of 10480 Little Patuxent Parkway, Suite 300, Columbia, Maryland 21044 to provide expert services to support the participation of the OCA in a natural gas utility rate case, plus additional cases as time and budget allow through June 30, 2021.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 604-A:1-b, ADDITIONAL FUNDING:

FIS 20-057 Judicial Council – Sarah Blodgett, Executive Director, Judicial Council, responded to questions of the Committee.

On a motion by Representative Ober, seconded by Representative Leishman, that the Committee **amend** the request of the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the amount of **\$150,000, not \$250,000**, in general funds through June 30, 2020.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes

Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

On a motion by Senator Soucy, seconded by Senator D’Allesandro, that the Committee **approve as amended** the request of the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the amount of **\$150,000, not \$250,000**, in general funds through June 30, 2020.

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

Representative Leishman – Yes
Representative Ford – Yes
Representative Hennessey (Alternate) – Yes
Representative Ober – Yes
Senator D’Allesandro – Yes
Senate President Soucy – Yes
Senator Kahn – Yes
Senator Rosenwald – Yes
Senator Morse – Yes
Representative Wallner – Yes (10-Yes; 0-No)
MOTION ADOPTED.

MISCELLANEOUS:

None

INFORMATIONAL MATERIALS:

Lori Shibinette, Commissioner, and Kerrin Rounds, Chief Financial Officer, Department of Health and Human Services responded to questions of the Committee regarding FIS 20-065 Department of Health and Human Services – Informational – Transfer Item #1, as submitted to and approved by the Governor’s Office pursuant to Executive Order 2020-04, for a transfer of \$14,450,000 in general funds through June 30, 2021, and FIS 20-067 Department of Health and Human Services – Informational – Transfer Item #2, as submitted to and approved by the Governor’s Office pursuant to Executive Order 2020-04, for a transfer of \$3,600,000 in general funds through June 30, 2021.

The informational items were accepted and placed on file.

DATE OF NEXT MEETING AND ADJOURNMENT:

The Chair called a special meeting of the Fiscal Committee via audio conference for Monday, April 20, 2020 at 10:00 a.m. and scheduled the next regular meeting of the Fiscal Committee for Friday, May 8, 2020 at 10:00 a.m. (Whereupon the meeting recessed at 11:47 a.m.)

/s/ Susan Ford

Representative Susan Ford, Acting Clerk