

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

02/11/2021 0217s

2021 SESSION

21-0403

05/10

SENATE BILL

***104-FN-A***

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

SPONSORS:        Sen. Reagan, Dist 17

COMMITTEE:       Executive Departments and Administration

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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. Establishing the position of community health worker in each of the state's regional public health networks.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

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

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Sponsorship. This act consist of the following proposed legislation:

2 Part I: LSR 21-0403, relative to the classification of certain state employee positions, sponsored  
3 by Sen. Reagan, Prime/Dist 17; Sen. Rosenwald, Dist 13; Sen. D'Allesandro, Dist 20; Rep. P.  
4 Schmidt, Straf. 19.

5 Part II: LSR 21-1021, relative to reverse auctions, sponsored by Sen. Carson, Prime/Dist 14.

6 Part III: LSR 21-1044, establishing the position of community health worker in each of the  
7 state's regional public health networks, sponsored by Sen. Prentiss, Prime/Dist 5; Sen. Rosenwald,  
8 Dist 13; Sen. Soucy, Dist 18; Sen. Whitley, Dist 15; Sen. Watters, Dist 4.

9 2 Legislation Enacted. The general court hereby enacts the following legislation:

10

11

PART I

12

Relative to the classification of certain state employee positions.

13

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

15

BB department of health and human services program manager

16

EE department of health and human services director of communications

17

FF department of health and human services director, project management

18

FF department of health and human services substance abuse senior policy analyst

19

FF department of health and human services LEAN Coordinator

20

GG department of health and human services substance abuse manager

21

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

23

EE department of health and human services process improvement manager

24

EE department of health and human services substance use disorder planning and

25

evaluation manager

26

FF department of health and human services director of communications

27

FF department of health and human services senior project manager

28

GG department of health and human services deputy director, division of economic and

29

housing stability

30

GG department of safety deputy director, division of administration

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1 HH department of health and human services director, intergovernmental affairs  
2 HH department of administrative services director (administrator), division of plant and  
3 property management

4 3 Joint Committee on Employee Classification; Chairmanship. Amend RSA 14:14-c, II to read  
5 as follow:

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

17 4 Compensation of Certain State Officers; Health and Human Services Review; Certain  
18 Unclassified Employees. Amend RSA 94:1-f, VI to read as follows:

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

23 5 Effective Date. Part I of this act shall take effect 60 days after its passage.

24  
25 PART II

26 Relative to reverse auctions.

27 1 New Section; Department of Administrative Services; Electronic Reverse Auctions. Amend  
28 RSA 21-I by inserting after section 11-d the following new section:

29 21-I:11-e Electronic Reverse Auctions.

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

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

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

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

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

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

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

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

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

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

### PART III

Establishing the position of community health worker in each of the state's regional public health networks.

1 Findings. The general court finds that:

I. In 1997 the first public health networks were established to build our local capacity for the delivery of public health services as well as to protect and promote public health in the absence of each town or city having its own public health department. Today, the state of New Hampshire has 13 public health networks. Only 2 cities, Manchester and Nashua have full time public health departments outside of state government. Public health departments have been the home for community health workers. Without local public health departments statewide the ability to place Community Health Workers on the frontline has been impacted.

II. Public health networks refer to the partnership of local agencies, government entities, and other stakeholders within a defined geographic area recognized by the department of health and human services, covering the entire state. Public health networks increase the regional capacity and access to address identified public health priorities, including, but not limited to, public health

1 emergency preparedness, substance abuse prevention, behavioral health, and disease prevention.  
2 Due to the statewide presence of public health networks, it is practical for community health worker  
3 positions to be established within each of the 13 networks for frontline service delivery.

4         III. Community health workers are trusted members of a community and share unusually  
5 close understanding of the community served. The trusting relationship enables the worker to serve  
6 as a liaison, link, intermediary between health, social services and the community to facilitate access  
7 to services and improve the quality and cultural competence of service delivery. The public health  
8 networks would serve as the home for community health workers.

9         2 Appropriation; Community Health Workers. The sum of \$600,000 for the fiscal year ending  
10 June 30, 2022 and the sum of \$600,000 for the fiscal year ending June 30, 2023 are appropriated to  
11 the department of health and human services for establishing community health workers in each of  
12 the 13 public health networks. The governor is authorized to draw a warrant for said sums out of  
13 any money in the treasury not otherwise appropriated.

14         3 Effective Date. Part III of this act shall take effect July 1, 2021.

**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
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**COUNTY:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable

**LOCAL:**

<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$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
<b>Appropriation</b>	\$0	\$600,000	\$600,000	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$600,000	\$600,000	\$0
<b>Funding Source:</b>	<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