

FISCAL COMMITTEE OF THE GENERAL COURT

MINUTES

April 16, 2021

The Fiscal Committee of the General Court met on Friday, April 16, 2021 at 10:00 a.m. via Zoom Webinar.

Members in attendance were as follows:

Representative Ken Weyler, Chairman
Representative Lynne Ober
Representative Tracy Emerick
Representative Mary Jane Wallner (Alternate)
Representative Karen Umberger
Senator Gary Daniels
Senate President Chuck Morse
Senator Bob Giuda
Senator Cindy Rosenwald
Senator Lou D'Allesandro

The Zoom Webinar convened at 10:09 a.m., with the assistance of Michael Kane, Legislative Budget Assistant.

OFFICIAL AUDIO CONFERENCE MEETING PROCEDURES:

The Chair opened the meeting with the following Right-to-Know checklist;

“As Chair of the Fiscal Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 Pandemic, and in accordance with House Rule 67 and the Governor's Emergency Order #12, pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. This is a regular meeting of the Committee.”

“Please note that there is no physical location for members of the public to observe and listen contemporaneously to this meeting. However, in accordance with the Emergency Order, I am confirming that; A) All Members of the Committee and select legislative staff have the ability to communicate contemporaneously during this meeting through the Zoom electronic meeting platform; and the public has access to contemporaneously listen and, if necessary, participate in this meeting by the Zoom platform or by telephone.”

“All necessary access information has been made available in the House and Senate Calendars, and through the electronic calendar on the General Court website. Second, the notice for this meeting complies with House Rules and RSA 91-A. Third, anyone who has a problem accessing the meeting should e-mail LBA_Fiscal@leg.state.nh.us.”

“In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. LBA staff are on the meeting assisting us. Please note that all votes taken during this meeting shall be done by roll call vote”

ATTENDANCE ROLL CALL:

The Chair called the meeting to order and asked Representative Umberger to call the Roll.

Requesting that Members acknowledge their presence, state their location and if others are present, Representative Umberger called the Roll of voting members.

Representative Ober – Present/at home in Hudson, alone
Representative Emerick – Present/at his home office in Hampton, alone
Representative Umberger – Present/at home in Kearsarge, and her husband is in the house
Representative Wallner (Alternate for Representative Leishman) – Present/at home in Concord, alone
Senator Daniels – Present/in his State House Office, and his assistant is in the next room
Senator Morse – Present/in his State House Office in Concord, alone
Senator Giuda – Present/at home in Warren, alone in room, however family are in the house
Senator Rosenwald – Present/at home in Nashua, alone
Senator D’Allesandro – Present/at home in Manchester, and his wife is in the house
Representative Weyler – Present/in Kingston, alone in room but others are in the house

ACCEPTANCE OF MINUTES:

On a motion by Senator Giuda, seconded by Senator D’Allesandro, that the Committee approve the corrected minutes of the February 19, 2021 meeting and the minutes of the March 19, 2021 meeting as written.

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner – not called on
Senator Daniels – Yes
Senator Morse – Yes for February and Abstained for the March minutes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – Yes
MOTION ADOPTED. (Corrected February Minutes; 10-Yes; 0-No and March Minutes; 9-Yes; 0-No; 1-Abstained)

NEW BUSINESS:

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

CONSENT CALENDAR

FIS 21-082 Public Utilities Commission – was removed from the Consent Calendar and Representative Ober requested that the LBA notify all agencies that they submit their requests with more complete information.

Dianne Martin, Chairman, Public Utilities Commission was present.

On a motion by Representative Ober, seconded by Representative Emerick, that the Committee approve the request of the Public Utilities Commission for authorization to transfer \$36,000 in other funds between class lines through June 30, 2021.

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – 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:

CONSENT CALENDAR

On a motion by Senator D’Allesandro, seconded by Representative Wallner, that the Committee approve the request under this section as submitted. [FIS 21-061 Department of Health and Human Services – authorization through June 30, 2021 to; 1) reduce general funds by \$4,200,000 and matching federal funds of \$4,204,200, and 2) contingent upon approval of Request #1, transfer \$4,200,000 in general funds, and 3) contingent upon approval of Request #2, authorization to accept and expend \$7,807,800 in additional federal funds]

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

Representative Ober – Yes
Representative Emerick – Yes

Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – 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

On a motion by Representative Ober, seconded by Senator D’Allesandro, that the Committee approve the requests under this section as submitted. [FIS 21-060 Department of Environmental Services – authorization to budget and expend \$4,700,000 in prior year carry forward funds under the provisions of RSA 146-D:3 through June 30, 2021, and FIS 21-084 Department of Agriculture, Markets & Food – authorization to budget and expend balance forward revenue totaling \$115,000 in other funds through June 30, 2021]

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – 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 AND RSA 124:15 POSITIONS AUTHORIZED:
CONSENT CALENDAR

At the request of Representative Umberger, FIS 21-078 Department of Education was removed from the Consent Calendar.

FIS 21-078 Department of Education – Frank Edelblut, Commissioner, and Tammy Vaillancourt, Chief Financial Officer, Department of Education responded to questions of the

Committee. Michelle Myler, Administrator, Bureau of Special Education, was also present to respond to questions.

On a motion by Senator D'Allesandro, seconded by Representative Emerick, that the Committee approve the request of the Department of Education through June 30, 2021 to; 1) accept and expend \$1,202,700 in federal grant funds, and 2) establish three (3) full-time temporary Program Specialist IV (LG 25) positions.

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D'Allesandro – Yes
Representative Weyler – Yes (10-Yes; 0-No)
MOTION ADOPTED.

FIS 21-077 Department of Health and Human Services – Kerrin Rounds, Chief Financial Officer, and Patricia Tilley, Deputy Director, Division of Public Health, Department of Health and Human Services responded to questions of the Committee.

On a motion by Senator D'Allesandro, seconded by Senator Rosenwald, that the Committee approve the request of the Department of Health and Human Services through June 30, 2021 to; 1) accept and expend \$472,250 in federal funds, and 2) contingent upon approval of Request #1, create two (2) full-time temporary Laboratory Scientist I (LG 16) positions.

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D'Allesandro – Yes
Representative Weyler – Yes (10-Yes; 0-No)
MOTION ADOPTED.

RSA 7:12, I, ASSISTANTS:

FIS 21-079 Department of Justice – On a motion by Representative Ober, seconded by Senator Rosenwald, that the Committee approve the request of the Department of Justice to obligate the State to pay non-state attorneys on a contingency fee basis, such contingency fee to be paid from any award of damages the State may obtain from litigation against manufacturers of polychlorinated by-phenyls (“PCBs”), effective upon approval of the Fiscal Committee of the General Court and the Governor and Executive Council, and further authorization to terminate the existing legal services agreement (“LSA”) related to PCB litigation with Hagens Berman Sobol Shapiro LLP (“Hagens Berman”).

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – Yes (10-Yes; 0-No)
MOTION ADOPTED.

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

FIS 21-081 Judicial Council – On a motion by Senator D’Allesandro, seconded by Representative Emerick, that the Committee approve the request of the Judicial Council to receive an additional appropriation from funds not otherwise appropriated in the amount of \$730,000 in general funds through June 30, 2021.

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – Yes (10-Yes; 0-No)
MOTION ADOPTED.

CHAPTER 346:380, LAWS OF 2019, NEW HAMPSHIRE VETERANS HOME; TRANSFER AMONG ACCOUNTS AND CLASSES:

FIS 21-083 New Hampshire Veterans Home – On a motion by Senator Giuda, seconded by Senator Rosenwald, that the Committee approve the request of the New Hampshire Veterans Home to transfer \$1,630,000 in general/federal/other funds between expenditure classes through June 30, 2021.

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

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – Yes (10-Yes; 0-No)
MOTION ADOPTED.

MISCELLANEOUS:

None

INFORMATIONAL MATERIALS:

At the request of Senator D’Allesandro, Kerrin Rounds, Chief Financial Officer, Katja Fox, Director, Division of Behavioral Health, Heather Moquin, Chief Executive Officer, New Hampshire Hospital, and Henry Lipman, Director, Office of Medicaid and Business Policy, Department of Health and Human Services, responded to questions of the Committee regarding FIS 21-085 Department of Health and Human Services – Operating Statistics Dashboard SFY21 report through March 31, 2021.

The Department will provide the Committee with the following requested information; the Department and Finance vacancy rate figures, and the FY21 lapse estimates, which they will also share with Senate Finance.

Katja Fox responded to the question of “when will the balance of the fully funded 40 Transitional Housing beds be available,” answering that the balance of the 40 beds would not be coming online by the end of the biennium due to the lack of viable applications due to the Medicaid rates. Senator Rosenwald asked if the \$5 million in the budget would lapse, and Kerrin Rounds will look at the appropriation to verify whether the money will lapse or not.

Heather Moquin responded to the question of “when will the additional beds at Hampstead Hospital be coming online and how many,” reporting that there will be an additional seven (7) beds available by the first week in May.

Henry Lipman responded to the questions of “where do we stand on the growth of the number of children receiving Medicaid since last July until now” and “how many children receive Medicaid,” answering the questions and reporting that 94,442 is the current enrollment of children being served as of the end of March.

When questioned if Medicaid is sufficiently funded, the Department responded they were adequately funded for Fiscal Year 21 and will go before the Senate once they know how they will end this fiscal year to decide where they will be for the next biennium.

Senator Rosenwald asked what percentage of the increase in caseloads is due to new enrollees or pushing back the redeterminations, to which he responded that 22,000 individuals fall under redeterminations and 40,000 are new enrollees.

AUDIT INFORMATIONAL MATERIEALS:

FIS 21-087 Department of Education and FIS 21-088 NH Liquor Commission were submitted as late informational items.

The Committee noted they found it helpful that the NH Liquor Commission included percentages for the completed status fields and hoped all agencies would include them on their status updates. LBA will notify agencies. The Committee also requested that dates of completion be noted for each finding or identify what has been completed since the last update.

Senator Giuda questioned receiving updates from the Department of Environmental Services regarding the Wetlands Bureau Permitting performance audit presented May of 2019. Michael Kane, Legislative Budget Assistant, told the Committee that by Executive Order 2014-3 agencies are required to provide a status report 30 days after the issuance of an audit, as well as every six (6) months thereafter until all findings have been resolved. These agency responses can be found on the Transparent NH website at; <https://www.nh.gov/transparentnh/audit/index.htm>

AUDITS:

State of New Hampshire, Management Letter, For the Fiscal Year Ended June 30, 2020 – Stephen Smith, Director of Audits, Audit Division, Office of Legislative Budget Assistant, Brock Romano, KPMG Partner, and Karen Farrell, Senior Manager KPMG presented the report and responded to questions of the Committee.

On a motion by Representative Ober, seconded by Representative Emerick, that the Committee accept, place on file, and release in the usual manner the State of New Hampshire, Management Letter For The Fiscal Year Ended June 30, 2020.

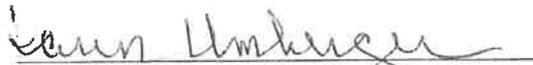
A roll call was taken, and the results were as follows:

Representative Ober – Yes
Representative Emerick – Yes
Representative Umberger – Yes
Representative Wallner (Alternate) – Yes
Senator Daniels – Yes
Senator Morse – Yes
Senator Giuda – Yes
Senator Rosenwald – Yes
Senator D’Allesandro – Yes
Representative Weyler – Yes (10-Yes; 0-No)
MOTION ADOPTED.

DATE OF NEXT MEETING AND ADJOURNMENT:

The Chair scheduled the next regular meeting of the Fiscal Committee for Friday, May 21, 2021 at 10:00 a.m.

By Committee consensus the meeting adjourned at 11:19 a.m.


Representative Karen Umberger, Clerk